

श्रीमती सत्या बहिन : मैं जानना चाहती  
कि ... (व्यवधान) ...

SHRI SUBRAMANIAN SWA-  
MY: The atrocity is the same  
whether one is a Member of Parlia-  
ment or not.

डा. रत्नाकर पाण्डेय (उत्तर प्रदेश) :  
महोदया, आसाम, नागालैण्ड और मणिपुर में  
जो टैरेरिस्ट गतिविधियां हैं वे बड़ो तेजी से  
बढ़ रही हैं। असम में यूनाइटेड लिबरेशन  
फ्रंट ... (व्यवधान) ...

THE VICE-CHAIRMAN (SH-  
RIMATI JAYANTHI NATARA-  
JAN): You don't have permission.  
Dr. Pandey, I thought it was a point  
of order. I cannot allow you without  
the permission of the Chairman. I am  
calling the Home Minister for the  
Sixty-Fourth Amendment. I am not  
allowing any point of order. This is  
zero hour. (Interruptions) Dr.  
Pandey, kindly sit down. I am not  
allowing you to raise it because you  
have not got permission of the  
Chairman. I thought it was a point  
of order. I am identifying the Home  
Minister, Mufti Mohammad Sayeed  
to move the Constitution (Sixty-  
Fourth Amendment) Bill.  
(Interruptions) I have identified the  
Home Minister. Kindly sit down.

श्री दयानन्द सहाय (बिहार) : बिहार  
में ब्रिज-बहाड़े 6 लोगों का सडर हुआ है  
.... (व्यवधान) ....

THE VICE-CHAIRMAN (SH-  
RIMATI JAYANTHI NATARA-  
JAN): No. (Interruptions) Please hear  
me. I cannot allow you to say  
anything without the permission of  
the Chairman. What you have said  
has already gone on record. Now kin-  
dly sit down and allow the House to  
function. What you have said has  
already gone on record about the  
atrocities on women. It is already on  
record. I am sure the Home Minister  
will look into it. Kindly sit down.  
He has heard it. It is on record, what  
you have said about atrocities against  
women. Atrocities against women is  
the concern of the whole

House. I am sure he will look into  
it. Kindly allow the House to take  
up the Constitution (Sixty-Fourth  
Amendment) Bill.

SHRI DAYANAND SAHAY:  
Madam, six persons have been killed  
in Bihar. (Interruptions)

THE VICE-CHAIRMAN (SH-  
RIMATI JAYANTHI NATARA-  
JAN): Please sit down. You ask for  
permission from the Chairman.  
Without Chairman's permission you  
cannot raise it. If the Chairman  
allows it, I will allow it. Now there  
is no permission. (Interruptions) Mr.  
Dayanand Sahay, I have already said  
that I cannot allow you. Kindly  
allow the Leader of the House to  
speak.

SHRI M. S. GURUPADASWA-  
MY: I have to make a request to  
you that we may skip the lunch  
hour today so that a larger number  
of Members can be accommodated  
in the discussion.

THE VICE-CHAIRMAN (SH-  
RIMATI JAYANTHI NATARA-  
JAN): If the House agrees, we can  
skip the lunch hour.

THE VICE-CHAIRMAN (SH-  
RIMATI JAYANTHI NATARA-  
JAN): Kindly sit down. I cannot  
allow. Don't disturb the House any  
more.

## CONSTITUTION (SIXTY FOURTH AMENDMENT) BILL, 1990

THE MINISTER OF HOME  
AFFAIRS (SHRI MUFTI MOHA-  
MMAD SAYEED): Madam I beg  
to move:

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

SHRI DAYANAND SAHAY (Bihar): Madam, six persons have been murdered in Bihar.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please sit down. Don't interrupt the Home Minister when he is moving it.

SHRI MUFTI MOHAMMAD SAYEED : As the House is aware, the President issued Proclamation under Article 356(1) of the Constitution in relation to the State of Punjab on 11th May, 1987 on the recommendation of the Governor. The Legislative Assembly of the State which was initially kept under suspended animation, was dissolved on 6th March, 1988. The Proclamation issued by the President under Article 356(1) of the Constitution was approved by the Lok Sabha as well as the Rajya Sabha on 12th May, 1987. Approval of both the Houses of Parliament was obtained for continuance of President's Rule for a further period of six months w.e.f. 11.11.1987.

Under the then existing provisions of Article 356(5) of the Constitution, President's Rule could not be extended beyond a period of one year unless two conditions could be met. The first relates to a Proclamation of Emergency being in operation in the whole or whole of India or whole or any part of the State and second, the certificate by the Election Commission of India that the continuation of the Proclamation issued under clause (1) is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State. As both these conditions were not fulfilled, Article 356(5) of the Constitution was amended by the Constitution (Fifty-ninth Amendment) Act, 1988 so as to make clause (5) of that Article inapplicable to the Proclamation issued on 11th May, 1987 with respect to the State of Punjab. With this amendment, President's Rule could be extended, if necessary, for a total period of three years in

Punjab without fulfilment of the conditions mentioned in clause (5) of Article 356 subject to the approval of both the Houses of Parliament for continuance of the Proclamation for a period of six-months on each occasion. The Constitution (Fifty-ninth Amendment) Act, 1988 has since been repealed by the Constitution (Sixty-third Amendment) Act, 1989.

As the law and order situation in the State continued to be disturbed, President's Rule in Punjab has been further extended with the approval of Parliament. The present term of President's Rule in Punjab is due to expire on 10th May, 1990.

Under clause (4) of Article 356 of the Constitution no Proclamation issued under that Article and approved by both Houses of Parliament shall remain in force for more than three years. However, under clause (5) of the said Article, a resolution approving the continuance in force of a Proclamation issued under Clause (1) of that Article beyond a period of one year cannot be passed by either House of Parliament unless the two conditions specified in that clause are met. The three-year period in the case of Proclamation issued on 11th May, 1987 with respect to the State of Punjab would be over on 10th May, 1990 and the said two conditions are also not fulfilled.

The current law and order situation in Punjab does not hold out good prospects for free and peaceful elections to the State legislative Assembly. The participants of the all-party meeting convened by the Governor at Chandigarh on 13-3-1990 were, *inter alia* of the view that it was desirable to restore the democratic process in the State, but for that it was necessary that a congenial atmosphere should first be created before holding elections to the State Legislative Assembly. The Governor has also recommended amendment of the Constitution to

[Shri Mufti Mohammad Sayeed]  
enable further extension of President's  
Rule in Punjab.

In view of the position explained, I  
request the august House to approve  
and pass the Constitution (Sixty-fourth  
Amendment) Bill, 1990.

THE VICE-CHAIRMAN (SHRI-  
MATI JAYANTHI NATARAJAN):  
There is one Amendment by Shri S. S.  
Ahluwalia for reference of the  
Constitution (Sixty-fourth Amend-  
ment) Bill to the Select Committee of  
the Rajya Sabha. The hon. Member  
may move his amendment.

SHRI S. S. AHALUWALIA  
(Bihar) : Madam, I move :

"That the Bill further to amend the  
Constitution of India, be referred to a  
Select Committee of the Rajya Sabha  
consisting of the following Members :

1. Sardar Jagjit Singh Aurora
2. Shri Subramanian Swamy
3. Shri P. Shiv Shanker
4. Shri Ram Awadhesh Singh
5. Slirirnati Amrita Pritam

with instructions to report by the  
last day of the current session of the  
Rajya Sabha"

*The questions were proposed.*

SHRI SUBRAMANIAN SWAMY  
(Uttar Pradesh) : It is a very good  
amendment ; it should be carried.-

THE VICE-CHAIRMAN (SHRI  
MATI JAYANTHI NATARAJAN)! I  
want' to announce that voting will take  
place at-'2.30' P.M. on the Constitution  
(Sixty-fourth A mend' ment Bill, 1990  
because we are forgoing lunch.

THE LEADER OF THE  
OPPOSITION (SHRI P. SHIV  
SHANKER): Kindly make it: 3  
O'clock . Now it is already 12.15  
P.M.

THE VICE-CHAIRMAN (SHRI-  
MATI JAYANTHI NATARAJAN):  
Can we make it 3 O'clock ?

SOME HON. MEMBERS :  
Yes.

THE VICE CHAIRMAN (SHRI-  
MATI JAYANTHI NATARAJAN):  
The voting will take place at 3 O'  
clock.

The motion for consideration of  
the Constitution (Sixty-forth  
Amendment) Bill, 1990' and the  
amendment moved thereto are now  
open for discussion.

SHRI SUBRAMANIAN SWAMY:  
There is another amendment by Mr.  
Bansal. Did he move ?

SHRI PAWAN KUMAR BAN-  
SAL (Punjab) : I am told that it has to  
be moved later.

THE MINISTER OF INFOR-  
MATION AND BROADCASTING  
AND PARLIAMENTARY AFFAIRS  
(SHRI P. UPENDRA) :  
There is one amendment by the Home  
Minister also.

SHRI P. SHIV SHANKER:  
That is only for the clause. Therefore,  
it cannot be moved at this stage.

SHRI PAWAN KUMAR BAN-  
SAL: That does not prevent me from  
moving, my amendment.

SHRI P.- SHIV SHANKER :  
Madam, I rise to make our policy  
angle clear on the Bill leaving the'  
substantive details with reference to;  
Punjab to my colleagues who are-  
going to speak hereafter. In the last  
parliamentary -elections, the results'  
have given one clear verdict that we  
shall not rule:-. While whatever may"  
be the strength of the National Front,  
it being supported by the Left and the  
Right parties, the claim of the  
Government- being strong is not  
unjustified and none of us have any  
illusions about it. After the elections  
:We -have committed our

selves to extend the constructive cooperation to the Government. It is in this background that various legislations that were brought in the Parliament, including the Constitutional amendment, were supported by us notwithstanding heaps of allegations that were made against us from time to time. Amendment to the Constitution by the 64th amendment Bill is a decision which is entirely of the Government since the Government feels, as has been said just now by the Home Minister, that congenial atmosphere has to be created. Therefore, they would perhaps like to go for the amendment of the Constitution and as a consequence thereof they would like to go ahead with the proclamation under article 356(1) of the Constitution, about which a passing reference I will make slightly at a later stage. The continuance of the Presidential rule and the decision based thereon is entirely that of the Government. In my view, it is a clear case of subjective satisfaction having regard to the language and the tenor of article 356 and none of us could be a party to that subjective satisfaction that the Government arrives at. We were involved in the discussion the other day on the question of the continuance of the Presidential rule. In view of our commitment for the constructive cooperation which I referred, we decided to support the endeavour coming from the Government, with a liberty to make our position, views and differences clear on the floor of Parliament. In October last, when Parliament was in Session and when we sought the confirmation of the Resolution extending the proclamation of the Presidential rule, invariably all the parties, sitting on the other side, made all sorts of accusations against us. I am sure, everything must be green in the memory of the hon. Members. If it is not green, they could go through the records to refresh themselves. It is none of my endeavour, at this stage, to dig into the past. It was told that we were running away from the elections. It was categorically

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stressed that the elections should be held and we are running away. I am not going into the other parts of it but I am only referring to the stress on the elections that was made by all of them sitting on the other side. Only out of respect to the wishes of the hon. Members on the other side, we thought *that* we should go ahead with the Parliamentary elections which were undoubtedly peaceful. It is true that it is now being said that the elections in Punjab for Parliament were not fair and free, notwithstanding the fact that no Tribunal has held so, not even the Chief Election Commissioner has held in that manner. Friends from the other side forget that it clearly cast an aspersion on the Foreign Minister's election itself but none the less, it has been said that those elections were not free and fair. They tried to dabble themselves with the leadership that had emerged consequent to the Parliamentary elections. Now, it appears that the honeymooning with that leadership has come to an end and naturally Govt. would like to take advantage of their own value-based politics by trying to retrieve themselves from the promise that they had made. In the election manifesto I very vividly recall that the National Front party had categorically promised the people that they will go ahead with the elections. The Government which have been off and on trying to say on the floor of this House that they are committed to fulfilling every item of the promise that they had made in the National Front manifesto, it has dawned as a wisdom on them today that it is not proper for them to live up to the commitment that they had made ... in their manifesto itself. They would like to retreat from that situation. The 59th Amendment was repealed, including clause 2 of that Amendment Bill, with the strength and greatness of the National Front Government and it is sought to be brought back by the back door in the present Amendment, in the shape of sub-clause (b) of clause 2 of the 64th Amendment of the Constitution. That shows

[Shri P. Shiv Shanker]

how wise they were, what a wisdom they possessed and the manner in which they went ahead to repeal the entire 59th Amendment. In fact, I would like to make an observation at this stage that this 59th Amendment was called the blackest of laws. What was it that we had armed ourselves with by the 59th Amendment? The controversial portion of the 59th Amendment was :

"If the President was satisfied that a grave emergency exists whereby

(a) the security of India or any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion; or

(b) the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab."

This was subject to a categorical sub-clause which governed this portion which said :

"Notwithstanding anything in this Constitution, this part shall, in relation to the State of Punjab, be subject to the following modifications :"

It was only with reference to Punjab and this is what we had armed ourselves with, taking into consideration the situation therein 1987, the condition when Pakistan was preparing itself to attack and China was trying to dabble in our borders. This is what we had armed ourselves with, but none the less, this was never brought into force— I would see with interest, what Govt, are going to do in Kashmir. Under article or section 92 of the Kashmir Constitution, the Governor's rule can be only for six months; and what has been told to us? The dichotomy which I would like to refer is what is said now with reference to Punjab. With reference

to Punjab it has been said, in the Objects and Reasons of the Bill, that the prevailing circumstances in the State do not hold out good prospects for free and peaceful elections to the State legislative Assembly. What does that mean? Does that *per se* give you an authority to act in terms of Article 356(1) of the Constitution? What do you mean by that? You mean to admit that after the Parliamentary elections, and it appears to be obviously clear that the situation in Punjab has deteriorated to such an extent that you, who are the votaries and protagonists of free and fair elections in Punjab, have come to the conclusion, because of the absence of your policy and inaction or the manner in which you have acted, that the situation has so deteriorated that you cannot hold elections; Or, the only other thing which I see is that you do not want certain forces to come into power. What a dichotomy in your approach! When we were there in Kashmir, when we asked the question, Why did you dissolve the Kashmir Assembly? The answer given was that Kashmir Assembly was dissolved because the elections in 1987 were rigged. No authority has ever held so. No competent tribunal has held so. But this is the view of the Government. The Government's representatives said that the youth were unhappy. The Kashmir Liberation Front youth felt that the elections then were rigged, therefore, to redeem that situation, we have dissolved the Assembly to go in for elections and give the Azadi to the youth of the Kashmir Liberation Front to come into the Assembly and form the Government. This is the policy of the Government in Kashmir. If that is so, why don't you follow the same policy in Punjab? In Punjab, is it your intention that you would like to keep some of the segments away from coming to power? This is the matter for you to decide, but I am only concerned about the dichotomy by which you are approaching the problems. You approach the problems in different States in different forms; that is my grievance.

And this is precisely what I thought I should bring to your notice. What has happened ? When the Bill for repealing the 59th Amendment was brought in, we realised and conceded that the Government is very strong and we also realised that we have been voted out; therefore, we should follow the footsteps of the Governmental intention, respecting the will of the electorate. It is precisely for this reason that you wanted the entire 59th Amendment to be abrogated, without realising its consequences whatsoever, as to what will be the effect of the President's rule after that date. We went ahead with you. We followed your footsteps and thought that we should behave like—I would call it even, I don't mind, as one of your own leaders has said and it has appeared in the papers today as—"dumb-driven cattle". But today, you are bringing one the clauses of that blackest of the law which you have yourself termed, back on the anvil of the legislation by making it a part of the 64th Amendment of the Constitution. We felt that when the 59th Amendment of the Constitution was repealed, it was in consonance with your will that you had expressed in this House in October last when we were seeking confirmation of the resolution on the proclamation that you desired the elections should be held. We thought that we should yield to it. Apart from that, we also took into consideration your profession in the National Front manifesto itself saying that if you come into power, you will hold elections. We thought that we should thus yield. We accordingly yielded. We agreed and went along with you for the purposes of repealing the 59th Amendment of the Constitution. Now, as I said, it has to be presumed on the basis of what has come either in the Statement of Objects and Reasons or what the hon. Home Minister has just now said that a congenial atmosphere has to be created. I do think, that is the ground on which you seek to sustain yourself

and even if it is a subjective satisfaction, congenial atmosphere, I would like to warn you is not the reason on which you can sustain the President's rule, but still you would like to go for that. As I said, the dichotomy of your policies in the two States is obvious. We, on this side, will watch with great interest as to what steps you will take in Kashmir. We had, at no point of time, any doubt; at least I never had any doubt. I would like to straightaway tell you that so far as our party is concerned, we would like that in terms of the mandate of the people you should last for five years and we would not dabble in your activities in any form. We wish you well so that the people can judge you from the manner in which you act. That is why I said that you are strong and, undoubtedly, you are value-based. I am saying, you are strong and value-based, because you have the temerity and you had the temerity, by one stroke of pen, to

ask all the Governors to resign *(Interruptions)*.... and to ask all the Planning Commission Members to resign at one stretch... *(Interruptions)* .... You have the capacity, undoubted capacity, because you are a very strong Government and you are highly value-based one having engineered the change of Governments in Goa and Meghalaya also, only to quote a few instances.... *(Interruptions)*.... I would not like to quote more than that now.

What amazed me was that when the Bill was presented to us, we saw that, for the first time, the three-year period that has been provided in article 365(4) of the Constitution was being tampered with. It was not tampered with by any Government at any point of time. You wanted to tamper with it and the original proposal of yours was to increase it from three years to five years and I had to raise an objection. I had to raise an objection saying that this would send totally wrong signals to the

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people, that you would like to continue the Presidential Rule for five years and that would also mean that democracy would not return in Punjab for five years, which means for another two years. One of the Members of the Opposition, though he is aligned with you today, wanted that it should be reduced to four years. Still I objected to that and even at that point of time, I said, "Please don't do this. Do it for six months. Otherwise, it would mean sending wrong signals to the people of Punjab." You have not been able to tackle the problem of Punjab except to have a few visits by the Prime Minister which, of course, must be hailed. There is no doubt about it and I hail them- I hail the visit of the Prime Minister. But then the point is that after the visit you should have pursued the matter further. No political activity has ever been started so far. If you think that by calling some people here in Delhi and holding an all-party meeting, you will be able to resolve the problem of Punjab, I think you are wrong. Therefore, I had categorically said that this would mean sending wrong signals and that is *why* we have had to come forward with amendments for limiting it to 3-1/2 years and not four years. Here I must express my profound happiness because the Government seems to have realised the gravity of this situation and the strength and force in the arguments that we had advanced and has come forward with the amendment, agreeing with our amendment. In my view, as I said earlier, you are a very strong Government and you must act now. You have not acted for the last four months in Punjab. You have to act now and see to act. I will be all praise for you if you do that and would go to the extent of wishing you all success if you stand by your manifesto, about which you speak, in darkness and light, that each and every word of it you would like

to implement. Please do that. For that purpose, act from now on. This six-month period is there. Please, for God's sake, do not try to come for extension again. Of course, if it is inevitable, we are there to help you and there is no difficulty about it. We are there to help you to the extent we can. But please do not try to come. This I hope will energise you to act. This amendment which has been moved limiting it to six months, I am sure, will energise you to act. We are obviously interested in this. Your credibility will also go up. Therefore, I would like that you at least start taking some steps from here and now. There seems to be no action plan about Punjab so far excepting that you have been talking very bravely that you have some plans. There seem to be no plans. The situation has been deteriorating very fast. It is admitted that the killings have been increasing from time to time in the last four months. This has been told to us and therefore, my only appeal is, please act; our support is available.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Kamal Morarka. Your party has twelve minutes.

SHRI P. SHIV SHANKER: Each time I finish, you stand up.

SHRI KAJVIAL . MORARKA (Rajasthan): I like to meet your points because they are worth meeting.

Madam, Mr. Shiv Shanker has dealt with the constitutional, the legal and partly the political situation of Punjab —

SHRI P. SHIV SHANKER: The stand of my party regarding this Bill and our support, only that part I dealt with. The other factors will be taken up by my colleagues.

SHRI KAMAL MORARKA: My only handicap is that you did not deal with the substantive issues

of Punjab. But I would like to deal with them assuming what your other colleagues would be speaking. First I shall deal with the constitutional aspect. The most important point raised by Mr. Shiv Shanker is why we repealed the Fiftyninth Amendment and why we are coming back with this Amendment now to extend the President's rule. This I think is a very important point. When the Appropriation Bill on Punjab was moved Mr. Shiv Shanker and Mr. Pawan Kumar Bansal were raising constitutional objections that because clause (2) of the Fiftyninth Amendment stood repealed the legality of President's rule was in doubt. At the outset, Mr. Shiv Shanker is a lawyer and he knows law much more than I can ever learn. But the fact remains that in various judgements of the Supreme Court it is well laid down that any action taken or purported to have been taken under a legal provision in force does not become null and void because the Act is later repealed. If the President's rule was proclaimed at a time when the Fiftyninth Amendment's clause (2) was in operation, that President's rule will remain legal even if clause (2) of the Fiftyninth Amendment has been repealed. That is the legal position.

Now, on the other issue as to why we come back with this provision now, let me tell you there is no comparison between the Fiftyninth Amendment and what is sought to be done now. What we are seeking to do now is amending the provisions which we had amended earlier, the amendment which your Government had made providing for President's rule for three years. As you know, the original Constitution provided for President's rule only for one year, six months in the first instance, renewable for another six months. More than one year it was never there for other States \_\_\_\_\_

SHRI P. SHIV SHANKER:  
Three years continues to be there under Article 356(4) of the Constitution....

SHRI KAMAL MORARKA:  
I stand corrected. I shall come back to that a little later \_\_\_\_\_

SHRI P. SHIV SHANKER:  
But by virtue of the Fortyfourth Amendment of the Constitution—I am saying this with a little bit of knowledge—after Emergency was imposed, the Emergency clause was restricted in 356(5) and it meant that after six months, another six months if you like, and no further. You must comply with the provisions of Article 356(5) if you further seek to extend. That was what was done in the Fortyfourth Amendment.

SHRI KAMAL MORARKA:  
Now, because the Punjab situation was becoming a specially grave situation, from time to time action has to be taken by Parliament to deal with the situation in Punjab. Now, we don't agree, we don't agree that imposition of Emergency should be done without objective reasons existing. Now Mr. Shiv Shanker has said that when the Fiftyninth Amendment was brought one of the reasons given was that foreign attack may be there and Punjab and Kashmir were border areas. I may remind you. Mr. Shiv Shanker You are aware of the fact that when emergency was imposed by Mrs. Gandhi on 26th June 1975 she had taken advantage of the clause which said that an emergency can be declared internal disturbances were imminent in the country.

SHRI P. SHIV SHANKER :  
I would like you to explain it in the proper form. At that time the provision was different. That is why I vision 44th amendment \_\_\_\_\_

SHRI KAMAL MORARKA : I am dealing with that. After that emergency which we consider the



Shri Kamal Morarka:

blackest period in the history of India. We in that manifesto in the 1977 election decided that we would repeal this provision and the 44th amendment repealed the provision whereby the Government of India could declare emergency under the threat of imminent internal disturbances, but the provision for declaring emergency in the case of an imminent attack by a foreign country remained that is untouched by the 44th amendment. And, therefore, in the 59th amendment what your Government sought to do was to nullify the 44th amendment through the back-door. We in 1977 amended the Constitution after going to the people on that issue and getting elected, a sort of referendum from the people to delete that clause. By the 59th amendment your Government put that clause back, though at the time of election in 1984 you didn't ask the people that you wanted to put this clause back.

SHRI P. SHIV SHANKER:

The clause was not brought back. Let us be very clear. The clause that I read is totally different form. If you read this clause and the earlier clause which existed before the 44th amendment, they are two different. Here it is the security of India or any part of the territory is threatened but confining it to only Punjab whether by war or external aggression or war or rebellion; or (b) the integrity of India is threatened by internal disturbances in the whole or any part of the territory of Punjab, with reference to these two aspects if either of them is satisfied, then only in Punjab you could go ahead. This was never acted in any form. Clause 2 thereof said that this article 359AA itself will become otiose/after two years.

It will get itself repealed after the expiry of three years, automatically.

SHRI KAMAL MORARKA: I am glad Mr. Shiv Shanker keeps on repeating that though "we enacted it we did not use it." I agree with him entirely. He himself realises that the use of that provision was diabolical or very drastic. We on our side feel for that precise reason that such provision should not have been enacted. It gives Draconian power to the Government of the day. And one qualitative difference I

would like Mr. Shiv Shanker to appreciate and everybody to appreciate. That is, in 1977 when the emergency was in operation, elections were held, the Janata Government came into power. Mrs. Gandhi revoked the proclamation of emergency before handing over power to the Janata Government, because emergency powers in the hands of the Janata Government would have been Draconian; your party would have been at the receiving end. In our case, please remember that after coming into power we had given up the Draconian 59th amendment. It would have been much more suitable for the Government in power to carry on with this power of the 59th amendment and forgetting the promise to the electorate. We on our own accord came and we thank you for the cooperation that you extended. But please understand that the effect of repealing the 59th amendment is to voluntarily give up the Draconian power which we had inherited. Now, this point people do not understand. There is a qualitative difference. We are reducing the power of the Government which is in our hand, while your Government, even before handing over to us now released Mr. Sitnaran Singh Mann. We are very happy. But the fact is that you have incarcerated him for five years without filing a charge-sheet and he was put in Bhagalpur Jail. He was not given the facilities even according to the Jail Manual. After torturing him for five years, after accusing him of the murder of Mrs. Gandhi, before handing over power to us, you released him. We welcome this. I am surprised that Mr. Shiv Shanker

says that one of the reasons for not holding election is, we do not want a particular party to come into power. I do not agree. In Punjab when elections were held, after the accord of 1985, the Congress Party lost. Mr. Rajiv Gandhi is on record to say: never mind if the Congress has lost, democracy has won. People did make fun of him. I was one of those who felt that what he says is constitutionally correct. Akali Dal came into power. After some time the Akali Dal broke into two. If that day the Congress Government had imposed President's rule in Punjab, I would have understood that they mean to follow the Constitution. But what did the Congress Party do? True to type, they made a deal with one faction of the Akali Dal and formed the Government. What happened to air the proclamations that democracy had won? The winning of democracy had been thrown to the winds within a year. What happened? As usual, the faction which you warmly embraced is finished. That is, of course, usual. I have already dealt with it earlier. One faction of the Akali Dal, by your kind courtesy of a handshake, has become irrelevant. What happened after that? When that Government also could not control the situation in Punjab, you took the unusual step of proclaiming the President's rule in a State where you had a share in the Government or a Government supported by you. We have had President's rule for the last three years. The new Governor appointed by this Government has been in place only for the last three months. But for most of the period the State was ruled by a Governor who was your appointee, who after being appointed said: "In three months we will wipe out terrorism". You sent a Police Officer from the State of Maharashtra who said: "Bullet for bullet, we will solve this problem of terrorism in three months." All that is the political history of Punjab. Mr. Shiv Shanker has not gone into the substantive issues. But these issues are very important. The problem in Punjab

began because of a territorial dispute or sharing of river waters or some other small demands of the local population. After June 1984, there is a qualitative change in the problem of Punjab. We must all understand that after Operation Blue Star the problem of Punjab is not the same as it was before the Operation Blue Star. Economic problems are there. Socio-economic conditions • are bad throughout the country. Poverty is there. In sensitive places like Punjab and Kashmir naturally there is unrest among the youth because they are not getting employment. But we will be running away from the central problem if we make ourselves believe that Kashmir or Punjab problem can be solved by giving one project here or by creating a employment scheme there. It cannot be solved like that. These are political problems. The psyche of the people of Punjab has to be understood. After June 1984, that psyche has been greatly injured.

I am thankful to Shiv Shanker ji that he has hailed the visit of our Prime Minister to Punjab. I think this is the first effort of healing the wounds of the Sikhs. The visit of the Prime Minister to the Golden Temple and his gesture of openly meeting all the factions is the first very small step. Let us not mistake it. If anybody thinks that the Prime Minister's visit to Punjab will do wonders, he is mistaken. Some friends on the other side are making a joke of it. If somebody think that by the Prime Minister going in a open jeep the Punjab problem will be solved, it is not correct. Nobody said that. But it is a symbolic gesture. The person who is leading the country has gone to the people of Punjab and is one with them in their hour of trial, in their hour of grief. The Punjab problem has its genesis in mistakes, blunders and Himalaya blunders committed by the previous Government. I will again repeat that if we forget that Operation Blue Star was a turning point in the Punjab problem, we will not be able to lay

[Shri Karnal Morarkal our finger on the solution to the Punjab problem. SHRI P.N. SUKUL (Uttar Pradesh) : What are you doing? SHRI KAMAL MORARKA : I will come to it if you permit me. Mr. Shiv Shanker also referred to the previous constitutional amendments and said that when we were in the opposition it we had opposed. I agree. We, who were in the opposition and who are now on this side, strongly feel that a popular Government should be restored in Punjab. *(time bell rings)* We do not believe in the process of postponing elections. We do not believe in the process of manipulation of political parties so that our party comes to power in that State. Far from it. You all know that Janata Dal is not in the running to come to power in Punjab. We also believe that it is not our duty to encourage faction fighting in the Akali Dal. We would wish that all Akali factions come together, the entire Sikh community comes together and rules Punjab by the electoral process. If they are elected, they are free to rule Punjab. We have absolutely no reservations on that account. But the point that Shiv Shankerji made is that in spite of our opposition, the Government had to take steps and we did not go along with the Government. It is not so. I may be permitted to say that Congress had a road-roller majority in Lok Sabha and a comfortable majority in Rajya Sabha. Congress never felt the necessity of taking us with them. Congress took decisions and forced them on us. We were left with no option but to oppose them. Here, I think, it is a boon in disguise that the electoral verdict is such that we have all to work together. And we are thankful to Mr. Shiv Shanker for his promise that not only now but in the future also whenever national effort is there, wherever national problem is there, we can have a look at it together. There is ab-

solutely no reservation on our side. But let us not run away from the fact that in the past it is not so much that we did not want to co-operate. We never had a chance to co-operate. Decisions were taken unilaterally not in the way they are taken now. My friend, Suresh Kalmadi keeps on making fun of Committees. I think, in a democracy, committee system is the best way of making decisions. Decisions taken previously by one individual and then converted into a Cabinet decision and then a decision of Parliament in rapidity is not our system. Our decisions are genuinely taken in the Cabinet, are genuinely taken in the all party meetings, and as you will see, the proof of the pudding is in the eating.

**श्री हरबेन्द्र सिंह हंसपाल (पंजाब) :**  
**मोरारका जी, काश्मीर की एसेम्बली आप ने डिजाइन् की, वह भी आप ने सब से पूछकर की ?**

SHRI KAMAL MORARKA : Mr. Shiv Shanker referred to Kashmir. Though Kashmir is beyond the purview of this debate, I do want to clarify two things. He said, he would like to see very eagerly what we do in Kashmir because the Jammu and Kashmir Constitution says that the Assembly cannot remain dissolved for more than six months, and elections have to be held within six months. As Shiv Shankerji knows, this matter has already been referred to the Law Ministry *a.i.c* the Law Ministry is examining whether that Assembly dissolution can be annulled. *(Interruptions)*

SHRI V- NARAYANASAMY (Pondicherry) : You are repeating what Mr. Mufti Mohammad Sayeed said yesterday.

**श्री हरबेन्द्र सिंह हंसपाल :** मेरा स्पेसिफिक क्वेश्चन है, आपने कहा कि हम सब कंसल्टेशन से काम करते हैं। काश्मीर की एसेम्बली जब आप ने डिजाइन् की... *(ब्यवधान)*...

**श्री कमल मोरारका :** हंसपाल जी आप सुनिए। आपको जवाब मिल जाएगा।

SHRI P. SHIV SHANKER : I congratulate you, Mr. Morarka. But you are on a weak wicket. (*Time bell rings*)

SHRI KAMAL MORARKA : Madam, just give me a few minutes because I have to reply to these points and they are very important.

Mr. Shiv Shanker said how was the Assembly dissolved and Hanspalji said, without consultations. Now, I cannot teach Mr. Shiv Shanker the Constitution. But, in all the other States, the Assemblies can be dissolved and the President's rule imposed by the President of India. In Kashmir, it has to be done by the Governor of Jammu and Kashmir, not by the President of India. The Governor can take a decision on his own. He does not have to send the recommendation to Delhi. The Central Government does not have to send the recommendation to the President. It means the Governor's prerogative...

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh) : And maybe that is because of Article 370.

SHRI KAMAL MORARKA : That is hitting below the belt.

SHRI P. SHIV SHANKER : Morarkaji, for your information, Section 92(5) obligates on the Governor that it must be with the prior concurrence of the President.

SHRI KAMAL MORARKA : Shiv Shankerji, I am dealing with that. There is a difference. While in all the other States, it is the Central Cabinet which has to approve and the President has to issue the proclamation of the President's Rule, in Kashmir, it can be done...

SHRI GURUDAS DAS GUPTA : Morarkaji, do you think that even under this peculiar constitutional position, it will take a positive direction?

SHRI KAMAL MORARKA : That I will reply outside.

SHRI GURUDAS DAS GUPTA (West Bengal) : Madam, at least on this issue there was no national consensus.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra) : It is an open Government.

SHRI KAMAL MORARKA : Mr. Vajpayee has said...

THE VICE CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : You will have to conclude now.

SHRI KAMAL MORARKA : ..quite correctly that article 370 confers this special status on Kashmir. And we still hold that special status is required for the complete integrity of Kashmir with India. On that there is no going back. But merely because it enjoys a special status, merely because the Governor of a State might have acted in a particular manner is no reason why we should take that analogy for other States. Kashmir has to be dealt with on its own because of the Constitution of Kashmir. So, that matter is with the Law Ministry. I fully agree with Mr. Shiv Shanker that if we cannot bring that Assembly back to life, then we will have to hold elections in Kashmir. But we cannot compare Kashmir with Punjab. Dealing with Punjab, our Government's desire is to hold elections there as early as possible. Now you said that the Government is doing nothing except the Prime Minister's visit. That is not correct. The Government is taking effective steps to solve the problem. Those steps are not in public view. Mr. Ram Jethmalani said that other day, and I agree with him that Punjab problem cannot be discussed by collecting 50 people in a room. 1.00 P.M. You have to have quiet skill-full negotiations. We have a

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problem of so many groups there. If the Akalis could unite, the problem would have been simpler. There are a lot of factions whom we have to talk to. The object of this Government is to try and solve the contradictions and bring harmonious solution to Punjab, and not to fuel the fires of the inter-Akali Dal factions. That is not our approach and anything that you do constructive takes time. I have to assure Mr. Shiv Shanker that this particular Constitution Amendment is for a particular situation without creating a precedent. The Government does not want that in other States it should have the President's rule. In States like Karnataka, where there has been total peace, your Government is guilty of extending the President's rule. We would not have done a thing like that. If elections can be held, they should be held. I agree that article 356 talks of subjective satisfaction. But subjective satisfaction should also be over objective facts. The subjective satisfaction that we have been seeing for ten years was total, I do not want to say because there is no time. (*Time bell rings*). What about the election in Tripura? What you did in Andhra Pradesh? The way you engineered defections from Farooq, now to talk of Goa and Meghalaya, is nothing compared to the crimes that have happened in your regime. What has happened in Goa and Meghalaya is defections. Somebody raised the question of defections. Nobody is supporting defections. But there is the Anti-Defection Act. There is a political process. (*Time bell rings*). (*Interruptions*). I want to end only with this plea that in the spirit that Mr. Shiv Shanker has said on this amendment, let us get through and all of us let us get together to restore the political process in the Punjab as early as possible so that a popularly elected Government comes to Punjab and *pac* comes to the po of Punjab.

SHRI PAWAN KUMAR

BANSAL : Madam Vice-Chairman, the Government has come to the Parliament today asking it to make history ; history which we or the success succeeding generations can never be proud of. Any constitutional amendment has its own significance. But the amendment before us today is an admission of the abject failure of the Government to keep democracy alive in the country. In the past, our friends on the other side have proclaimed that the Punjab embroglio could be resolved within a period of fifteen days, given the political will and the capacity. They had on umpteen occasions accused the Congress of prolonging the President's rule in Punjab for narrow political gains, to perpetuate rule in Punjab by a remote control from Delhi. In this charge of theirs against the ruling party then they had even refused to acknowledge the fact that the Congress Government in the State, headed by Sardar Darbara Singh, decided to quit on its own when six people were taken out of a bus and killed by the terrorists.

What it shows, Madam, is that it is not power which is dear to the Congress. What has been dear to the Congress and what is dear to the Congress is the welfare of the country. And it is only by that consideration that we have been moved in our actions.

Madam, after restoring a good measure of normalcy during the earlier spell of the President's rule, elections were held in the State in 1987 in pursuance of the Rajiv Gandhi-Longowal Accord. There was no instance of violence during those elections. And people in vast numbers came to the polling booths to exercise the right of franchise despite the call of boycott by the terrorists. Unfortunately, the Akali Government, headed by Sardar Surjit Singh Barnala, which

came into power then, failed to deliver the goods and riven as it was by serious dissensions, discased by inefficiency and corruption, emasculated by internal fighting amongst the people ruling the State then and paralysed by the action of the Ministers defying the Chief Minister, the Government pushed the State in the throes of a renewed crisis. The menacing phenomenon of terrorism once again reared its head in the State and turned red the sacred waters of the Ravi-Beas and the Sutlej.

Rising to the occasion once again, the Government had to take up the Constitutional responsibility of protecting any State from internal disturbance as enshrined in article 355 of the Constitution, and to save the country from disintegration. What followed, Madam, was a determined and grim battle against terrorism. The result of that endeavour was perceptible. The situation improved steadily. By deft handling, the Government was able to isolate the terrorists and restore the sanctity of the gurdwaras in the State of Punjab. The unholy nexus between the militants and the hardcore criminals was exposed and a good amount of confidence was infused in the public mind. As a consequence to this honest attempt of ours, the democratic process was again restored in the State when we held election to the Lok Sabha from Punjab, as in the case of the other States.

Madam, when the new Government came to office, the Prime Minister, Shri V.P. Singh, ridiculing the previous Government's approach on Punjab, sought to tread a path of fantasy. He could not grasp the nuances of the problem. He fell to the temptation of facile and simplistic solutions. In his high moments of inebriation, induced by a victory of sorts with the support of mutually incompatible elements like the B.J.P., and the C.P.I. (M), the Prime

Minister sought to arouse the people's passion against the fifty-ninth Amendment once again, which was, otherwise, to lapse after three months, i.e., on 31st March, 1990.

The Congress Government—I would have liked to tell Mr. Morarka if he had been present here—had taken recourse to the Fifty-ninth Amendment, not to assume or to arrogate any power to ourselves. It was to meet a situation that could have arisen in the future. We did not want to present a picture, as is done by the National Front Government today. We wanted to have an integrated approach to the problem. There was an amendment saying that in the case of Punjab Emergency could be proclaimed in the event of internal disturbance also. We did not want to do that lightly. Technically speaking, the events in Punjab could not be termed as armed rebellion. But the situation was much worse. The situation that Punjab was facing was one of low insurgency aided and abetted by Pakistan. Pakistan's attempt,—as we have come to realise now—is destabilisation in Kashmir and breaking away of Kashmir from the country. The game that they played was first to destabilise Punjab, to create a situation of uncertainty in Punjab, before they could strike in Kashmir. And in Kashmir, they did strike. On the 13th December, last year the militants, with the support of Pakistan, were able to establish their might, their supremacy, over the might of the Government of India, presently being run by the National Front.

Madam, I also want to take this opportunity to say that we did not promulgate Emergency in Punjab. Mr. Morarka offered very specious arguments on our behalf. We did want to arm ourselves to meet any situation that could have arisen in the State. But the situation did not arise, as I said, because of our deft handling. However, there was no let up in the diatribe of the Opposi-

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tion, now constituting the Government, to create turmoil in the State. No action of theirs had helped in healing the psyche of the people, that Mr. Morarka was referring to. Their proclamations, their actions, their get-togethers, their conclaves only accentuated that hurt psyche and it was only left to the Congress' to do its bit to try to solve the situation in Punjab and we did it. As I said, we came to a situation where we ordered elections in Punjab.

Now, Madam, when the 59th Amendment was repealed we extended full support to it. We extended full support to it not for the reasons which were advanced by Shri Morarka; we extended support to it because we wanted every opportunity to be enjoyed by the present Government to devise its own means, its own strategy to tackle the situation in Punjab.

I would not like to refer in detail to what Mr. Morarka said about the emergency provisions, but since the argument was raised, I want to take the House back to the situation that prevailed when Mrs. Gandhi had to take that unhappy decision of promulgating emergency in the country and when she decided to lift emergency it was in pursuance of the will of the people. It was the demonstration of her true democratic spirit that she lifted emergency. It was not that that emergency would be used against us, because even in the absence of those emergency provisions it is for the country, it is before the whole world to see what these people did to Mrs. Gandhi and other Congress leaders. Mad in their power at that time, they spared no effort to ridicule Mrs. Gandhi. They spared no effort to put her behind the bars. But it was the people of the country who rose to the occasion again and threw them out within 71 years and brought Mrs. Gandhi back to power. Now, when we assumed such power for Punjab, it was not that we could use

this power arbitrarily. I wish Mr. Morarka had referred to certain other provisions of article 352 which we did not touch under 59th Amendment. There are certain safeguards under that. After bringing it on the statute book we could not have promulgated emergency in Punjab entirely on our own. The safeguards which were provided for I would like to reiterate. The decision to promulgate-emergency has to be by the Cabinet and to have approval within one month of the Parliament—approval not by a simple majority but by a majority of two-thirds of those present and voting. For that two-thirds majority we could not have done it on our own in Rajya Sabha. We would have to have the support of the opposition then. It is a different matter as to what the stance of the opposition was at that time and what it is now. We wanted to bring in salutary provisions to give power to panchayats and nagar palikas. They defeated the Bill, not because they found anything objectionable but because they did not want the Congress to take credit for giving power to the people at the grassroot. In that event, in a situation as that we could not have promulgated emergency in Punjab on our own.

Then for the information of hon. friends on the other side, there is another provision in article 352 that one-tenth of the members of any House of Parliament could requisition a special session to disapprove of any promulgation of emergency which in any case could not have lasted for more than six months. Yet, the fact remains that we did not invoke those provisions and today when the Government seeks our support to bring about another amendment to cover their failure, they again refer back to those provisions. On the one hand they say that they have got to have a national consensus and on the other they spare no effort to rake up the matter again relating to the 59th Amendment.

In fact, it was our leader, Mr. Rajiv Gandhi, who saw to it that Mr. V.P. Singh does not only make a promise but takes concrete measures to repeal the 59th Amendment. It was in pursuance of that, that the Government on the last day of the last session brought forward the 63rd Amendment Bill in this House.

When that Sixty-third Amendment Bill was brought, a promise was held out to the people of the country that there will be no further extension of President's rule in the State of Punjab beyond 10th May, 1990. That was precisely the reason why they removed another clause which would have otherwise become redundant by 31st March, 1990—i.e. the two conditions warranting either an emergency or a certificate by the Election Commission of its inability to hold elections were taken away. And it is precisely that provision that they are bringing back again. This only shows that the Government has failed to demonstrate even a modicum of its capacity to hold free and fair elections in the State of Punjab.

The Government tolerates violence in Meham. The Government glosses over violence in Bihar. But they imagine that violence will occur when elections are held in Punjab. Therefore, a very preposterous reason is adduced by the Minister of Home Affairs in the Statement of Objects and Reasons for amending the Constitution—that the atmosphere is not congenial for holding elections in Punjab.

Madam, they are talking of consensus at the all-party meeting. What is this consensus if it is nothing but making a virtue of compulsion?

Madam, an all-party meeting on Punjab was called by the Prime Minister three months back. What was the demeanour of the leaders of the Government then ? What was the demeanour of the Deputy

Prime Minister regarding the need for the Congress to be present at the all-party meeting at Ludhiana? Does the hon. Prime Minister want us to presume that whatever the Deputy Prime Minister says need not be taken cognisance of by us ? The Prime Minister was at pains the other day to give us a long list of his weaknesses and points of strength I wonder whether he really draws any distinction between his strength and weakness. Today I want to know from the Government whether it is the weakness of the Prime Minister or his strength that he does not pay heed to what the Governor of Punjab says, whether it is his strength or weakness that we are told that the Governor of Kashmir had not taken the action in consultation with the Central Government, whether it is his weakness or strength that the Prime Minister is tossed about by the BJP. All these are nagging questions which the Government must answer.

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Coming back to the subject, Madam, I would incidentally say that I do not want to raise this point again and again—we have been raising this point on various other occasions—that the hon. Home Minister is again absent for quite some time. Is this the seriousness with which they take the delicate issue of Punjab ? They are wanting to move an amendment to the Constitution. I, in fact, raised the question that this amendment should have been moved in the presence of the Prime Minister. The Prime Minister should have been present here to answer. But what in fact we find is that even the Home Minister is not here (*Interruptions*) ... I know that, but what was the behaviour of the two Ministers when a question came up in the morning today? The Minister of External Affairs could not tell us what the Doordarshan has been doing which goes contrary to the interests of the country (*Interruptions*) ... Yes, I repeat that word.



SHRIMATI RENUKA CHOWDHURY (West Bengal): You look within yourself.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARA-JAN): The Leader of the House is here. So I think...

SHRI PAWAN KUMAR BANSAL: We have all respect for the Leader of the House. In fact, we have more respect for him than the Home Minister. But the situation is such that if I want to ask one question, he cannot reply immediately.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARA-JAN): You have made your point. You understand that there is the principle of collective responsibility and the Leader of the House is here.

SHRIMATI RENUKA CHOWDHURY: He need not reply immediately. He can reply subsequently.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARA-JAN): Mr. Bansal, please continue. You don't have much time.

SHRI PAWAN KUMAR BANSAL: Madam, the failure of the Government during the last four months suggests that we must now definitely give democracy another chance in Punjab. Administration in the new dispensation, with the National Front at the helm of affairs at the Centre, is totally cut off from the people as also from the politicians. It is paralyzed and corruption is rampant. It has acquired dimensions of corruption which were never known before. The Government, in the situation, arrogates to itself the right of judgement that elections in Punjab would not reflect the voters' right choice. Madam, who are we to judge? Are

we going to suggest that democracy is going to take a back seat in our country? Why I say so is because, I am particularly anguished over the past protestations of our friends on the other side. I wish the Government were able to devote more time to Punjab during the last four months. The Prime Minister did go to Punjab. That was a good gesture; I welcome it. But what did he do after that? He got busy holding his flock together, he got busy appeasing the BJP for certain things and toeing the line of CPI(M) and others. He got busy and he is busy till today in toppling the Congress Governments. Madam, I wish at least now the Government gives its attention to Punjab. I also wish that the Government does not approach the question of Punjab with a preconceived notion. I wish the Government does not have favourites in Punjab. The problem that has been aggravated during the last four months is for the simple reason that our various leaders in the Government here have their own sets of favourites and they want them to come to power, and till they are assured that they come to power they say, nothing doing with elections in Punjab, notwithstanding what they had been saying in the past.

Madam, I do want to take this opportunity to ...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARA-JAN): Make your concluding remarks.

SHRI PAWAN KUMAR BANSAL: Madam, since it is the question of Punjab in particular, added to the fact that we are discussing the Constitutional Amendment which has its ramifications, I suppose you would be indulgent enough to give me more time on this.

Madam, I wish to refer to the fact that the workers, the sons of the

soil in the State of Punjab, have never been for Khalistan. But they have definitely been incapable of opposing the demand. The Akali leaders, who have been the avowed allies of our friends on the other side, sharpened their personality clashes, motivated by unlimited ambitions. Criminals infiltrated the ranks of militants and caused havoc to the State. The gory events that rocked the State of Punjab and the diabolical role played by Pakistan in worsening the situation in the State are well known to us. But I do have a feeling that some of the terrorists see the helplessness of their course and want to give up arms. They want to bid a farewell to arms and seek respite, but it is the fire-spewing, hard core terrorists who deter them from following any path of rectitude.

The Government has to identify people who for the sake of the unity and integrity of the country, to protect the beautiful fabric of India's unity and integrity, are even prepared to lay down their own lives. The Government must take initiative, not a mere formality as it has been doing by convening two or three party meetings. It must take the country into confidence about its perspectives which go into the making of their policy on Punjab, if at all they have any. The Government must not act in haste at the last minute waking up as they are doing, now to bring about this present Amendment. When we were discussing the Punjab Budget, we put a simple question to the Government about what their future course of action on Punjab was going to be. The Government was adamant in not giving any reply to that. Mr. Morarka referred to something which we had argued at the time of the Budget. That was perhaps a spill-over of what he wanted to say then but had forgotten to say. I only wish the Government had taken this

measure first and brought the Punjab Budget subsequently. There was nothing barring the Government to move an amendment as this ten days back. Why the Government did not do that is because it vacillated. It could not make up its mind on what it should be doing in Punjab. The hon. Prime Minister could not make up his mind whether he should have another committee for Punjab in addition to the small panel of two or three Cabinet Minister which he has for the purpose. When they found that the time was running out, when they found that Rajya Sabha has to rise for the recess in another three, four days time, they rushed to call an all-party meeting. We do not object to their moving an amendment. We again agreed to it. Why? Because we want them to have another full opportunity to try and see what they can do in Punjab. But it was unfortunate, Madam, that the repositories of virtue, the claimants of value-based politics again wanted to make an amendment in the Constitution which for the first time in 40 years could make a provision enabling the extension of the President's rule up to four years. We did object to that. We objected to that for valid reasons. We moved amendments to the effect that at the most it should be for another six months. The Government again wavered. But finally good sense has prevailed over them. Saner elements within the National Front have convinced the Prime Minister to bring an amendment in terms that my friend Mr. Ahluwalia and I had moved yesterday. I am happy that at least the Government has responded to that and made this provision.

Madam, as was said by the Leader of the Opposition, we have decided to support this Amendment in the present form. It is not that we want the process of democracy to be kept in abeyance in Punjab. We would wish that even now the Government would take

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steps to hold elections here. We have done so to avoid any constitutional crisis that could have arisen in the future. The Government did not give thought to it: we did. Therefore, we asked for a statement on that ten days back. That perhaps woke up the Government from its slumber, and it has now come forth with this Amendment.

Madam, I would not like to dwell further on this, but would conclude by saying that the tragedy which stares Punjab in the face now brooks no half measures. For the last four months we have had no action plan on Punjab from the Government, and today again the hon. Minister does not say that he is coming forth with an action plan. Such an action plan, I admit, cannot be incorporated in the Constitution, but such an action plan was, in fact, the *sine qua non* for moving an amendment like this. Therefore, I say that the Government had really no moral right to move this amendment. But still we support them and support them, as I said, to avoid any Constitutional crisis.

Finally, I want to know from the hon. Minister as to what steps he has taken on an earlier demand of their ally, BJP, regarding sealing of the border. With the technological advances that we have achieved today, I don't think it will be difficult to manage our borders. We can definitely step up our vigilance and beef up the intelligence. I would like the hon. Minister to tell us what the Government has done on this score at least, which may be more of an administrative measure than a

political one calling for just a little bit of political will on their part.

Because of ringing of the bell by you again and again I am conscious of the fact that I must conclude. But before I do so, it is another thought at random that I do want to express. The Government has been swearing by the democratic traditions and the lofty ideals which are supposed to be governing our polity. During the spell of the President's rule, there is a provision for—and, in fact, there is in existence—an advisory committee of the Members of Parliament from the two Houses to advise the Government on the contents of certain Acts which the Government intends to bring about during the President's rule and which are termed as President's Acts. There is a stipulation that before bringing about such an amendment to any law or a new Bill, before it is really made an Act, that advisory committee must be consulted. Only on 19th of March two more Amendments which, of course, as I said, take the form of the Act have been brought on the Statute Book without referring the matter to the advisor committee. I would like to know from the hon. Minister whether the administration under them is so immune to the principles inherent in a true democracy as not to even convene a meeting of the Members of Parliament to discuss the matter but give a stereotyped explanation saying that the emergency of the situation warranted that the committee be not consulted. May be the hon. Minister is not aware of such a practice on the part of the administration, but I do hope that he would now ask his administration to refer all such measures to the committee before any action is taken thereon. Thank you.

SHRIMATI RENUKA  
CHOWDHURY: I rise on the note that there are none so blind as those who refuse to see. This was

tola to us as children by the nuns who guided us to have a vision, a vision that encompasses the country in its complete sense.

It is not for us to stand at a moment like this on the floor of hallowed grounds like the Parliament and divide this into parties and trade slanging matches about.. (Interruptions) Do you wish to speak? All right. Get up and speak.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Is it a point of order?

SHRI ANAND SHARMA (Himachal Pradesh) : I am not saying anything. I am saying just because she has virtually referred to the previous speaker and has, in fact, insinuated by quoting what the nun told her in her school. She has insinuated that the previous speaker is blind. So, I asked if she has got her vision after the change of the Government.

SHRIMATI RENUKA CHOWDHURY: I did not refer to the previous speaker's perceptions. Are you his mouthpiece? Do you mean to say he is mute also?

SHRI ANAND SHARMA: Don't get angry. Should I quote you the excerpts of your previous speeches?

SHRIMATI RENUKA CHOWDHURY: You should at least let me complete what I am saying.

SHRI ANAND SHARMA: I was listening to you most attentively. But should I remind you what you used to say when you were on the other side? So, don't give sermons.

SHRIMATI RENUKA CHOWDHURY: Pick up the records and go through what I said. I was always incisive.

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I have no choice. It is ironic that we stand here indulging in a slanging match. We have selective amnesia. We do not want to recollect. Yes, I do recollect my role in the Opposition and it is because of our effective role that we are here today. It was courageous of the Opposition to make you perform and failing which we are for an alternative to the mandate. Those who stood up.. (interruptions).. Does not matter, we brought about a consensus here. It was perhaps to the credit of this Government today that people who are standing up to defend the merits of emergency, my God, the merits of emergency which dealt a death blow to democracy, those are people (interruptions)..

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Let her speak. She has got only seven minutes.

SHRI GURUDAS DAS GUPTA: In the morning they were clamouring against harassment of women and now they are indulging in harassing.

SHRIMATI RENUKA CHOWDHURY: These are the people who are now asking us to exercise caution that we should not come back to this house again, asking us to be empowered for getting that their Government repeatedly came back to this House asking to be empowered with. There were times when in the Opposition we did not accede to this; yet the BJP supported them and empowering them said "take all the powers" that you want, but don't come back with Punjab as a problem." We have forgotten all that. Does not matter. The result of Punjab today is what happened in 1984, as was rightly referred to by a colleague of mine. The 1984 Operation Bluestar, translated political Punjab problems into an emotional wound, the wound that was inflicted, the lacerations.

[ Shrimati Renuka Chowdhury

which followed which led to the bleeding of Punjab. Today, the wound of Punjab is the geography of that State. We need a tactile translation into methods that heal this wound. You cannot speed it up. You cannot give a cosmetic cover. I feel for Punjab as much as you do. It is not the patent right of any Sardar or any individual in this House or anywhere outside because in Punjab live my sisters, my brothers and families of mine as India is one in independent India and let us not draw a parallel between the Punjab and Kashmir. It is so convenient to draw parallels between the two places but it is not the same; the issues are not the same, much as we would like to have a magic wand of similar solutions. What festers in Kashmir is not what is really festering in Punjab? Similarities may be there but the differences are what matters. So, Madam, through you, I want to appeal to the House that this Constitutional amendment that we are bringing about is the only tactile measure which the ruling Government has today to translate to the People of Punjab and the people of independent India, that this is the healing process. This is the beginning of the healing process and no amount of legalities, legislations and able discussions between lawyers in this House is going to reduce the enormity of the carnage that is done to the very fabric, the alienation of the people of Punjab where we have pushed the people to the wall. We have harassed them. We have ripped them apart and we have humiliated them and we have tried to separate them from the flag of this nation. For people like us in this House, this is the place of worship. The flag is our religion. I do not wish to take more time than what has been allotted, Madam. I don't even wish to take time that is allotted to me because what I want to say is only two simple factors. One, we are talking of

electoral reforms in the longer run. We are talking of bringing about a better system. Let us work on it simultaneously so that when the atmosphere is conducive, when the people of Punjab are truly free of terror and fear when they can come out and vote in the true democratic norms, elections will be held because that is the rule of democracy and that is the fundamental right of democracy. You and I cannot step it because the people will rise and ask for it. But give them the atmosphere which is conducive for them to come up and say it and not by the barrel of the gun. Madam, the other point which I wish to make is just a thought, a thought because my colleagues of this respected House know that we cannot end the Punjab situation today, tomorrow or day after. There are no magic solutions. It is a long term thing. Today, it is Punjab, tomorrow it can be some other State. But the policy that we are going to apply, the measuring rod that measures is the same. What we must think clearly and I leave this thought to the House before I conclude, let us take the step that any person who is involved with any religious body—this is not just in application to Punjabi—must refrain from entering a political activity. If on the one hand, we preach that we want politics to be separated from religion, if we want to have a secular India, then these two is an unhappy marriage. I leave this thought with all of you and I am sure the hon. Members will get together and join us. It is not just an all-party meet which is called out of fear or insecurity. It is genuinely with a spirit that we must take a consensus. This Government came in with an alliance; it will continue to rule with an alliance and you will continue to support. The Members of this House are not going to wait and watch with interest. You will participate, you will join us in our anxiety, you will share the anguish which is rocking this country, you will try to stop the convulsions

*Amdt.)"*

that are facing us internally and externally. You will safeguard the border of this country when the enemy rises from outside and you will help us suppress the enemy from within and we do not have to take pride in doing that. It is the rule that we do 'it. It is our right to do it because this nation is ours, yours, mine and ours. Thank you.

श्री हरबेन्द्र सिंह हंसपाल : मैडम वाइस चैयरमैन, इससे पहले कि मैं पंजाब के बारे में कुछ कहूँ, मुझे यह समझ में नहीं आ रहा है कि इस सरकार ने कांस्टीट्यूशन अमेंडमेंट को एक मजाक क्यों बना दिया है। अभी चौथा ही महीना सिर्फ इस सरकार को पावर में आये हुए हुआ है और दूसरा कांस्टीट्यूशन अमेंडमेंट ये पार्लियामेंट में ले आये हैं, एक ही सब्जेक्ट के ऊपर। क्या मैं यह समझ लूँ कि

श्री शान्ति त्यागी (उत्तर प्रदेश) :  
कब तक की लाइफ है ?

जब तक रहे।

MISS SAROJ KHAPARDE  
(Maharashtra): There should not be running commentary in the House.

THE VICE-CHAIRMAN  
(SHRIMATI JAYANTHI NATARAJAN): No, no. They are telling me something.

श्री हरबेन्द्र सिंह हंसपाल : मैं कांस्टीट्यूशन की बात कर रहा हूँ, उसकी साकरी मत बनाइए। कांस्टीट्यूशन डेमोक्रेसी के लिए एक बहुत सेन्सेड चीज है, सेन्सेड बुक है जैसे किसी धर्म के लिए धर्मग्रंथ होता है (व्यवधान) इसकी साकरी मत बनाइये, जैसे यह सरकार बना रही है।

श्री राम अंबोधे सिंह : (बिहार) :  
यह तो आप लोग बना रहे हैं।

श्री हरबेन्द्र सिंह हंसपाल : गृह मंत्री महोदय ने कहा कि जब तक वहाँ ऐसी कन्जेनियल कंडीशंस न हो जाये, पंजाब में तब तक वहाँ इलेक्शन नहीं करवाया जा सकता है क्योंकि फ्री एण्ड पीसफुल इलेक्शन वहाँ आज के माहोल में नहीं हो सकता है। एक तो मैं गृह मंत्री महोदय से जानना चाहता हूँ, जब वे जवाब दें, कि कन्जेनियल की क्या डिफिनीशन है? क्या मेहम और बिहार में कन्जेनियल कंडीशंस हैं? इस संदर्भ में आप बतायें, और आपने फ्री एण्ड पीसफुल इलेक्शन कहा तो पता नहीं...

I do not know whether purposely or otherwise, you omitted the words free, fair and peaceful.. मैं जानना चाहूंगा कि वह सिर्फ कनसर्ड हैं अबाउट फ्री एंड पीसफुल, फेयर के लिए कनसर्ड नहीं हैं। यह सरकार जो इस बक्त नेशनल फ्रंट की है, मैं इसलिए कुछ इसके खिलाफ बात नहीं करना चाहता कि अपोजीशन का यह धर्म है कि उनके खिलाफ ही बोला जाए, लेकिन लोक सभा में अंतुले जी ने अपनी ओपनिंग स्पीच में पिछले सेशन में कहा था कि— This Government is two-headed and three-legged.

तो मैं यह कहूंगा कि यह डबल हैडिड नहीं, डबल फेस्ड है। कहती कुछ और है और करती कुछ और है। उसकी एक-दो छोटी छोटी मिसाल भी मैं देना चाहूंगा। जैसे मेनिफेस्टो का जिक्र हुआ, मेनिफेस्टो में आपने लिख दिया, लेकिन किया नहीं वह कि हम पंजाब में इलेक्शन करवायेंगे। आप यहाँ पर आ गये और जैसे कुछ दिनों पहले सदन में जब हम पंजाब का बजट डिस्कस कर रहे थे, तो मैंने प्वाइंटिटली फाइनंस मिनिस्टर महोदय से पूछा कि आप पंजाब में क्या करने जा रहे हैं, इलेक्शन करवायेंगे या आप अमेंडमेंट लायेंगे? यह सिर्फ पाँच-छह दिन पहले की बात है।

[श्री हरवेन्द्र सिंह हंसपाल]

तो वह कहते हैं कि—We will cross the bridge when we reach it.

इस गवर्नमेंट को यही पता नहीं कि वह त्रिज पांच-छह दिन या पांच-छह महीने दूर है। प्रधान मंत्री जी ने जवाब दिया, कोई जिक्र नहीं कि वह इलेक्शन चाहते हैं या अमेंडमेंट चाहते हैं।

अगर मैं यह कह दूँ कि यह सरकार पंजाब की प्राबलम साल्व ही नहीं करना चाहती, तो यह भी गलत नहीं होगा। सारी की सारी गवर्नमेंट और इनकी एलाइड पार्टीज, जब यह अपोजीशन में थी, मुझ से पहले बोलने वालों ने यह कहा, शिवशंकर जी ने कहा, पवन कुमार बंसल जी ने कहा और मैं रिपीट करता हूँ कि एक सुर में, एक आवाज में—सब ने जब हम रूलिंग पार्टी में थे, यह कहा कि आप पंजाब में इलेक्शन इसलिए नहीं कराना चाहते कि पंजाब, के अंदर अपना रूल चलाये रखना चाहते हैं, कंटिन्यू करना चाहते हैं और जब आपकी बारी आई, तो आपने आते ही पहला कदम यह किया, अपने मेनिफेस्टो की बात भी भूल गये और प्रेजिडेंट रूल कंटिन्यू करने के लिए आप यहाँ पर अमेंडमेंट ले आये।

उसी बात को मद्देनजर रखते हुए, श्री राजीव गांधी की गवर्नमेंट ने नवम्बर, 1989 में जनरल इलेक्शन के साथ पंजाब में पार्लियामेंट इलेक्शन करवाया। उस वक्त यह सवाल पैदा हुआ—The then Opposition parties said, "Why not Assembly elections along with Parliamentary elections?"

उसका एक ही कारण था कि यह टेस्ट था पंजाब का कि अगर पंजाब के अंदर पार्लियामेंटरी इलेक्शन पीसफुली हो सकते हैं, तो उसके बाद वहाँ पर असेम्बली इलेक्शन भी करवाये जायें, एस.जी.पी.सी. के इलेक्शन भी करवाये जायें, वहाँ पर पंचायत के इलेक्शन भी करवाये जायें।

श्री राम अवधेश सिंह: उसी समय विधान सभा का इलेक्शन हो जाता, तो

क्या हर्ज होता, वह भी आप बता दोजा ना।

श्री हरवेन्द्र सिंह हंसपाल: आप सुनेंगे, तो वह भी बताऊंगा।

श्री राम अवधेश सिंह: उसमें क्या दिक्कत आ जाती?

श्री हरवेन्द्र सिंह हंसपाल: उसमें दिक्कत यह थी... (व्यवधान)

श्री राम अवधेश सिंह: क्या बात कर रहे हैं, आप तो यह चाहते थे कि सत्ता आए तो कांग्रेसियों के हाथ आए। तब तक चुनाव ठीक है और अगर नहीं, तो गड़बड़ है।... (व्यवधान)

श्रीमती नारग्रेट अल्वा (कर्नाटक): हमने नहीं कहा कि गड़बड़ है... (व्यवधान) गड़बड़ की बात वह बोल रहे हैं।

श्री हरवेन्द्र सिंह हंसपाल: राम अवधेश सिंह जी, आप ऐसा कीजिए कि हैडफोन लगा लीजिए, तो जो मैं कहूँगा, वह आपको समझ में आएगा। मैंने यह कहा कि पार्लियामेंटरी इलेक्शंस करवा कर हम यह टेस्ट करना चाहते थे कि वहाँ पर पीसफुल इलेक्शंस हो सकते हैं या नहीं।

श्री राम अवधेश सिंह: आप पार्लियामेंट के लिए टेस्ट कर रहे थे, तो उसके साथ उसको भी टेस्ट कर लेते। सरकार बन जाती, तो बन जाती।

श्री हरवेन्द्र सिंह हंसपाल: गृह मंत्री महोदय, मैं आपकी जानकारी में यह बात लाना चाहता हूँ कि यह चीज डिसकस हुई कि पार्लियामेंट के इलेक्शंस के दौरान क्योंकि इलेक्शंस थे, सारी कंट्री में इलेक्शन हो रहे हैं, इसलिए हम वहाँ पर इतनी फोर्सिंग डेप्लाय नहीं कर पायेंगे कि 117 सीटें, जो और असेम्बलीज की हैं, उसके जो कैंडिडेट खड़े होंगे, उनको प्रापर प्रोटेक्शन दिया जा सकेगा। आज की तारीख में जब जनरल इलेक्शन हो चुके हैं, अगर आप वहाँ असेम्बली के इलेक्शंस करवाना चाहें तो उन इलेक्शंस में जितने लोग खड़े होंगे,

उनको आप फोर्स डिप्लाय कर उन्हें सेक्युरिटी प्रोवाइड कर सकते हैं। यह कहा जाता है कि वहां पर अगर इलेक्शंस होंगे तो फ्री एंड फेयर नहीं होंगे। एक सेक्शन को सारे वोट अंडर फेयर चले जायेंगे। मैं आपको इसके बारे में कुछ स्टेटिस्टिक्स देना चाहता हूँ। मान ग्रुप के अपने और उनके सपोर्टिंग 13 में से 9 कैंडिडेट्स जीते जिसमें से टोटल उनको 31 परसेंट वोट पड़े। मान ग्रुप के सपोर्ट में 31 परसेंट वोट गए, 69 परसेंट दूसरी पार्टीज को गए। यह नहीं कहा जा सकता कि वह पर लोगों ने वोट पोल नहीं किए। जो वोट गिरे उसमें से कांग्रेस को 27-28 परसेंट पोल हुए। लाखों वोट्स कांग्रेस के कैंडिडेट्स को मिले। लाखों वोट्स बी०जे०पी० के एक-दो कैंडिडेट्स को भी मिले। फिलॉर कांस्टीट्यूयेंसी के अंदर हमारा कैंडिडेट सिर्फ 5 हजार वोट से हारा जहां पर कि 10 लाख वोट होते हैं। इस लिए इस वहम में आना कि वहां पर फ्री एंड फेयर पोल नहीं हो सकते, यह पंजाब के साथ अन्याय होगा। पंजाब चाहता है कि वहां पर इलेक्शंस हों, वहां पर पापुलर गवर्नमेंट बने ताकि लोग अपने एम०पीज और एम०एल०एज० को वोट दे सकें, उनको जित कर उनके साथ बातचीत कर सकें, उनसे अपना काम करवा सकें, अपनी डिफिकल्टीज दूर करवा सकें। मैं कहना चाहता हूँ कि पापुलर गवर्नमेंट ही वहां की प्रोब्लम को दूर कर सकती है, सेंट्रल गवर्नमेंट प्रेसीडेंट रूल नहीं कर सकती। मैं ने अपने पिछले बजट के दौरान यह बात कही थी कि जिस हद तक ब्यूरो-क्रैटिक रूल के दौरान, पुलिस राज्य में करप्शन बढ़ चुका है, एक्सट्रास होते रहे हैं, उसकी इंतहां है। मैं उस बात को रिपीट कर उसमें ज्यादा वक्त नहीं लगाना चाहता, लेकिन एक-दो सजेशन जरूर देना चाहूंगा कि वहां पर अगर इलेक्शंस हो जायें तो डिफरेंट पार्टीज के अलग-अलग एम०एल०एज० जोतकर आयेंगे। हो सके तो इलेक्शन करवाकर देख लिया जाए।

There is a possibility of forming an all-party Government in Punjab

वह प्रोब्लम को साल्व करने के लिए बहुत मददगार होगी। आप यहां पर एमेंडमेंट लाए हैं और एमेंडमेंट आज

हो जाएगा। आपके पास यह हथियार आ जाने के बाद 6 महीने आप और इलेक्शन को पोस्टपोन कर दें। लेकिन मैं यह कहूंगा आप से कि इस पोस्टपोनमेंट का आप पूरे 6 महीने तक इंतजार नहीं करिए। इस दौरान पासिबिलिटी देखिए कि जितनी जल्दी-से-जल्दी वहां इलेक्शंस हो सकते हैं, इलेक्शंस करवाए जायें ताकि पंजाब की प्राब्लम साल्व हो जाए।

An all-party Government seems to be the only solution at the moment for the Punjab problem.

महोदय, मैंने आज अखबारों की हैड-लाइंस में पढ़ा कि काश्मीर एसम्बली ने आप रिवाइव करने की कोशिश कर रहे हैं। ला मिनिस्ट्री को आपने रेफर किया है। क्या यह बात पंजाब पर लागू नहीं हो सकती? क्या पंजाब में एसम्बली रिवाइव नहीं हो सकती। सिर्फ 4-5 महीने बाकी हैं। अगर आप उसे रिवाइव कर सकें तो आप को इस एमेंडमेंट की भी जरूरत नहीं पड़ेगी और शायद वह सेक्शन पावर में आ जाए जिस को आप चाहते हैं।... (व्यवधान)... आप कहें तो मैं नाम ले देता हूँ, लेकिन उसकी जरूरत नहीं है। आज की तारीख में मेरा यह इल्जाम है सरकार के ऊपर और उनके एलाइज के ऊपर कि वह एमेंडमेंट इसलिए ला रहे हैं, वह पंजाब में इलेक्शंस इसलिए नहीं चाहते क्योंकि बी०जे०पी० का कोई आदमी वहां जीत नहीं सकता, कम्युनिस्ट जीत नहीं सकते। जनता दल का कोई स्टेक नहीं है पंजाब के अंदर। न बी०जे०पी०, न कम्युनिस्ट, न जनता दल और न दो अकाली फेक्शन का कोई स्टेक है। क्योंकि आप जिनको आगे लाना चाहते हैं उनका भी स्टेक नहीं है, आपका भी नहीं है, कम्युनिस्ट का भी नहीं है, बी०जे०पी० का नहीं है इसलिए सबने मिलकर एक हेवीवेट बना कर यह फैसला करवा दिया कि पंजाब के इलेक्शन हो पोस्टपोन करवा दो, पंजाब में इलेक्शन ही न हों।

महोदय, मैं कोट करना चाहूंगा आज के ट्रिब्यून से इसमें जो एक आर्टिकल मिस्टर बी०एन० नारायणन का है, इसमें



[श्री हरवेन्द्र सिंह हंसपाल]

से सिर्फ़ दो चीज़ें कोट करना चाहता हूँ जो बड़ी अच्छी लिखी हैं इसमें एक लिखा है—

there are no more.i or constitutional grounds for postponing the elections in Puniab."

इसरी बात लिखते हैं—

The process is all too familiar to the people of the State. If a killer conies pillion-riding on a motorbike, ban pillion-riding, but not stop killing. If train passengers are attacked, then withdraw the trains. This is no solution. The principle is, to get rid of the pickpockets, to abolish pockets !"

यह हालत है, यह लिखा जा रहा है पंजाब के लिए। महोदया, हमारे लीडर आफ आपोजीशन ने यह कहा कि हम कंस्ट्रक्टिव कोपरेशन हमेशा सरकार को देंगे मैं सहमत हूँ उनके साथ कि जरूर दिया जाय बावजूद इसके कि मैं इस बात से पूरी तरह सहमत नहीं कि यह अमेंडमेंट किया जाय। खुले लफ्जों में मैं यह कहना चाहता हूँ कि यह अमेंडमेंट बिल्कुल न किया जाय और पंजाब में एकदम इलेक्शन करवाया जाय। अगर आप असेम्बली रिवाइव नहीं करना चाहते तो इलेक्शन करवाए जायें। लेकिन एज ए डिसिपलनरी सोलजर आफ दी पार्टी, जो हमारी पार्टी ने फैसला किया है उसके साथ वोट देकर आप जो यह अमेंडमेंट लाए हैं उसको पास करवाऊंगा लेकिन इस सरकार का रवैया कंस्ट्रक्टिव कोपरेशन के बदले में हमारे साथ क्या है, वह मैं जरूर कहना चाहूंगा। प्राइम मिनिस्टर का खटकनकला बिजिट का प्रोग्राम था, उस दिन प्राइम मिनिस्टर के नाम पर एक मीटिंग वहां की गई। प्राइम-मिनिस्टर ने उस दिन यहां पर रेप्लाइ किया। एक बजे से दो बजे तक हाउस लंच के लिए एडजॉर्न हो गया और दिन उस दिन प्राइम मिनिस्टर ने यहां बार-बार कहा अपने रेप्लाइ में, कि मैं हर पॉइंट का जवाब दूंगा और बहुत टाइम लूंगा जवाब देने में। I will not run away like that. जब उनको मालूम था कि उनका रेप्लाइ आधे घंटे में खत्म होने वाला नहीं है तो शुक्रवार को दो बजे से ढाई बजे के दर-

मियान जो जवाब उन्होंने दिया, वह एवायड करके सोमवार को भी दे सकते थे और एक बजे जब हाऊस एडजॉर्न हुआ था तो उसी वक्त पंजाब जा सकते थे और वहां जाकर मीटिंग कर सकते थे। महोदया, मैं यह इल्जाम नहीं लगाना चाहता कि वह पंजाब जाना ही नहीं चाहते थे। पंजाब नहीं गए। ओके, यह उनका डिसीजन था, जो उन्होंने लिया, लेकिन दुर्भाग्य की बात यह है कि आफिशियल वर्जन अखबारों में यह छपवा दिया—क्योंकि कांग्रेस आई के मेम्बरस ने राज्य सभा में बहुत हल्ला-गुल्ला किया, उनको डिस्टर्ब किया, इसलिए उनका जवाब कंपलीट नहीं हुआ और वह खटकनकला, पंजाब नहीं जा सके पुष्प भेंट करने के लिए भगतसिंह, राजगुरु और सुखदेव आदि को। यह डबल फेस वाली जो बात कही की, यह वही बात है कि कारण कोई और है और मेसेज लोगों को कोई और देना है। ...

(व्यवधान)

HRI PAWAN KUMAR BAN-SAL:  
Double-faced, with three legs !

श्री हरवेन्द्र सिंह हंसपाल : वह तो मैंने शुरू में कह दिया। तो मैं यह कहना चाहूंगा कि इस किस्म से पंजाब में चलाकी करके, अगर मैं यहां यह भी एड कर दूँ, जैसा मेरे मित्र बंसल जी ने कहा था, कि जब आप पावर में आए तो उसके दूसरे तीसरे दिन पंजाब के हालात इतने अच्छे थे कि प्रधानमंत्री जी अमृतसर चले गए, ओपेन जीप में चले गए और गवर्नमेंट के वर्जन के मुताबिक विदाइट सिक्युरिटी चले गए, तो आज साढ़े तीन महीने के बाद इलेक्शन भी नहीं करवा सकते और खटकनकला भी नहीं जा सकते। ... (व्यवधान) ...

श्री मुफ्ती मोहम्मद सईद : 13 अप्रैल को है, वहाँ जलियांवाला बाग में।

श्री हरवेन्द्र सिंह हंसपाल: 13 अप्रैल को भी कोई रीज़न बना दिया जाएगा।

2.00 P.M.

इसलिए मैं अपनी बात बहुत ज्यादा लंबी न कहते हुए अंत में यह कहना

चङ्गा कि यह जो बिल आप लाए हैं  
This is strangulation of democracy.  
गला घोट रहे हैं डेमोक्रेसी का। पंजाब के  
अंदर, जैसा मैंने शुरू में कहा, महसूस  
बिहार से खराब हालात नहीं हैं। एक  
महसूस के इलेक्शन में दसियों, बीसियों  
आदमी मारे गए, पार्लियामेंट के टोटल  
इलेक्शन में पंजाब के अंदर एक आदमी  
भी नहीं मरा। मैं फिर वही बात दोहराता  
हूँ कि आपकी पार्टियाँ, आपके एलाएंस  
की पार्टियाँ और उन अकालियों को,  
जिनको आप पावर में लाना चाहते हैं,  
वह आज की तारीख में एक सीट पंजाब  
में नहीं जीत सकते। इसलिए आप यह  
पोस्टपोन्ड करा रहे हैं लेकिन  
in the interests of the country, in  
the interests of Punjab, in the inte-  
rests of the People of Punjab,  
मेरे अपसे बार-बार यही आग्रह करना  
चाहता हूँ कि जितनी जल्दी से जल्दी हो  
सके, पंजाब के अंदर चुनाव करवाए।  
एमेंडमेंट तो आज हो जाएगा  
You are armed with the Sixty-  
fourth Amendment.  
लेकिन जितनी जल्दी से जल्दी आप वहाँ  
पर इलेक्शन करवा देंगे, पंजाब का साल्यू-  
शन हो जाएगा। अगर आप पंजाब प्रॉब्लम  
साल्व कर देंगे I tell you the life of  
your Government will be prolonged  
मेरी ओपनली कहता हूँ।

इन्हीं शब्दों के साथ मैं आपका धन्य-  
वादी हूँ कि आपने मुझे टाइम दिया।

SHRIMATI KANAK MUKHE-  
RJEE (Wet Bangal): Madam, it is  
much regretted that the situation in  
Punjab is such that we have no  
other alternative but to support this-  
Sixty fourth Amendment. I am happy  
that the honourable Minister has  
brought this Amendment Bill and  
has proposed to extend it only for  
six months instead of one year. We  
are all extremely eager to see  
normalcy returns to Punjab and in  
an atmosphere of peace and unity  
free and fair elections are held and  
a properly elected Government rules  
over there. But as stated in

the Statement of Objects the pre-  
vailing circumstances in the State do  
not hold out good prospects for a  
free and pack fuled citizen to the  
State. Laslative Asserably. Cong-  
gnial c nditkns should be created  
first before hoding an electison. The  
reality must be admitted that the  
situation in Punjab is so grave  
that the -democratic rights of the  
people cannot be guaranteed now  
and there cannot be a free and fair  
election over ther. It is very painful  
to me, as to all poitriotic people: of  
our country, to think that Punjab  
today is in turmoil, Punjab woofe  
five rivers meet as a symbol of unity  
in diversity of our country, the  
great land of Punjab, the 1 land of  
Lila Lj.pitrai and Bhagat Singh,  
whore people have the great  
tradition of the sacrifice of J.li.n-  
walabagh, Punjab, the symbole of  
patriotism and nati- not unity, is  
today most trouble-torn. Our nation-  
al anthem which speaks of unity in  
d v diversity begins with Punjab  
— Punjab Sindiu Gujrat Maratha  
Dravid. Utkala Vanga, It is very  
painful to think that that Punjab is  
troubl -torn today. It has b c >me a  
troubl -torn State .of our country and  
today we have to discuss that Stat\*  
in both Houses of Parliament, how to  
restore the unity and integrity of  
Punjab, how to save our beleved  
Punjab from utter disintegration. But  
this aiming situati n did not grow  
in one day. I am amused to bar  
the friends over there talk about  
failure of this Government as if  
this Government has created that  
situation there- in Punjab. Just new  
the friend over there sad that the  
situatin was so good when the  
honaurable Prime Minister Went  
there .end new it has become bed. M  
.dam, nlyyesterday a friend asked  
me in the Central Hall: Punjab is  
going, Kashmir is going out of hand  
how is it that you are supportiong  
the National Front Government? I  
told her that the situation of Punjab  
did not grow in one day. We all  
know that there are imperialist hands  
behind this. We all know that  
Canada,

[Shrimati Kanak Mukherjee] United States and U.K. are encouraging terrorists and anti-national people over there and the reactionary forces. We know that our neighbour, Pakistan, is helping to destabilise our country and helping reactionary forces. But above all, we know that these problems in Punjab grew in the womb of Congress(I), the anti-people policy of Congress(I) Government. In order to suppress the democratic voice of the people they gave indulgence to these divisive and reactionary forces inside and outside also. So it is the Congress rule over there which helped grow Frankenstein. That Frankenstein grew to such a length that it went beyond the power of Congress(T) to control. And that killed even our Prime Minister; everybody knows. So, Madam, I do not hold any brief for the National Front Government. But I must say that this reality must *be* admitted that they have inherited that legacy from Congress(I) before.

Madam, now the situation is, as we know, the terrorists have increased their activities, violent activities, killing innocent people and political leaders over there. Many of our party and other party leaders have been killed and Workers have been killed. Now, they have been killing innocent children, extracting a lot of money, kidnapping and so on. All such things are going on over there. But I must say that the National Front Government started with some right steps to solve the problems of Punjab; initial steps they have taken to solve the problems of Punjab. First of *all*, they invited the cooperation of all the people and political parties. I must say that in the beginning they did not get so much cooperation from Congress(I). Now, they hope they will get more and more cooperation from the Congress(I) people over there also. The Ludhiana all-party rally was definitely an important step towards national consensus in solving the Punjab problem. Other

steps include removing the 59th amendment, formation of special courts to try those involved in the 1984 riots, releasing innocent people from imprisonment, releasing military deserters and to rehabilitate them. All these created new hope and confidence among the people of Punjab.

[The Vice-Chairman (Dr. G. Vijaya Mohan Reddy) in the Chair]

Sir, all I want to say is that the people of Punjab want peace, they want unity, they want national integration. They do not want terrorism and they are not divisive. I urge upon the Government to take the people of Punjab into confidence and rely on them and seek their cooperation. We saw what a tremendous response we got through the mass contact campaign- initiated by all the democratic organisations. The people of Punjab want security of life and property. The slogans of Khalistan and slogan of theocratic State given by the terrorists must be shut down ruthlessly. •

Now, two aspects the Government must be taken into consideration. One aspect is that the Akali Dal has been divided into groups. There has been in-fighting among them also. But unless they denounce terrorism, unless they denounce divisive forces, anti-national activities of terrorists, how can there be any discussion with any of their groups?

SHRIMATI KANAK MUKHERJEE: So, we all urge upon them also to denounce all the terrorists and the anti-national activities of these divisive forces. On the other hand, the Government must take strong administrative measures to suppress them. I want to say that the Gurudwaras, the religious places, must not be used for politics. There cannot be any slogan for a theocratic State. We are for secularism. The religion and state must be separated. Otherwise, there will be no way out for the people of our country

Sir, the Punjab problem is a national problem. The Government must take national consensus to solve this problem and to isolate the terrorists and the anti-national forces. It is regretted that there is infighting in between the various groups of Akali Dal. Let all of them, the Congress (I) and the other political parties come forward to solve the Punjab problem with national consensus. Take the people of Punjab into confidence. They are for unity and peace. We believe that all the difficulties can be overcome with the united efforts of the people. Soon we will get a democratically elected Government in Punjab. In the meantime, we have to support this Bill, though with much reluctance. Thank you.

**श्री सुरेन्द्रजीत सिंह अहलुवालिया :** उप-सभाध्यक्ष महोदय, पंजाब के इस मामले में कांस्टीट्यूशन अमेंडमेंट बिल पर चर्चा करते वक्त इतिहास के कुछ पल याद आते हैं और मोहम्मद-बिन-तुगलक की बात याद आती है जो दिल्ली से राजधानी उठाकर दौलताबाद ले गया था और फिर दौलताबाद से वापस दिल्ली आया था। यह दिल्ली से दौलताबाद और दौलताबाद से दिल्ली का जो सफर था वह सफर शायद राजा विश्वनाथ प्रताप सिंह को भी बड़ा भाया है और उसी रास्ते पर वह चल रहे हैं।

महोदय, नेशनल फ्रंट गवर्नमेंट बनने के पहले नेशनल फ्रंट ने जो अपना मैनीफेस्टो जारी किया था उसमें उन्होंने कहा था कि पंजाब के साथ वह न्याय करेंगे जैसे कि पहले पंजाब के साथ अन्याय हो रहा था और अन्याय हो रहा था 59 वें कांस्टीट्यूशन अमेंडमेंट के तहत। जब नेशनल फ्रंट ने अपनी सरकार बनाई, अपनी प्रायोरिटीज़ निर्धारित की तो उन्होंने अपनी सहयोगी पार्टियों को बुलाकर कहा कि हम चाहते हैं कि पंजाब में शांतिपूर्ण माहौल बनाएँ, पंजाब को हम फिर से पीसफुल एटमोस्फियर में देखना चाहते हैं पर उसके आड़े आता है 59 वां कांस्टीट्यूशन अमेंडमेंट

नेशनल फ्रंट की इस रिक्वेस्ट पर सब पार्टियों की एक सर्वदलीय बैठक हुई और उस बैठक में यह डिमांड किया गया कि इस अमेंडमेंट को समाप्त करने के लिए कांग्रेस आई का समर्थन पाना बहुत जरूरी है।

महोदय, उस वक्त हमारे नेता राजीव गांधी ने 59वां कांस्टीट्यूशन अमेंडमेंट को रद्द करने के लिए नेशनल फ्रंट को पूरा समर्थन दिया और इसी सदन में हम लोगों ने इस बात पर सहमति व्यक्त की कि अगर पंजाब में शांति कायम करने में 59वां कांस्टीट्यूशन अमेंडमेंट आड़े आता है तो उसे वापस लेना चाहिए और हमने उस बिल को वापस लिया। महोदय, यह सफर था दिल्ली से दौलताबाद का। मोहम्मद-बिन-तुगलक को मदद दी गई कि दिल्ली से राजधानी उठाकर दौलताबाद ले जाए पर उस वक्त हमने यह भी कहा था कि देखो तुगलक यह दिल्ली से दौलताबाद, राजधानी जा नहीं सकती। आज फिर वही बिल हमारे सामने आया है।

**कुमारी सईदा खातून (मध्य प्रदेश) :** चमड़े के सिकके भी चलाए थे ... (व्यवधान)

**श्री सुरेन्द्रजीत सिंह अहलुवालिया :** महोदय, तो फिर वही बिल हमारे सामने आ गया यानी दौलताबाद से दिल्ली वापस आने का सफर शुरू हो गया। तो यह तुगलक का कल कितने दिन चलेगा, मुझे इसमें संदेह है। कैसे चलेगा मुझे जरा संदेह होता है, क्योंकि बड़ा अफसोस होता है कि जब इस मुल्क के प्रधानमंत्री राजा विश्वनाथ प्रताप सिंह जी बड़े नाटकीय ढंग से नाटक करते हुये अंग-अंग नचाते हुये कहते हैं कि मैं खुली जीप में अमृतसर घूमकर आया। महोदय, मैं आपको याद दिलाना चाहता हूँ कि 7 दिसम्बर, 1989 को मुल्क के प्रधानमंत्री राजा विश्वनाथ प्रताप सिंह स्वर्ण मंदिर गये और उसका बड़ा ही प्रचार हुआ कि वे खुली जीप में घूम, बिना सिक्योरिटी के गये, कोई नहीं था उनके साथ। पर मेरे से सहमत होंगे हमारे गृहमंत्री महोदय जिन्होंने लिखित जवाब में यह माना कि नहीं साहब,

[ श्री सुरेन्द्रजीत सिंह अहलुवालिया ]

सुरक्षा की व्यवस्था की गयी थी, यह झूठ है। राजा विश्वनाथ प्रताप सिंह ने जो बात कही है कि मैं बिना सिक्कोरिटी के गया था वह झूठ है, यह गृहमंत्री मानते हैं और गृहमंत्री ने 27 दिसम्बर को पवन बांसल जी के एक सवाल के जवाब में कहा ... (व्यवधान)

SHRI V. GOPALSAMY (Tamil Nadu): There was no bullet-proof arrangement.

डा० रत्नाकर पाण्डेय : (उत्तर प्रदेश):  
गृहमंत्री सच बोलते हैं।

श्री सुरेन्द्रजीत सिंह अहलुवालिया :  
गृहमंत्री सच बोलते हैं, उन्होंने सच कहा,  
सच जवाब दिया। (व्यवधान)

SHRI V. GOPALSAMY: There was no bullet-proof arrangement.

श्री सुरेन्द्रजीत सिंह अहलुवालिया: चारों  
तरफ बुलेट ही बुलेट थी, बुलेट प्रूफ के  
अरेजमेंट की कोई जरूरत नहीं (व्यवधान)

THE VICE-CHAIRMAN (DR. G.  
VIJAYA MOHAN REDDY):

No interruptions, please.

डा० रत्नाकर पाण्डेय : मरहम लगा रहे  
हैं।

श्री सुरेन्द्रजीत सिंह अहलुवालिया: महो-  
दय, शुरुआत तो स्वर्ण मंदिर से हुई कि  
ओपन जीप में घूमकर आये। पूरी दुनिया को  
बताया कि पूर्व प्रधानमंत्री राजीव गांधी जो  
पांच साल में नहीं कर सके, मैंने पांच दिन  
में कर दिखाया। बड़े नाटकीय ढंग से  
पेश किया गया उसे और लोगों ने सराहा।  
पर मुझे अफसोस होता है इस मुल्क के  
लोगों पर और खासकर पत्रकारों पर  
जिन्होंने अपनी आंखों से सारी चीजें देखी,  
उसके बावजूद आज भी लिखते हैं कि वे  
बिना सिक्कोरिटी के घूमते हैं। महोदय,  
यही बात खत्म हो जाये बड़ा अच्छा था,  
पर उसके बाद 19 दिसम्बर, 1989 को  
देवी लाल जी एक स्टेटमेंट देते हैं, कहते

हैं "पंजाब प्रोब्लम इज ए पालिटिकल  
प्रोब्लम" साहब, प्रोब्लम अगर पालिटिकल  
प्रोब्लम आपने एक्सेप्ट कर लिया तो  
पालिटिकल प्रोसेस क्यों नहीं शुरू करते?  
पालिटिकल प्रोसेस कैसे शुरू होता है?  
आप विधान सभा के चुनाव नहीं करा  
रहे। अगर आपको शक है, शुबहा है,  
पंचायती चुनाव शुरू करें, क्यों नहीं करते?  
म्युनिस्पल कॉर्पोरेशन के चुनाव शुरू करें,  
क्यों नहीं करते? आपको इस पर बिचार  
करने की जरूरत है। कब तक धोखा देंगे  
अपने आपसे।

महोदय, बात वहां भी खत्म नहीं हुई।  
उसके बाद 11 जनवरी, 1990 को  
सद्भावना रैली बुलाई गयी लुधियाना  
में। सद्भावना रैली में कांग्रेसी नहीं पहुंच  
सके। उससे पहले देवी लाल जी ने स्टेटमेंट  
दिया कि अगर कांग्रेस का कोई भी सदस्य  
यहां पर आयेगा तो वहां अकाली नहीं आयेगे  
और खास करके सिमरनजीत सिंह मान नहीं  
आयेगा और शायद पंजाब का मसला हम  
हल न कर सकें। हमारे नेता राजीव गांधी ने  
फैसला किया कि पंजाब के फैसले में अगर  
हम अड़चन हैं, हमारे वहां उपस्थित रहने  
से यदि किसी को कोई एलर्जी है, कोई  
तकलीफ है और कोई बाधा होती है तो हम  
बाधक नहीं बनना चाहते। हमने फैसला  
किया कि हम उस सद्भाव रैली में नहीं  
उपस्थित होंगे। पर उसके बावजूद भी  
आप सिमरनजीत सिंह मान को उस स्टैज पर  
नहीं ला सके। एयरपोर्ट पर जरूर आपने  
फूल की मालायें पहनलीं और उनको भी  
चढ़ा दीं, पर आप उन्हें स्टैज पर नहीं ला सके।  
महोदय, वहां पर भी आपने बड़े गर्व से कहा  
कि मैं पंजाब आया हूं अपने दिल की  
तिजोरियां खोलने के लिये। यह दिल का  
मामला है, यह इमोशन का मामला है, मैं  
पंजाब के वीर जवानों के सामने अपने दिल  
की तिजोरियां खोलने आया हूं और दिल की  
तिजोरियां खोल डाली। दिल की तिजोरी  
खोल डाली .... (व्यवधान) ... (समय  
की घंटों) अभी शुरुआत हुई है। (व्यवधान)

THE VICE-CHAIRMAN (DR.  
G. VIJAYA MOHAN REDDY):  
The time factor is also to be taken  
into consideration. Your party has

been allotted time and other p?rty Members have spoken quite extensively. So, please conclude now.

**श्री सुरेन्द्रजीत सिंह अहलुवालिया:** बिजनेस एडवाइजरी कमेटी में आपने दो घंटे पंजाब के लिए देने का निर्णय किया लेकिन पंजाब की डेमोक्रेसी पर इतना बड़ा कूठारा-घात हो और हम कुछ न कह सकें यह वैसी बात है।

वहां दिल की तिजोरी खोल कर भी फैसला न कर सके और कहा कि नेक दित्री और नेक नियती का अभाव था इस मुल्क में इसीलिए पिछली सरकार पंजाब पर फैसला नहीं कर पा रही थी। अब हम नेक दित्री और नेक नीयती लेकर आये हैं अब हमें शांति का एक मौका दीजिए। जनता ने माना। न समर्थन मिला। बड़े नारे लगे : जो बोले सो निहाल सत् सरिया काल। और राजा विश्वनाथ प्रताप सिंह बिना किसी सेक्योरिटी के वहां घूम कर आये। उसके बाद फिर पंजाब का दौरा हुआ। 14 मार्च, 1990 को आप चंडीगढ़ पहुंचे। राजा विश्वनाथ प्रताप सिंह वहां गये। एक रैली को एड्रेस करते हुए आपने कहा कि एडवाइजरी पैनल ऑन पंजाब आप बनाने जा रहे हैं। आप कहते क्या हैं।

We do not want that people should be administered by files and papers alone. Let those who remain among masses, who understand their sentiments and feelings be associated with the Advisory Committee.

आपने बड़े नाटकीय ढंग से उसको पेश किया। (व्यवधान)

**श्री हरवेन्द्र सिंह हंसपाल :** चंडीगढ़ पंजाब नहीं है।

**श्री सुरेन्द्र सिंह अहलुवालिया :** चंडीगढ़ पंजाब की राजधानी है इससे इन्कार नहीं कर सकते। वहां आपने खड़े होकर यह वक्तव्य रखा :

Mr. V. P., Singh observed that for taking decision on crucial matters in the State, Jana Pakshya "people's opinion" was more important than merely seeking the views of political parties.

This is why I feel that there is need to constitute such an advisory committee to give it a peoples touch, he remarked.

Human blood is human blood and mother's tears are mother's tears, he said in an emotional voice.

बड़ी अच्छी बात है। मैंने कब कहा कि मनुष्य का खून जानवर का है। मैंने कब कहा कि मां की आंखों के आंसू मां के आंसू नहीं हैं डॉयन के हैं हमने भी वही कहा। आपने जिस जन-पक्ष की बात की है, पीपल्स ओपिनियन की, वह पीपल्स ओपिनियन, डेमोक्रेटिक सिस्टम बेल्ट से आता है, बेल्ट से नहीं। वह पीपल्स ओपिनियन बेल्ट से आता है, कंस्टीट्यूशन अमेंडमेंट से नहीं। वह पीपल्स ओपिनियन जनता की सरकार बनाने से आता है, प्रेजिडेंट रूल से नहीं। यह आपकी ही कहीं हुई बात है। यह मेरी बात नहीं है। यह हमारे नेता ने नहीं कहा। यह राजा विश्वनाथ प्रताप सिंह की बातें हैं। यह आने के पहले जरा राजा विश्वनाथ प्रताप सिंह ने क्या-क्या स्टेटमेंट दी हैं, वह पढ़ लें। (व्यवधान He is a Raja. Can you deny) बात यहीं खत्म हो जाती तो शायद किस्स खत्म हो जाता। पर 23 मार्च को शहीद भगत सिंह, सुखदेव और राजगुरु इनके बलिदान दिवस पर श्रद्धा के सुमन चढ़ाने के लिए हमारे उप-प्रधान मंत्री गये। उन्होंने बड़ी अच्छी बात कही। उन्होंने कहा—

"Come to power through the democratic system, not through bullet."

और जो यह धर्म युद्ध कर रहे हो, यह धर्म युद्ध का नारा बंद करो और न्याय युद्ध शुरू करो। यह न्याय युद्ध का नारा मैंने हरियाणा में शुरू किया था और पावर पर कब्जा किया। न्याय युद्ध की आवाज उठाओ। तुम्हारे बीच में जो यह कुर्सी युद्ध चल रहा है इसे बंद करो। कुर्सी युद्ध को रोकने के लिए क्या किया? मेरा फैसला सीधा है। मेरा धर्म भाई प्रकाश सिंह बादल है। प्रकाश सिंह बादल अगर चीफ मिनिस्टर बन सकता हो तो चुनाव हो सकते हैं और अगर प्रकाश सिंह बादल के चीफ मिनिस्टर बनने की संभावना कम हो

[श्री सुरेन्द्र जीत सिंह अहलुवालिया]  
तो प्रेजीडेंट रूल होता है। यह मैसेज है। अगर हम यही फैसला करते रहे और उन पर यह थोपते रहे तो आखिर हम कहां पहुंच रहे हैं? आपने गवर्नर बदला, हमने विरोध नहीं किया। गवर्नर ने सबसे पहला रिमार्क क्या किया कि पंजाब में डेमोक्रेटिक सिस्टम रेस्टोर करने की जरूरत है। यह गवर्नर का पहला रिमार्क है जो आपके कहने से पंजाब की साइकी को हम लोग से और आप लोगों से ज्यादा समझते हैं क्योंकि वे पंजाब के डर के अफसर रहे हैं। बात वहीं खत्म नहीं होती। हमारे पत्रकार बन्धुओं ने, जैसा कि पहले भी कह चुका हूं, टी.वी. पर दिखाई गई फिल्म सरसों के फूल देखने की जरूरत है। किस तरह से विभांत हो रहे हैं अखबार पढ़ने वाले लोग। आज उन्होंने सरकार को भी विभांत कर दिया है। एक आर्टिकल में लिखा है कि अगर पंजाब में चुनाव होते हैं तो सिमरनजीत सिंह मान की पार्टी पावर में आती है। अगर सिमरनजीत सिंह मान की पार्टी पावर में आती है तो वह एक ऐसा रिजोल्यूशन पास करेगी जैसा लिथुनिया की सरकार ने पास किया है, रशिया से अलग होने की बात कही है। इनको डर हो गया कि उन्होंने भी वैसा ही रिजोल्यूशन पास कर दिया तो क्या होगा। इसी डर और दहशत से वे पंजाब में इलेक्शन नहीं करा रहे हैं। आज इन्होंने यह बिल पेश किया है। इस बिल के आब्जेक्ट्स और रिजन्स में, हमारे में यह हिम्मत नहीं है कि इस चीज को स्वीकार करें। पंजाब में हालात पिछले सौ दिनों में बिगड़े हैं, बने नहीं हैं। इस बारे में एक लपज भी नहीं लिखा गया है। आब्जेक्ट और रिजन्स में यह पहला मुद्दा था जिस पर लिखने की जरूरत थी। नवम्बर 1989 में लोक सभा के चुनाव हुए। जैसा मेरे पूर्व वक्ता कह चुके हैं कि हिन्दुस्तान में बहुत सारी जगहों में इलेक्शन के दौरान बूथ कंपचरिंग हुई और लोग मारे गये। परन्तु पंजाब में इलेक्शन के दौरान एक भी घटना ऐसी नहीं घटी और लोगों ने अपना फुल मेनडेट दिया कौन सी पार्टी वहां पावर में आई और किसने सीटें हारी हैं, यह बात नहीं है। बात यह है कि लोगों ने अपने मताधिकार का प्रयोग किया है। या तो गृह मंत्री जी स्वीकार करें कि नवम्बर 1989 में जो चुनाव हुए वे उन्में बूथ कंपचरिंग हुई और लोगों को उनके

मताधिकार का प्रयोग करने का मौका नहीं दिया गया, दबाव में लोगों के वोट डाले गए हैं, या तो वे यह स्वीकार करें या यह स्वीकार करें कि वहां कंजीनियल एटमोसफियर है। इस टेक्नीकल वर्ड "कंजीनियल" की डेफिनिशन हमारे पास नहीं है। क्या कंजीनियल एटमोसफियर जो नवम्बर, 1989 में था वह आज नहीं है। अगर आज नहीं है तो उसके लिये जिम्मेदार कौन है? वह इसकी जिम्मेदारी लेकर फिर कांस्टिट्यूशन में अमेंडमेंट की बात करें तो बहुत अच्छा रहेगा। क्योंकि ना तो हम सेंटर में पावर में हैं, न गवर्नर को हमने बदला है, न वहां के होम सेक्रेटरी को बदला और न फाइनेंस कमिशनर को बदला और न चीफ सेक्रेटरी को बदलने की बात हम कर रहे हैं। ये सारे आपने बदले हैं।

श्री मुफ्ती मोहम्मद सईद: आपके आफिसर्स।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : आफिसर्स मेरे नहीं मुल्क के हैं। पर रिजल्ट क्या है। अगर मैं पेपर वेट यहां से उठाकर वहां रखता हूँ तो इसलिये रखता हूँ क्योंकि मुझे डर होता है कि कागज उड़कर चला जायेगा तभी रखता हूँ, अन्यथा नहीं रखता। पर आपने किसे उड़ने से रोका है। ये क्या चीजें उड़ रही हैं? शांति उड़ गई, सद्भांति उड़ गई, आप किस चीज को रोक रहे हैं? महोदय, मैं आपके माध्यम से गुजारिश करूंगा कि यह बिल पास करने से पहले कृपया इस पर विचार करें। यह एक बड़ी अच्छी पहल सरकार ने की है। कल मैंने और मेरे साथी ने कांस्टिट्यूशन अमेंडमेंट पर एक अमेंडमेंट फर्दर दिया था जिसका नोटिस आज गृह मंत्री साहब से भी मिल गया कि सरकार भी वैसा ही चाहती है। पर कल जब हमने अमेंडमेंट दिया था तब तक नहीं चाह रहे थे, तब तक चार साल के लिये ही छपकर आया था।

श्री मुफ्ती मोहम्मद सईद: कांसंसस।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : जब हमने साढ़े तीन साल की बात कही है तो आज गृह मंत्री का भी नोटिस आ गया है कि वे भी अमेंडमेंट चाहते हैं। बड़ी अच्छी बात है। पर मैं उनसे फिर गुजारिश करूंगा कि किन कारणों से अभी तक कंजी-



निश्चल आटमोसफियर नहीं है इसको भी इलोबरेट करके जनता को बता दें ।  
... (व्यवधान) ...

महोदय, मैं आपके माध्यम से सरकार से गुजारिश करूंगा कि नाटक करना बंद करें, पंजाब से मत डूबें, पंजाब की प्रेम की जरूरत है, पंजाब की सद्भावना की जरूरत है, पंजाब के नौजवानों को नौकरी देकर बहलाया नहीं जा सकता । आज भी पंजाब की पर कैपिटल इनकम कन्ट्री में सबसे हायस्ट है । पंजाब में और कोई दिक्कत नहीं है । पंजाब में स्कूल और कालेजों में मास्टर और मास्टरानियों को रखकर आप शांति स्थापित नहीं कर सकते हैं । पंजाब की सद्भावना चाहिये और उस सद्भावना को देखकर उनकी भावनाओं पर जो ठेस पहुंची है उसको ठीक करने की कोशिश करें, उस पर मरहम पट्टी लगाने की जरूरत है । तभी हम दिग्भ्रांत नवयुवकों को बार्डर के उस पार जाने से रोक सकते हैं और बार्डर के उस पार आने वाले संदेशों को रोक सकते हैं । महोदय, यही बोलकर मैं अपना वक्तव्य समाप्त करता हूँ । धन्यवाद ।

SHRI V. GOPALSAMY : Mr. Vice-Chairman, Sir, history will never forget the stupendous sacrifice by the people of Punjab defending the borders of our country and their spectacular performance in the field of sports and in the field of building up granaries. But my hon. friend Ahluwaliaji was describing the scenario in Punjab which is actually a malady which this Government has inherited from them. The problem of Punjab has been hanging fire since decades, from the days of Master Tara Singh, right from the days of the slogan of Punjabi Suba, but even after 20 years not a capital has been provided for the people of Punjab. This is a fact that when the process of alienation started in Punjab and among the misguided youth and there was loss of confidence and loss of credibility of the Government, you were at the helm of affairs in Delhi. So the people of Punjab could not get a capital which was assured for them. An assurance was given that Chandigarh would

be given to them. But what happened ? The late lamented Longowal had to come to sign the Accord. At what price ? He had to fall a prey to the assassin's bullets. Then what happened ? Mr. Barnala was elected. For the first time in the history of India, the hon. President, in his President's Address, applauded the role of the Chief Minister of a particular State. But what fate had Mr. Barnala to face after 45 days ? His Government was dismissed. Sir, I would like to ask my friend on the other side, was any attempt made to give solace and succour to those people who were in tears ? Was there any attempt to erase their tears ? You never cared for them. Because you are laughing at their tears, that is why you are sitting there today. You had the biggest majority, I should say a brutal majority. Even Pt. Jawaharlal Nehru did not enjoy such a majority as Mr. Rajiv Gandhi enjoyed in the Lok Sabha. Even Madam Gandhi did not enjoy such a majority. Only Mr. Rajiv Gandhi as a Prime Minister, enjoyed such a majority in the Lok Sabha. Because the whole country, the people of India, because of the unbearable shock at the demise of Madam Indira Gandhi, voted for you when they went to the polls. But today the scene has totally changed. People gave you the majority. When Madam Gandhi was assassinated, our party leader, the present Chief Minister there, gave a statement...

SHRI V. NARAYANASAMY : And you got a big zero in the election. You are saying that because of the death of Mrs. Indira Gandhi, we came to power in the Lok Sabha...

SHRI V. GOPALSAMY : I am telling you about the death of Madam Indira Gandhi...

SHRI V. NARAYANASAMY : We came to Lok Sabha with that massive majority because Congress was powerful, because Mrs. Indira Gandhi was our leader and because



[Shri V. Narayanasamy]  
Mr. Rajiv Gandhi was recognised  
as a great leader.

SHRI V. GOPALSAMY : I am  
sorry I cannot give you sense and  
understanding. I am saying that  
people voted for you because of their  
sympathy for Madam Gandhi. I  
said, because of the demise of Madam  
Indira Gandhi, people when they  
went to the polls, they voted for  
you. And you are saying, no they  
did not vote because of sympathy for  
her but it is because of the dynamic  
personality of Mr. Rajiv Gandhi  
that people voted for you. That is  
your argument. That is why you  
have been thrown out. That is the  
reason.

SHRI V. NARAYANASAMY:  
Don't twist facts.

THE VICE-CHAIRMAN (DR.  
G.VIJAYA MOHAN REDDY) :  
No interruption please.

SHRI V. GOPALSAMY :When  
Madam Gandhi was assassinated, I  
was quoting the statement of my  
leader that the Indian nation was in  
tears. But today we should admit the  
fact that the wife of the assassin and  
the father of the assassin have been  
elected to Parliament. The whole  
country voted for you because of the  
demise of Madam Indira Gandhi.  
But in Punjab, in the recent  
Parliamentary election, people  
voted for the widow and the father of  
the assassin. This is a fact. Therefore,  
a sense of alienation was injected into  
the minds of the people. Therefore,  
Sir, we have inherited the malady  
now. Is it possible to clean up these  
Augean stables that we have  
inherited from you, within such a  
short span of time ? So, this  
Government headed by Mr.  
Vishwanath Pratap Singh has taken  
the right steps in the right direction.  
I would like to ask Mr. Ahluwalia:  
Can you deny the fact that hundreds  
of thousands of people flocked the  
streets of Punjab when Mr. Vishwa-  
nath Pratap Singh visited Punjab ?

SHRI S. S. AHLUWALIA :  
Yes, yes ... (Interruptions)...

SHRI V. GOPALSAMY : The  
recent all-party meeting held at  
Ludhiana and other places were  
attended by thousands and thousands  
of people—40,000, 50,000, 70,000.  
You ask the people who went there  
and participated in those meeting.  
You ask your own friends. Even  
last Friday, when our Prime Minister  
could not attend the meeting, Mr.  
Inderjit was saying that 50,000 peo-  
ple attended that meeting. It was  
the biggest public meeting.

SHRI V. NARAYANASAMY:  
It was of the freedom fighters.

SHRI V. GOPALSAMY : Be-  
cause today there is a healing touch  
coming from the Government,  
slowly a sense of confidence is being  
built up in the mind of the people.  
Unless you conquer the hearts and  
minds of the people of Punjab, you  
cannot solve the problem. What  
happened to your trigger-happy Ri-  
beiro and your trigger-happy former  
Governor of Punjab, Mr. Sidhartha  
Shankar Ray ? Were they able to  
solve the problem ? It is not possible  
to solve the problem through guns.  
That is why the right steps pre being  
taken by the present Government in  
the right direction.

Sir, I do not wish Punjab to  
become the Ulster of India. The  
sense of alienation started years ago.  
History has registered what had  
happened. Who nurtured Bhin-  
dranwale ? Sant Longowal had to  
die but the promises which were given  
by the then Prime Minister were not  
honoured at all. So, the task before  
this Government is a tremendous  
task, it is a challenging task. Rehabi-  
litation of the victims of the Novem-  
ber 1984 riots in Delhi has started.  
But there was no attempt on the  
part of the previous Government to  
wipe their tears. Now, slowly a  
sense of confidence is being injected  
into their minds.

We do not support indefinite postponement of the election in Punjab. Sir, article 356 is always a Sword of Damocles hanging over the States. But, Sir, election should be held. You need not have the impression that elections will be postponed indefinitely. Steps have been taken in Punjab to inject a sense of confidence into the minds of the people there. Therefore, an unnecessary thing has become a necessary evil.

AN HON. MEMBER: Do you say that article 356 should be removed .. *(Interruptions)*..

SHRI V. GOPALSAMY : You have created these Augean stables which we have inherited from you. Is it possible to clean them up in a day or two ? .. *(Interruptions)*...

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) : Please conclude.

AN HON.-MEMBER : The time for voting has been fixed at 3 o'clock.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): That is why I am trying my best to see that the time given is followed by every speaker.

SHRI V. GOPALSAMY : The people have to forget all the crimes and wrong committed by the previous Government in Punjab. Then only could normalcy be restored. So, it is their own making, this malady.

SHRI M. M. JACOB (Kerala) ; You are speaking only about the previous Government. Do you have any plan of action ?

SHRI V. GOPALSAMY : The plan of action is the rehabilitation and about the 1984 riots we are taking right steps. These are correct signals from this Government.

You have done nothing. You had given promises to Mr. Longowal. He had to die.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) Please conclude.

SHRI V. GOPALSAMY : You did not take any steps to solve those problems. That is why, Sir, today this Government is taking right step .

At the same time, I would like to make a request to the Government. The earlier they hold election, the better it would be. They will hold elections. They are not going to wait for another twelve months or another ten months. I hope this Government will not bring another amendment to this House. I hope elections would be held at the earliest possible time.

Thank you.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) : Shri Santosh Bagrodia. Let us attempt to be very brief because the time is up. I request every speaker to adhere to the time given to him.

SHRI SANTOSH BAGRODIA (Rajasthan) : Sir, I will try to speak as fast as I can.

Mr. Vice-Chairman, Sir, when I was going through this Constitution (Sixty-Fourth Amendment) Bill, 1990 this morning, in the Statement of Objects and Reasons I found :

"The prevailing circumstances in the State do not hold out good prospects for free and peaceful election to the State Legislative Assembly. The representatives of various political parties who attended the All-Party Meeting convened by the Governor of Punjab at Chandigarh recently were also of the view that congenial conditions

[Shri Santosh Bagrodia]

should be created first before holding the elections to the State Legislative Assembly."

I felt extremely sad and sorry. It was only a few months ago that after continuous efforts of the past Government we could create a situation in Punjab in which the Parliament elections could be held very peacefully. Not a single complaint was ever received. Which group won, whether Congress lost or Congress won, was not material. The fact remains that the elections were held more peacefully in Punjab than in Haryana or in Bihar or in some parts of U.P.

When we held the Assembly elections all over the country, It was thinking that the new Government, as per its own manifesto, would hold elections in Punjab. I was very sad again when I found that there were no elections in Punjab and no reasons were given. There were no election in Punjab because not a single M.P. they could get in the Parliament election from Punjab, because they knew that they would have very difficult times in Punjab and that some other party or some other individual would rule that part of the country, which is not convenient to them. It was only for political reasons.

It was absolutely dramatic when we say or when the Government says that the Prime Minister moved in Amritsar in an open jeep. I was one of those who admired it. I said that the days of Pandit Nehru had come. Pandit Nehru used to move all over the country in an open jeep. I was very happy. It is immaterial again who rules the country. We want as Indian citizens a peaceful India where every individual can move in an open jeep. But again I felt very sad that after a few days only there was heavy security provided thousands and thousands of miles away for the daughter of the Prime Minister in the State of West Bengal, in Calcutta where there

was no communal fight. Even during the worst of times not a single Sikh or Hindu died because of communal fights in West Bengal. But heavy security was provided for the daughter of the Prime Minister. I would like to know from the Home Minister if the situations has changed, if the terrorists have gone from Punjab to West Bengal that security for the daughter of the Prime Minister was required. I want security for every individual citizen of the country.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):  
Please conclude.

SHRI SANTOSH BAGRODIA:  
Sir, I have not even started.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):  
Your party has consumed more than double the time. What can I do ?

SHRI SANTOSH BAGRODIA :  
I am not trying to repeat any point, Sir.

When I say the conditions have deteriorated, my learned colleagues or my friends on the other side, especially my elder sister, Kanak Ji or Shri Gurupadaswamy have said that they have inherited the situation. Nobody told them to fight for election. They opted for it. They wanted to rule the country and the State of Punjab. It was inherited. All right. But your Finance Minister was very good when he said that he could not harp on saying that he has inherited this and that. You cannot continue with this kind of argument for all time to come. You cannot continue with, this argument. Whatever you have inherited you have now to prove yourself by your own work.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) ; Please conclude.

**SHRI SANTOSH BAGRODIA:**

Please give me one minute more. I know with your double or triple ringings, I will have to stop. I only want to say. सारा हिंदुस्तान जल रहा है। होम मिनिस्टर साहब अभी-अभी आवाज गए, मिजोरम गए। हमारी नार्थ ईस्टर्न स्टेट्स जो कि "सेवन सिस्टर्स" कही जाती हैं, वे नवम्बर तक बड़ी शांतिमय थीं लेकिन आज वहां पर भी लोग परेशान हैं। लोगों को मारा जा रहा है। मैं होम मिनिस्टर साहब से गुजारिश करता हूँ कि वे कुछ उधर भी ध्यान दें नहीं तो जिस तरह से काश्मीर में और पंजाब में एक्टिविटीज चल रही हैं, सारे हिंदुस्तान में नक्सलाइट एक्टिविटीज बढ़ रही हैं। जो बाघा डालनेवाली शक्तियां हैं वे उपर आ रही हैं क्योंकि उनको मालूम है कि आज की सरकार कुछ नहीं बिगाड़ सकती। मेरी विनती है कि हमें शांति से रहने दें। हम शांति प्रिय हैं। आपको कुछ शांतिपूर्ण काम करना पड़ेगा। मैं पुलिस ज्यादाती की बात नहीं कर रहा हूँ, मैं ऐसी बात नहीं कर रहा हूँ कि बंदूक से आप कुछ काम करें। आप कुछ ऐसा काम करें कि हिंदुस्तान में शांति हो और हम सब आपन जीप में घुम सकें।

**DR. JINENDRA KUMAR**

**JAIN (Madhya Pradesh):** I have been given very few seconds to make my speech, but I would try to make my points briefly.

I rise in the House to support the Sixty-Fourth Amendment Bill. But I am not very happy in doing it because our party does not believe in postponement of any event which is a democratic exercise. But we have decided to do it in the interest of peace and we are not looking at it in a partisan manner. Last time when a similar amendment was moved by the Congress Party, in the interest of the country and the interest of the Punjab, we had supported that amendment also. Again, we are supporting this amendment and beg for peace. We beg for understanding. I am

pained to see when two parties are just throwing stones at each other, trying to derive what, I do not know. I don't know whether I am authorised, but I want to give a piece of advice to some of my friends in the Congress Party. They are too much obsessed with the name of Vishwanath Pratap Singh. I would advise them that they should reconcile themselves to the loss of Vishwanath Pratap Singh from their ranks. You did not deserve him. Come to the problem of Punjab and look at the human part of the problem of Punjab. Don't look at the problem of Punjab as the problem of Sikhs or the problem of Hindus. All the citizens of Punjab are the citizens of the country and they are all human beings. The kind of conditions that are prevailing in Punjab today are not good. They are not good for anybody. We must put our heads together to solve the problems. We have been very candid about expressing our views. We have tried to speak the truth and in the process we have been shedding our blood and scores of our partymen have even sacrificed their lives in the hope of gaining peace in Punjab. Why I said that I am very unhappy while supporting this motion, I said that it is a candid admission on the part of the Government that the conditions do not exist in Punjab today for elections to be held there. But I don't blame the Government for this situation. I compliment them for being honest about it. They inherited this situation. My honourable colleague just now said, well, they inherited it but these were created and these were created not in one day but over a decade and the ruling party Members must be honest, must be brave in not trying to shield the culprits of yesterday who created the situation. I refer to a speech made by an hon. Member in this very House last week. After all we must segregate the elements of the problem of Punjab. There are administrative problems. There

[Dr. Jinendra Kumar Jain]

are political problems and there are social problems. Now, there is some linkage at some level but let us not mix those problems in one bag. The administrative problems are different from the political problems—like we have always been saying that all Sikhs are not terrorists. Similarly, all terrorists are not politicians. I do not understand why the Government should be soft towards terrorists. The terrorists are the enemies of any civilisation. They must be handled strongly. I refer to the speech made by one of the Members of the ruling party last week. He is a very senior Member of the ruling party and a great Member. He must have had some access to information. He classified terrorists in three categories. For the sake—of my point, I repeat. He says there is one class of terrorists who have linkage with the enemy country or other country across the border. They get arms, sophisticated arms and financial and other kind of support from a neighbouring country. If these are the terrorists, whether they are Indian nationals, I do not know, but on the pay-rolls of enemy country, in other words, they are playing the game of the neighbouring country not friendly to our country or they are the foreign nationals playing havoc with the peace of our country, why should they not be dealt with severely? What is wrong in the use of Army or the military against the foreigners who are playing havoc with the peace of our country? We do not believe in using the Army against our own citizens but why should you hesitate (interruptions)....

AN HON. MEMBER: It is his maiden speech.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): I have already explained... (Interruptions)... Carry on.

DR. JINENDRA KUMAR JAIN: I am a disciplined man. I will abide by your order.

The second category of the terrorists that the Member had said are those who are encouraged by the people who do not want peace in Punjab and he said that there is a report that these terrorists have linkages with yesterday's rulers. Why should the Government be hesitant in exposing such mischievous elements who with a view to attain their political objective get innocent citizens killed and citizens who have got nothing to do with this and they become passive victims of this process? The third category of terrorists are the hard-core criminals. Sir, I want to make a plea here, let terrorism be not condoned under the garb of political differences. Terrorism is not a political problem. Terrorism is an administrative problem. It is the responsibility of the Government that citizens' life, property and their dignity have to be protected. It is the minimum that a Government owes to any citizen in the land should be given to them. Today, the conditions in Punjab are very very bad. There is absolute anarchy in many places. After 7.00 P.M. not even the police dares to come out and do their normal police functioning. When this is the condition, if somebody can say that elections can be held, I am amazed. Some of the Members from the Congress party cited an example of the recently held Lok Sabha elections to be an example of free elections. I do not know what they are trying to say? The elections were held 3.00 P.M. and the people who got elected have not been able to take even oath. Under what pressure? And the people who took oath, their lives have not been safe. Who had done it? Again, you are talking of holding elections under this kind of a reign of terror and fear. Don't we know that even if we try to hold elections in such circumstances,

it will not be possible? Everybody knows that if one person is killed out of the candidates, the election will be countermanded and how many persons are being killed everyday, don't we know? Let us not try to blame each other. Let us have a humane angle to the whole problem of holding of elections in Punjab and let us try to resolve it not from a partisan angle but from a national angle. One hon. Membsr from the Congress party, Shri Harvendra Singh Hanspal, named my party by saying that the BJP has no stake in Punjab. He comes from Punjab but I do not. But I was sorry to see this kind of patent ignorance on his part. He himself said that the B.J.P. have got substantial votes in the last election and he should know that whenever there have been the peaceful periods in Punjab, they were periods when the Governments were shared by the Akalis and the Jan Sangh or the BJP people. We have always been working to build peace in Punjab and we have always been trying to do it sincerely. Our role for the growth and prosperity of Punjab is either while we are in the Government or wherever we are is well known. So it is a wrong thing to say that the BJP has no stake in Punjab. It is not a matter of stake only in Punjab. It is a question of trying to be honest political workers... *(Interruption)*

SHRI HARVENDRA SINGH HANSPAL: I do not want to interrupt you in your maiden speech but I did not use the word, 'stake' for BJP. I said, 'Janata Dal has no stake in Punjab.'

DR. JINENDRA KUMAR JAIN: I do not even subscribe to that view. I am happy that you have withdrawn your words. Sir, the problem of Punjab should be taken that way and with this remark, I close my speech. Thank you.

SHRI GURUDAS DAS GUPTA: Sir, I am sorry that the lofty role that the Leader of the Opposition had assigned to his party does not seem to be reflected in the subsequent deliberations because an attempt has been made in the subsequent stage of the discussion to score narrow political points even on such a national issue like that of Punjab. This is like the role of Nero while Rome was burning. May I know when wisdom shall dawn on us to realise that united we stand and divided we fall? It is our common experience that an attempt was made single handedly to defuse the situation in Kashmir and in Punjab by the previous Government and it is our common experience that these attempts did not succeed. Therefore, there is only one conclusion that there has to be a national endeavour, national consensus to solve the pressing national problems like Kashmir and Punjab. Sir, I rise to support the Amendment of the Indian Constitution with a heavy heart and with a pinching conscience because I believe that another dose of Presidential rule and another phase of halting democratic process in Punjab will not be a palliative for the recovery of the patient. That is not only the experience in our country, but that is also the international experience. If you have to fight terrorism, if you have to fight secessionism... it is basing and relying on the strength of the people that one can confront the greatest evil. Since there has been a national consensus, I do not arrogate to myself the task of going against the national consensus. Therefore, I seek to support this Amendment with a heavy heart. I can hardly believe that after six months or even one year, the situation will not be in Punjab as it is today. It is mainly and essentially on the role of the common people, it is essentially and mainly on our success to the extent we are able to develop a popular opinion in

[Shri Guindas Das Gupta]

Punjab that the situation can change to a substantial degree. Sir, I believe that further suspension of the democratic process will only bring about another spurt of alienation which may help terrorism to survive. Therefore, it is not by *the tail* that you have to take the bull; it is by the horns that you have to take the bull. While

- we seek to take steps \_\_\_\_\_

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): Please conclude now.

SHRI GURUDAS DAS GUPTA: While we seek to take steps for the revival of the Assembly in Kashmir, we are doing just the opposite in Punjab. Even then, since there has been a national consensus, I stand by the national consensus and I beg to support the provisions of the Amendment that the Government has brought for war. Thank you.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY). Hon. Minister (*Interruptions*). We had fixed it for 3 O'clock. It is already 3.05 p.m. (*Interruptions*). All right. I will allow you. But please confine to the time limit.

SARDAR JAGJIT SINGH AURORA (Punjab): Sir, I gave my name yesterday.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): I will allow you to speak. Please confine to the time limit.

SARDAR JAGJIT SINGH AURORA : Mr. Vice-Chairman before I start my speech, I want to .. (*Interruptions*). Before I start my speech, I would like to clear a point. I had vigorously opposed the move to extend President's rule in Punjab and further delay in the holding of the Assembly elections in the all-party meeting held on 26th March. But the same

evening, it appeared in the news that the Akali Dal (Longowal) had agreed to it. Therefore, I got in touch with Sardar Barnala yesterday on the telephone. He told me that he had never suggested or agreed to the extension of President's rule in Punjab. All along he has been asking for the old Assembly to be reactivated. His case is already with the Supreme Court for a ruling.

My own view is, what I said during the meeting that I oppose it fervently and I think that an extension of President's ruling and delaying election is most unwise and fraught with dangers. Whatever you may say, if you have trust in the people of Punjab, how can you say that they will vote out of fear? The people of Punjab have stood up to onslaughts from outside and from inside like a rock and to mistrust them that any voting that will take place will be out of fear and therefore may not be correct, means you are not really trusting your people. My friend, hon. Hanspalji, has already given you the figures of the voting during the Parliamentary election that took place in November. I have mentioned these figures earlier on when I was talking about the Punjab Budget. Therefore the figures belie the fear of the people who voted, but it certainly shows that the Government is fearful. And this is not suited to the Government which has, up to date, shown great courage in bringing out innovations in the Government and opening, in sharing everything with the people its policies.

There is one other thing which I would like to mention here. We are being told that certain leaders privately come and say that this is not the right time for holding elections, but publicly they disown it.

Are you going to trust those people who do not have the moral courage to say publicly what their convictions are? To my mind, if you are going to go by their advice, you are being led astray and you are being advised incorrectly. Only the leaders who have the moral courage, can stand up win elections,—not by machination. I think, some of the aspects might not have been considered. I agree that in the present situation, there is a lot of violence. But I also maintain that if steps are taken today and sufficient new forces are moved into Punjab, the thing will improve. I say intentionally "new forces" because the old forces are there for a long time including the administrative organisation. They are set in their ways. They cannot see this problem from the political and human angle; they are only looking at it from the law and order angle. If the new forces are moved in, it is quite possible to control violence. And if you control violence, it is possible to hold elections; and if you trust the people, I am sure, they will not believe your confidence. The election results would be such that people want peace and they want those leaders who can really lead them from the front. Therefore, I would still appeal that please, don't bring about this 64th Amendment, but take courage in both hands and have elections. You will not be disappointed with the results, some of the leaders may be but those leaders are not worth being protected, those leaders are not worth being supported. Let the real leadership emerge from the people of Punjab. If it is not possible for the Government to hold elections for administrative reasons within the period available, then, let us go in for the lesser of the two evils and do reactivate the old Assembly which has life up to September. That would really give you another four months and during those four months there is no reason why Mr. Barnala and Mr. Badal can't get together; Give them a chance for four months to see what impact they make and whether the

are capable of winning the elections again. That would solve your problem because these are the leaders in whom you have faith. You give them a chance, but do give the people also a chance to have an elected assembly where they can go and get as least their problems and troubles solved, rather than have an extension of the police raj for another six months which, to my mind, would be extremely wrong and is unlikely to produce better results.

DR. NAGEN SAIKIA (Assam)  
Sir, I have to speak. Kindly give me a few minutes.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): I will give you a chance provided you confine yourself to the time allotted. Now, within two minutes, you finish.

DR. NAGEN SAIKIA: Sir, I rise to support the Bill because we do not have any other alternative but support the extension of the President's Rule in Punjab for another six months though we do not want it. I say this because, on the previous occasions also, we criticised the other Government the Congress (I) for clamping President's Rule in the State or extending the President's Rule in Punjab once more. But this time we have seen that the situation now prevailing in Punjab extension of the President's Rule for another six months and I am happy that Shiv Shankerji has also extended his support to this Bill. I am also happy to record here that in this way, for the first time in this House, a new example has been set to have the consensus of all the parties on major national political problems so that we can stand united and find solutions to those problems. i

There is only one point I want to make in this connection. In the all-party meeting also I suggested this we should think over the matter of having an advisory committee with representative of all the political parties. I suggested that



[Dr. Nagen Saikia] such an advisory committee should be constituted to help the Governor so that we can give an opportunity immediately to the representatives to get themselves involved in the day-to-day administration of the State and we can, in this way, start the beginning of the political process to hold elections within six months' time and we need not extend it for a further period of six months after the completion of this period.

With these words, Sir, I thank you very much for giving me a few minutes' time and I hope that normalcy would be there in Punjab and we [shall have fresh elections and a popular Government in the State. Thank you..

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) :  
Now, Mr. Salaria.

SHRI SHABBIR AHMAD SALARIA (Jammu & Kashmir) : Sir this Constitution (Amendment) Bill has been presented to the House for approval now when only a few months ago we had elections to the Lok Sabha. Therefore, *prima facie* there appears to be no good ground for such an amendment which will take away the rights of the people to elect their representative to the Assembly.

One more thing which has to be taken into consideration is that we are talking of reviving the Assembly that we dissolved wrongly in Jammu and Kashmir and, at the same time, we are talking of not having an Assembly in Punjab. I think these are self-contradictory stands which should not have been taken. Sir, I do not have much time to make my submissions clear or elaborate them and, therefore, I will only make my points.

In Punjab, the elections which were held to Parliament were elections which were free and fair because from the figures it appears that 31 per cent of the votes went to Mann

Group and the remaining votes to the other political parties. Therefore, there appears to be no reason why we should not have elections to the Assembly in Punjab. Then, if you are not going to hold elections there, are you not succumbing to the tactics of those who would not like to have elections in Punjab ? Or, can you give us a guarantee that they will give up these tactics after six months ? You cannot. Therefore, instead of succumbing to that, you should start the political process. Otherwise, it means they are holding you to ransom. Or, give us a guarantee, give us an assurance, that after six months, you will not come here with another Amendment Bill so as to provide for a further extension of the President's Rule in Punjab. I would like to submit further that experience in Kashmir has shown that whenever you have promulgated Governor's Rule or President's Rule, things have worsened. What has happened now ? The trouble in Kashmir has spread to Jammu Province. We are having now communal riots in Jammu is under curfew and this is the gift we have got by Governor's rule in J & K. Therefore, the sooner you do away with Governor's rule and hold election in Punjab, the better, or, in the alternative, as Mr. Jagjit Singh Aurora, pointed out, very wisely why don't you then revive the Assembly in Punjab, maybe, only for four months. At least the process may be set in motion.

श्री राम अवधेश सिंह : उप-सभाध्यक्ष महोदय, हम लोग चाहे और अनचाहे उपवादियों की भ्रष्टा चुनाव में विलम्ब करके पूरा कर रहे हैं क्योंकि उनकी यही इच्छा है और वे यही देश को और दुनिया को जताना चाहते हैं। दिल्ली में जो भी सरकार बैठती है, चाहे वह कांग्रेसी हो या गैर-कांग्रेसी सरकार हो, वह चुनाव नहीं करेगी और पंजाब के साथ न्याय नहीं करेगी। उनके प्रचार को हम लोग मजबूत करते हैं चुनावों में विलम्ब करके। आप जानते हैं कि पिछले जितने बार यहाँ पंजाब

का बजट पेश हुआ तब-तब ये लोग जब वहां थे तो यहीं मांग करते थे कि जल्दी चुनाव कराओ और हम लोग भी जो अब इधर आ गये हैं वही करते थे। उनकी मंशा थी, जो उनकी नियत थी, जो ओरिजिनल प्रस्ताव था, एक वर्ष के लिए करते, लेकिन तीन वर्ष के बाद पांच वर्ष का कर दिया। हमारी नियत क्या है? हमारे भीतर कितना डर बैठा हुआ है। हम तो कहते हैं कि जनता डरी हुई है। असल में डर तो इस सरकार में बैठा हुआ है। सरकार अपने डर को कहती है कि जनता डरी हुई है..... (समय ती घंटों)। महोदय, इस पर दो घण्ट बहस में बर्बाद हो गये जब कि मेजर अपोजिशन पार्टी राजी हो गई थी छः महीने बढ़ाने के लिए तो हमें इसको बिना बहस के पास करना चाहिए था। यहां पर एक मिनट में 75 हजार रुपये हम खर्च करते हैं। इस प्रकार से पौने दो करोड़ रुपया नाहक ही खर्च हो गया। प्रतिपक्ष भी चाहता था कि इसको छः महीने बढ़ाया जाय और तब इस बहस की गुंजाइश नहों थी। आप जानते हैं कि 75 हजार रुपये प्रति मिनट जो खर्च होता है वह भी कहीं होता। लेकिन मैं अनिच्छा से इस बिल का समर्थन करता हूं।

श्री मुफ्ती मोहम्मद सईद : वाइस-चेयरमैन साहब, यहां खासकर हमारे अपोजिशन के कांग्रेस के साथियों ने यह बताया कि मौजूदा सरकार और खासकर प्राइममिनिस्टर ने इतनी कोशिश की कि पंजाब के लोगों में विश्वास पैदा किया जायें और यह बात सही भी है कि प्राइम मिनिस्टर बनने के बाद उन्होंने पहला विजिट अमृतसर का किया और उनसे जब कहा गया कि आपके आने का मकसद क्या है तो उन्होंने कहा कि मैं जल्म पर मरहम करना चाहता हूं। उन्होंने यह भी कहा कि जो खून बहा है पंजाब में, हिन्दू का बहा है, सिख का बहा है, वह हिन्दुस्तानियों का बहा है और इस खून को हमें आसुओं से धोना है। मैं बताऊंगा कि कितने कदम, कितने स्टेप उठाये गये, पंजाब में जो स्थिति

थी उसको ठीक करने के लिये लोगों में कांफिडेंस और विश्वास पैदा करने की कोशिश की गई। लेकिन आज का जो यह जो फैसला है, हमारी सरकार इस फैसले से खुश नहीं है। यह बहुत तलख फैसला है। हम जिस जम्हूरी भारत में, हिन्दुस्तान में रहते हैं वहां के एक हिस्से को, जिस हिस्से ने मुल्क की आजादी में और आजादी के बाद मुल्क को बनाने में बड़ा रोल अदा किया, उन लोगों को जम्हूरियत के हक से महसूस कर रहे हैं। लेकिन ऐसी समस्या, मैंने दो-तीन महीने पहले यहां भी कहा था कि इतनी आसानी से किसी समस्या का समाधान नहीं होता। जब राजीव जी ने लोंगोवाल के साथ अक़ाई किया तो मैंने यह समझा कि जो समस्या इंदिरा जी अच्छे ढंग से हल नहीं कर पाई, बहुत अच्छा हुआ कि वहां के लीडर के साथ एक अक़ाई हुआ, एक एग्रीमेंट हुआ। लेकिन बाद में समझ में आया कि शायद इंदिरा जी ज्यादा गहराई से मुल्क के सामने जो समस्या थी उसको जानती थीं और ऐसी समस्याओं का समाधान इतने आसान तरीके से नहीं होता है। मैं समझता हूं कि प्रजेंट प्राइम मिनिस्टर जो हमारे हैं, उनमें भी एक किस्म की मैजोरिटी है। फौरन इलेक्शन में जाओ और कहो कि सब ठीक हो जायेगा यह भी सही बात नहीं है। जो इलेक्शन में बातें होती हैं, इलेक्शन के बाद कोई चीफ मिनिस्टर बना, जैसे बरनाला के सामने क्या समस्या थी। एक रिप्रजन्टे-टिव चीफ मिनिस्टर, लोगों का चुना हुआ आदमी था। लेकिन कंट्रोल नहीं कर पाया। मैं उस वक्त कैबिनेट में था जब हमने लिखकर भेजा, बरनाला का नाम लेकर कि वह बड़ा देशभक्त आदमी है। उस वक्त जैलसिंह ने ऐतराज भी किया था, कि नाम किसी का नहीं लेना चाहिये। लेकिन रिप्रजन्टे-टिव गवर्नमेंट के बाद वह सिचुएशन को कंट्रोल नहीं कर सका। मेरा यह कहना है कि हमारी नजरों से यह ओझल नहीं है। आज हम कश्मीर में वहां के लोगों को कहते हैं, गवर्नर साहब

[श्री मुफ्ती मोहम्मद सईद]

उठ-उठ कर कहते हैं कि फ्री एंड फेयर इलेक्शन बट देयर इज नो टेकर । आज पंजाब में ऐसा माहौल है, मोमेंटम है । वहाँ लोगों का एक बहुत बड़ा हिस्सा खुशहाली चाहता है, अमन चाहता है । जैसा मेरे साथी ने कहा कि मान ग्रुप को 31 परसेंट वोट मिले हैं और कांग्रेस को 29 परसेंट वोट मिले हैं । कांग्रेस दूसरी पार्टी है इसलिये इससे साबित होता है ।

We have no axe to grind.

हम नहीं कहते हैं कि हमारी सरकार आये । लेकिन वहाँ के लोग इलेक्शन चाहते हैं । जो कदम मौजूदा सरकार ने, नेशनल फ्रंट की सरकार ने वहाँ लिये हैं उससे लोगों में एक उम्मीद और आशा पैदा हुई है और आतंकवादी बिल्कुल ऐलीनेट हुए हैं । वहाँ पर कश्मीर जैसी समस्या नहीं है । जहाँ भी जाते हैं लोगों की भारी तादाद सुनने को आती है । हुसैनीवाला में हमारे दो जलसे भगतसिंह के नाम पर हुए । रास्ते में हजारों की तादाद में लोग इंतजार कर रहे थे । हमने काफी कदम लिये हैं जिनके बारे में यहाँ कह रहा हूँ । जो आर्मी से भागे हुए लोग थे, पूरे के पूरे हमने उनको रीहैबिलिटेड किया है । इसी तरह से 1984 के राइट्स के बारे में स्पेशल कोर्ट हमने बनाया है और जो 1617 लोग जेलों में थे, जिनके खिलाफ केसेज थे और जो सर्वेस्टिटेड नहीं थे, उनके केसेज हमने विद्वड़ा किये हैं । पंजाब का एनुअल प्लान जो है, जो पिछले साल 700 करोड़ का था, उसको इस साल 200 करोड़ रुपये स्टेप-अप करके 900 करोड़ किया है । लोगों की शिकायत थी कि वहाँ आतंकवादियों के साथ, टैरोरिस्ट के साथ अगर कहीं मुकाबला होता था तो आम लोग सारे जाते हैं । बहुत सारे लोग थे जो जेलों में थे जिनको हार्बरर कह रहे थे जो मजबूरी की वजह से कहीं फंस गये थे, जिनके खिलाफ कोई एवीडेंस नहीं था, उन सारे लोगों को रिहा किया गया । उससे जरूर लोगों में कामफोर्डेंस और अच्छा माहौल पैदा हुआ है । साथ साथ यह भी सही है कि

अबोहर में, फाजिल्का में बहुत सारे लोग मरे हैं और हमारी सिक्यूरिटी के पुलिस के बहुत से लोग तभी निशाना बने हैं । मैं कोई छिपाने वाली बात नहीं कहता, दो तीन महीनों से कुछ ऐसा माहौल है । जैसे 1988 में सब से ज्यादा किलिंग हुई थी पंजाब में, 1989 में कुछ कम हुई लेकिन इन दो तीन महीनों में आम इंसानों को निशाना बनाया गया जब मैं चुनाव कम्पेन में था तो मुझे उन दिनों पता चला कि पटियाला के एक कालेज में माइनार्टी कम्प्यूनिटी के स्टूडेंट जब अपने कमरों में सो रहे थे तो आतंकवादी वहाँ गये तथा उनको गोली मार दी । सलारिया साहब ने कह दिया कि अभी हम फैसला करें कि तीन महीनों के बाद इलेक्शन करना न, वह चाहे कुछ लोगों को मारें, इसका मतलब यह हुआ कि उन्हीं के हाथ में इनिशियेटिव है जो वह कहेंगे वहीं करेंगे, हमारे हाथ में इनिशियेटिव नहीं रहेगा । मैं आपको यकीन दिलाना चाहता हूँ कि मेरे ख्याल में यह 6 महीने भी ज्यादा वक्त होगा । हमें हर सूरत में पंजाब के लोगों का विश्वास हासिल करना है । यहाँ अरोड़ा साहब कह रहे थे कि गवर्नर साहब ने मुखर्जी साहब ने पहले यह कहा कि जल्दी चुनाव होना चाहिए । हमने कहा कि चुनाव कर लीजिए बल्कि दूसरी अस्सेम्बलीज के चुनाव के साथ कराना चाहते थे लेकिन उन्हीं की असेसमेंट के मुताबिक जो उन्होंने रिपोर्ट लिखी है । उनके यहाँ 13 मार्च को एक सारी पार्टियों की कांग्रेस हुई जिसमें कांग्रेस के नुमाइंदे भी थे शायद बेअत सिंह और सेवा राम अरोड़ा कांग्रेस के नुमाइंदे थे । वादल ग्रुप के भी थे । वरनाला ग्रुप के भी थे उन सारे लोगों ने मिल कर फैसला किया, एक नाइन प्वाइंट प्रोग्राम उन्होंने रखा है । उसमें सबसे ज्यादा इन्होंने कह दिया । (व्यवधान)

श्री सीताराम बेसरी: बी०जे०पी० के थे या नहीं?

श्री मुफ्ती मोहम्मद सईद: बी०जे०पी० के थे, सी०पी०आई० के थे, सी०पी०ए० आई० (एम०) के थे कांग्रेस पार्टी के भी थे । (व्यवधान)

श्री दीपेन घोष (पश्चिमी बंगाल) : राम अवधेश की पार्टी के नहीं थे । (व्यवधान)

**श्री मुफती मोहम्मद सईद :** : इसमें जो रिलेवेंट पोर्शन है, वह मैं कह देना चाहता हूँ।

"The participants felt that it was desirable to restore the democratic process in the State; but for this it was necessary that a congenial atmosphere should be first created."

यह तमाम पार्टियों की तरफ से जिसमें कांग्रेस भी शामिल है, उन्होंने भी यह बात कही, फिर गवर्नर ने रिक्मेंडेशन दी। यह बात ठीक है कि एज ए रिस्पॉसिबल अपोजीशन चाहे वह कश्मीर के बारे में सवाल उठा कि कैसे उसको ठीक करना है, उसे मुकाबला करना है, 59वीं अमेंडमेंट के बारे में भी जब प्राइम मिनिस्टर ने लीडर आफ दी अपोजीशन से बात की, उसमें उन्होंने सपोर्ट किया। हम कन्सेंसस में बिलीव करते हैं। हमारी कोई जिद नहीं है। पहले एक साल का रखा लेकिन फिर 6 महीने का रखा। हमारी यह कोशिश होगी। यह तो सरकार की कामयाबी होगी अगर पंजाब के लोगों को पापुलर गवर्नमेंट मिले क्योंकि व्बूरोक्रेसी को जो अख्तियार मिलता है, अफसरों का अख्तियार मिलता है उसमें वेस्टेड इट्रेस्ट भी होता है, वह ऐसा चाहते हैं, उसमें कोई अकाउंटैबिलिटी नहीं होती है लेकिन लोगों के नुमाइशों की सरकार हो जाएगी तो नेशनल फ्रंट की सरकार को उसमें सब से ज्यादा खुशी होंगी, जैसे आपको खुशी होगी। उसके लिए हम जरूर प्रोग्राम बनायें, आगे चलकर कोई स्ट्रेटेजी बनाने की जरूरत है ताकि जल्दी से जल्दी पंजाब में चुनाव हो। पिछले लोक सभा के चुनाव हुए मैंने अपने साथियों से इत्तेफाक नहीं किया, मैंने कहा कि खोफ का कोई सवाल नहीं। पंजाब में चुनाव की सूरत हम देखते हैं तो इन्द्र कुमार गुजराल जो जनता दल के हैं, चुनाव जीत गए। गुरदासपुर से कांग्रेस की एक उम्मीदवार चुनाव जीती। मगर हम कहें एक जगह गलत हुआ जहां आतंकवादी थे या दूसरी

जगह खोफ था, मैं इस बात से इत्तेफाक नहीं करता। कांग्रेस के उम्मीदवार तीन जगह जीते, जनता दल का उम्मीदवार एक जगह जीता, अमृतसर से एक आजाद उम्मीदवार जीता। मैं इस बात से इत्तेफाक नहीं करता कि वहां फेअर इलेक्शन नहीं था। लेकिन आम पार्टियों की यही राय थी कि जल्दबाजी से इससे काम नहीं लेना है थोड़ा सा और वक्त दिया जाये लेकिन इलेक्शन के वगैर कोई चारा नहीं है। पार्टीज हैव एग्रीड कि इसमें एक्स-टेशन की जरूरत नहीं है। मैं फिर इस-लिए इसरार करूंगा कि 6 महीने के लिए इसको बढ़ाया जाये। सरकार की तरफ से, हमारी तरफ से भी अमेंडमेंट यही है कि 6 महीने के लिए इसको बढ़ाया जाये।

**श्री हरबेन्द्र सिंह हंसपाल :** एक तो मैंने यह पूछा था कि कन्जेनियल एटमास्फेयर की क्या डिफिनीशन है। दूसरी बात आपने खुद ही कन्ट्राडिक्ट कर दी कि आपने कुछ वहां पर एक्शन किये, डेजटर्स को रिहैबिलिटेड किया, आपने 1984 के रायट के लिए बूछ करने का कहा, बूछ और काम किये। इसके बावजूद वहां पर किलिंग बढ़ गयी। अब आप क्या करने जा रहे हैं जिससे किलिंग रुके और वहां पर इलेक्शन हो सके। काइंडली स्पेल आउट और प्रोग्राम जिससे हाउस को यह महसूस हो सके कि आगे चलकर किलिंग घट जायेगी और इलेक्शन हो सकेंगे। काइंडली थ्रो सम लाइट आन इट।

**श्री मुफती मोहम्मद सईद :** जैसा मैंने पहले कह दिया पीपुल आफ पंजाब एण्ड आल पार्टीज वाट दैट देयर शुड बी पीस।

**श्री हरबेन्द्र सिंह हंसपाल :** मैं यह नहीं पूछ रहा हूँ। मैंने अपनी स्पीच में कह दिया था कि उन लोगों को उम्मीद है कि वे जीत नहीं सकते। इसलिए कह दिया। मैं तो यह जानना चाहता हूँ कि सरकार क्या करने जा रही है जिससे किलिंग घट जाये। सरकार क्या कदम उठा रही है जिससे पंजाब में किलिंग कम हो जाये और वहां पर इलेक्शन हो सकें।

श्री सुनील मोहन रेड्डी : इसके लिए सिमोरेटो प्रोसेस को जरा और सही ढंग से काम करना है और क्या।

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): There is one amendment by Shri S. S. Ahluwalia.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : उपसभाध्यक्ष महोदय, सभी सभी मंत्री महोदय ने बताया—मैं इस पर एक मिनट बोलूंगा—कि 13 मार्च को गवर्नर ने झाल पार्टी मीटिंग में और उसके बाद रिजर्वेशन भेजी कि चुनाव नहीं होंगे, अभी चुनाव नहीं हो सकते। कन्जेशनियल एटमोस्फियर का इंतजार करना है। पर 14 मार्च को राजा विश्वनाथ रातप सिंह और इस मुल्क के प्रधान मंत्री ने चंडीगढ़ में ही भाषण दिया और कहा मैं पीपुल्स ओपीनियन लेने की प्रथा शुरू कर रहा हूँ। उन्होंने कहा कि झाल पोलिटिकल पार्टी से दिसकंस कर के फिर बिसाइड नहीं करेंगे पीपुल्स ओपीनियन लेने की जरूरत है। मैं आपके माध्यम से गुजारिश करना चाहता हूँ कि यह स्टेटमेंट आफ आब्जेक्टिव्स एण्ड रीजन्स जो लिखा है इसमें जो कन्जेशनियल एटमोस्फियर की बात करते हैं इसमें छुपया यह जोड़ने की कृपा करेंगे—

—The Statement of Objects and Reasons of the proposed Bill should incorporate the following: "Since the law and order situation in Punjab has fast deteriorated after the last Lok Sabha elections due to the mis-handling of the affairs by the Government, continuation of President's Rule....

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): No, no. I want you to speak on your amendment.

SHRI S. S. AHLUWALIA: .... in the State is needed to be

महोदय इस बात को स्वीकार करने की जरूरत है कि आप आखिर किस मुद्दे पर किस रीजन पर... (व्यवधान) बोल कर

रहे हैं। उस मुद्दे को यहां पर लिखने की जरूरत है। वह आपने नहीं लिखा है। इस पर और करिए और इस पर और करते हुए आप इसको स्वीकार करें कि वे कम-जोरियां हैं क्योंकि आपने गवर्नर कहा, आपने अफसर बहसे। उसके पहले नवम्बर, 1989 को जो चुनाव हुए वे शांतिपूर्ण हुए, वहां कोई किलिंग नहीं हुई, वहां कोई आदमी नहीं मारा गया, कोई बूख कैम्पेस नहीं हुई। आपने खुद स्वीकार कि वहां फेयर इलेक्शन हुआ था। तो आज इस बात को लिखने में क्या दिक्कत है।

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): You have already spoken on this in the debate. Kindly confine yourself to the amendment.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैं इसका पूरा समर्थन कर के आपके सामने यह कहता हूँ।

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): Are you pressing your Amendment ?

SHRI S. S. AHLUWALIA : I am withdrawing it.

SHRI M. M. JACOB : He is withdrawing his amendment.

*The amendment was, by leave, withdrawn.*

THE VICE-CHAIRMAN (DR. G. VDAYA MOHAN REDDY): Now, the question is:

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

*The House divided.*

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):

Ayes ....  
Noes ....

156  
1

AYES—156

Ahluwalia, Shri S. S. Alia,  
Kumari Alva, Shrimati Margaret  
Amin, Shri Mohammed Amla, Shri  
Tirath Ram Amrita Pritam, Shrimati  
Anand Sharma, Shri Ansari, Shri  
Mohammed Amin Antony, Shri A.  
K.

Baby, Shri M. A. Bagrodia,  
Shri Santosh Balanandan, Shri  
E. Balu, Shri T. R. Bansal, Shri  
Pawan Kumar Barongpa, Shri  
Sushil Basumatary, Shri  
Amritlal Basu Ray, Shri Sunil  
Bekal Utsahi, Shri Bhardwaj,  
Shri Hansraj Bhatia, Shri  
Madan Birla, Shri Krishna  
Kumar

Chakravarty, Shrimati Bijoya  
Chatterjee, Prof. (Mrs.) Asima  
Chaturvedi, Shri Bhuvnesh  
Chaudhuri, Shri Tridib Chavan,  
Shri S. B. Chowdhary, Ram Sewak  
Chowdhry, Hari Singh Chowdhury,  
Shrimati Renuka

Das Gupta, Shri Gurudas Deepak,  
Shri Krishan Kumar

Faguni Ram, Dr. Femandes,  
Shri John F.

Gandhi, Shri Raj Mohan  
Ganesh war Kusum, Shri

Gautam, Shri Anand Prakash  
Ghosh, Shri Dipen Gopalan, Shri R.  
T. Gopalsamy, Shri V. Goswami,  
Shri Ramnarayan Gupta, Shri  
Vishwa Bandhu Gurupadaswamy,  
Shri M. S.

Hanspal, Shri Harvendra Singh  
Hashmi, Shri Shamim

Jacob, Shri M. M.  
Jadhav, Shri Vithalrao Madhavrao  
Jain, Dr. Jinendra Kumar  
Jani, Shri Jagdish  
Javali, Shri J. P.  
Joshi, Shrimati Sudha -Vijay

Kailashpati, Shrimati Kakodkar,  
Shri Purushottam Kaldade, Dr. Babu  
Kalvala, Shri Prabhakar Rao Kar,  
Shri Narayan Kesri, Shri Sitaram  
Khan, Dr. Abrar Ahmed Khaparde,  
Miss Saroj Khatun, Kumari  
Sayeeda Kidwai, Dr. Mohd.  
Hashim Kiruttinan, Shri Pasumpon  
Tha. Kollur, Shri M. L. Kulkarni,  
Shri A. G. Kunjachen; Shri P. K.  
Kuthiravattom, Shri Thomas

Lakshman, Prof. C. Lather, Shri  
Mohinder Singh Ledger, Shri  
David Lenka, Shri Kahnu Charan  
Lotha, Shri Khvomo

Maheswarappa, Shri K. G.  
Mahishi, Dr. (Shrimati) Sarojini  
Mahto, Shri Bandhu Majhi, Shri  
Prithibi Malaviya, Shri Radha  
Kishan Malik, Shri Mukhtiar  
Singh Manhar, Shri Bhagatxam  
Maran, Shri Murasoli  
Masodkar, Shri Bhaskar Annaji  
Mathur, Shri Manmohan  
Meena, Shri Dhuleshwar Mirza  
Irshadbaig, Shri Mishra, Shri  
Shiv Pratap Mohammad Yunus,  
Shri Mohan Singh, Shri  
Mohanty, Shri Subas Morarka,  
Shri Kamal Mukherjee,  
Shrimati Kanak Mukherjee,  
Shri Samar

Naik, Shri G. Swamy  
Nallasivam, Shri A.  
Narayanasamy, Shri V.  
Natarajan, Shrimati Jayanthi

Padmanabham, Shri Mentay  
Pahadia, Shrimati Shanti  
Palaniyandi, Shri M. Pande,  
Shri Bishambhar Nath Pandey,  
Shrimati Manorama Pandey,  
Dr. Ratnakar Panwar, Shri B. L.  
Patel, Shri Vithalbhai M. Patil,  
Shri Vishwasrao Ramrao  
Poddar, Dr. R. K. Puglia, Shri  
Naresh C.

Quasem, Shri Mostafa Bin

Radhakrishna, Shri  
dddddPuttapaga  
ddRafique \lam, Shri  
dRabman, Shri Mohd. Khaleelur

Raja Ramanna, Dr. Raju, Shri J.  
S. Ramachandran, Shri S. K. T.  
Ramamurthy, Shri Thindivanam K-  
Rao, Shri Moturu Hanumantha  
Rao, Shri Yalla Sesi Bhushana  
Ratan Kumari, Shrimati Rathwa,  
Shri Ramsinh Reddy, Dr.  
Narreddy Thulasi Richharia, Dr.  
Govind Das

Sahay, Shri Dayanand  
Sahu, Shri Baikutitha Nath  
Sahu, Shri Santosh Kumar  
Saikia, Dr. Nagen  
Salaria, Shri Shabbir Ahmad  
Salve, Shri N. K. P.  
Satya Bahin, Shrimati  
Sen, Shri Ashis  
Sen, Shri Sukomal  
Sharma, Shri Chandan  
Shiv Shanker, Shri P.  
Siddiqui, Shri Abdul Samad  
Singh, Shri Bir Bhadra Pratap  
Singh, Shrimati Pratibha  
Singh, Shri Ram Awadhesh  
Singh, Dr. Rudra Pratap  
Singh, Shri Surender  
Singh, Thakur Kamakhya Prasad  
Sinha, Shri Yashwant  
Sivaji, Dr. Yelamanqhili  
Som Pal, Shri  
Sreedharan, Shri Arangil  
Sukul, Shri P. N.  
Swamy, Shri Subramanian

Taimur, Shrimati Syeda Anwara  
Talari Manohar, Shri Thakur, Prof.  
Chandresh P. Thakur Jagatpal  
Singh Topden Shri Karma Tyagi,  
Shri Shanti

Upendra, Shri Parvathaneni

Vajpayee, Shri Atal Bihari  
Venkatraman, Shri Tindivanam G.  
Verma, Shri Kapil Verma, Shrimati  
Veena Viduthalai Virumbi, Shri S.

Yadav, Shri Ish Dutt  
Yadav, Shri Ram Naresh

NOES—1

Aurora, Sardar Jagjit Singh

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

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) : Now we shall take up clause-by-clause consideration of the Bill. There are two identical amendments. One is by Shri Pawan Kumar Bansal and Shri S.S. Ahlu-walia and the other is by the hon. Minister. I call upon the Minister to move his amendment since he is incharge of the Bill.

*Clause 2 (Amendment of article 356)*

SHRI MUFTI MOHAMMAD SAYEED: Sir, I move:

(2) "That at page 1, line 12, *for* the words 'four years' the words 'three years and six months' be *substituted*.

*The question was proposed.*

SHRI SUBRAMANIAN SWAMY: He should give an explanation why he has backed out.

SHRI PAWAN KUMAR BANSAL: Sir, the official member moving the Bill gets the precedence. but it does not preclude me from moving the amendment. So, I move the same amendment. (*Interruptions*). I hope you have no objection. Please say if you have any objection. So, I move my amendment.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): Identical amendments cannot be moved.

SHRI PAWAN KUMAR BANSAL: If that is so, kindly permit me to read out the rules. This amendment has to go in the name of the hon. Minister as well as the Member who is moving the amendment. If you differ with me, let me refer to the rules.

SHRI S. S. AHLUWALIA: We have submitted our amendment first.

THE LEADER OF THE HOUSE (SHRI M. S. GURUPADASWAMY): When a Member moves an amendment and if there is a similar amendment, identical amendment by another Member, then the amendment of the Member who is moving first has to be taken and the identical amendment which stands in the name of another Member need not be moved at all. That is the rule. Therefore, my colleague....

SHRI PAWAN KUMAR BANSAL: That is not the rule. Sir, before you give your ruling, permit me to have my say. Kaul and Shakhder need not be mentioned. I have gone through it. I have the rules before me. Kaul and Shakhder does not overrule the specific rules.

SHRI SUBRAMANIAN SWAMY : He should be given a choice to explain.

SHRI M. S. GURUPADASWAMY; May I say that if there are



[Shri M. S. Gurupadaswamy]  
several Members signing the same amendment...

SHRI PAWAN KUMAR BANSAL: Let it go in the names of all.

SHRI M. S. GURUPADASWAMY... the Chair always calls the Member who has moved the amendment first and he will not repeat the other names. Therefore, Sir, I request you to put the amendment of my colleague

SHRI M.M. JACOB: The first to move the amendment was Mr. Bansal. That is why he got up first.

SHRI PAWAN KUMAR BANSAL: I will concede to the extent that if the Minister has also moved a similar amendment, he is to be called first, even though I had moved the amendment first.

SHRI M. S. GURUPADASWAMY: Don't break the convention.

SHRI PAWAN KUMAR BANSAL: I do not want to break any convention.

SHRI M. S. GURUPADASWAMY: The Leader of the Opposition, my friend, Shiv Saankerji, will appreciate.....

SHRI PAWAN KUMAR BANSAL: The Minister may have moved a similar amendment. He has to be called first. But no rule says that amendment standing in the name of other Members has not to be considered.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): The question is like this...

SHRI M. S. GURUPADASWAMY: My friend, Mr. Shiv Saankerji, knows very well that this is the established convention. It cannot be broken.

SHRI M.M. JACOB: We are not questioning the right that the Government motion has to be moved first. No body questions it.

SHRI P. UPENDRA: Once that is over, the ether becomes infructuous.

SHRI PAWAN KUMAR BANSAL: I am not raising the technical question. He moved it after we had moved it. There is a time limit for moving the amendment.

SHRI DIPEN GHOSH: It is true that Mr. Bansal had submitted his amendment first. There was time. Now the Government has also submitted an amendment. The Government motion has to be moved first.

PROF. C. LAKSHMANNA (Andhra Pradesh): The question is who moves first. Once that motion is accepted, the other amendment does not come into the picture.

SHRI P. N. SUKUL: He submitted it long ago. Our name must be there.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): The Minister has moved his amendment. I now put his amendment to vote.

SHRIMATI MARGARET ALVA: How can you do that? You have not given your ruling.

THAKUR JAGATPAL SINGH (Madhya Pradesh): The rule, are very clear. You cannot overrule the rules. *(Interruptions)*

SHRI SUBRAMANIAN SWAMY: You want Congress (I)'s support. Now you do not want their names to be added.

SHRIMATI MARGARET ALVA : Don't bulldoze us. *(Interruptions)*

**SHRI SUBRAMANIAN SWAMY:** Without the support of Congress (I), this Government cannot pass a single Bill in this House. Now they do not want anything to be added.

**SHRI P. N. SUKUL:** If an amendment is going to be accepted, why do you not give the names of all those who have moved the amendment?

**THE VJCE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):** The Leader of the House has clearly mentioned the position. I have accepted that position. {In terruptions}

**SHRI P. UPENDRA:** He has given notice. Anyhow it will be mentioned.

**SHRI PAWAN KUMAR BANSAL:** This one amendment car; go in three names.

**श्री अटल बिहारी वाजपेयी:** सभापति जी, अगर विरोधी दल कोई नई परंपरा कायम करना चाहता है ... (व्यवधान) ...

**श्री मीर्जा इशार्दबेग (गुजरात):** नियमों के अन्तर्गत मांग की जा रही है। ... (व्यवधान) ...

**श्री अटल बिहारी वाजपेयी:** मैं इतने लोगों से एक साथ कैसे बात कर सकता हूँ ? ... (व्यवधान) ...

सभापति जी, अगर एक ही तरह के कई अमेंडमेंट्स हों और वे अमेंडमेंट्स क्लब भी किए जाएं, तब भी जिसका नाम पहला है उसी के नाम का उल्लेख होता है। ... (व्यवधान) ...

**श्रीमती भाग्येश्वरी आलवा:** इन्हीं के नाम का है। ... (व्यवधान) ...

**श्री अटल बिहारी वाजपेयी:** फिर झगड़ा क्या है ? ... (व्यवधान) ...

**श्री एन०के०पी० साल्वे (महाराष्ट्र):** बगैर झगड़ा समझे आप हमें डांटने लगे। आप बैठिए। वाजपेयी जी, आप झगड़ा समझ लीजिए। आपका फैसला मानने को तैयार हैं हम। ... (व्यवधान) ...

**SHRI M. S. GURUPADA-SWAMY:** Sir, I draw the attention of the House to Rule No. 100:

"Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged, in the order in which notice of them is received."

My submission is, this is the rule. I am not taking shelter under this rule also, but I am referring to the established convention in this House., {Interruptions}.. Please have patience; please hear me first.

**SHRI P. N. SUKUL:** You have accepted our amendment first. ... {Interruptions}...

**SHRI M. S. GURUPADA SWAMY:** Please hear me first. When an official amendment is moved, always it is put to vote. Even in the past, even in a Private Member's Resolution when the Government accepts the position of a Private Member, when an official amendment is brought, the Private Member is requested to withdraw his amendment and the official amendment is passed.

... {Interruptions}...

**SHRI P. N. SUKUL:** When has it happened? You cannot cite a case.

... {Interruptions}...

SHRI M. S. GURUPADA-SWAMY: Please don't be exercised; we are not differing on this. I am very happy that Mr. Bansal is agreeing with the official amendment. We are all happy. ..  
..(Interruptions)..

SHRI PAWAN KUMAR BANSAL: I made this plea yesterday, at the time of introduction also. The honourable Minister for Home did not... (Interruptions). ■

SHRI M. S. GURUPADA-SWAMY: Please don't make it an issue. I am drawing the attention of the House to an established convention. Don't break this convention — I appeal to you.

SHRI P. N. SUKUL: There has never been such a convention—challenge. Cite a case. I challenge—there has been no such convention.

SHRI N.K.P. SALVE: Sir, my submission is... (Interruptions)..

SHRI P.N. SUKUL: You are telling a \* It has never been a convention... (Interruptions)...

AN HONOURABLE MEMBER: You withdraw that word.

SHRI P. N. SUKUL: You are far from the truth.

SHRI A. G. KULKARNI (Maharashtra): Sir, about Mr. Bansal's amendment I have no objection, but don't break the conventions. The entire British Parliament is working according to conventions... (Interruptions)...

SHRI P.N. SUKUL: Dont adopt such conventions in this House. 4.00 P.M.

SHRI N.K.P. SALVE: May I make a submission in two minutes, Sir? Frankly speaking, I am un-

\*Expunged as ordered by the Chair-

aware of a convention. May be there is a convention, but I am not aware of it.

SHRI DIPEN GHOSH: Everybody knows that is the convention.

SHRI N.K.P. SALVE: You listen to me. What Mr. Kulkarni says is that there is a convention. I concede that there is a convention—Now you have to choose which of the two propositions is tenable. Kaul and Shakhder refers to an identical amendment, and it says on page 490:

"Moving of identical amendments is not in order. But the Members who have tabled similar amendments can speak in support of the amendment moved earlier." This is what Kaul and Shakhder says in respect of identical amendments. Rule 100 which is very relevant, reads like this:

"Amendments of which notice has been given, shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question...."

Now there is a difference between the same question and an identical one.

"In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notice of them is received." We will abide by whatever decision you take. Sir, if you want to go by identical amendment, I think the correct position will be, the Member having moved the amendment, nobody else could move an identical amendment, one. If you want to go by this, then precedence has to be given to the Member in-charge of the Bill. So, the Hon Minister must get the precedent subject to Rule—100 is the total answer the amendments being

arranged in the order in which notice of them is received. If you go by Rule 100 and do not go by what Kaul and Shaktidheris saying, then, in that Case the amendment will have to be in the name of the hon. Home Minister, Mr. Bansal and Mr. Ahluwalia, in that order. That is my submission.

SHRI P. UPENDRA: Sir, I want to make a submission. We have been following certain Conventions in this House. Once the Government moves an identical amendment, when the Government accepts the position of the Members, whatever it is, there is no need for the individual Members to move the amendment. That was the spirit. That is the spirit of the convention, what we have been following. Sir, here there is complete unanimity as regards this Bill. Whether they thought it and we accepted it or we thought it and they accepted it, it is not a question of political argument or anything. Let us not waste our time on that. Let us adhere to the convention and pass this Bill.

SHRI SUBRAMANIAN SWAMY: Sir, I have a point of order. *(Interruptions)*

SHRI PAWAN KUMAR BANSAL: The Convention rather in that if the Government agrees to something moved by a private Member, the Government accepts it, the Government does not move an amendment. It happened in the case of the Delhi Apartment Bill. A Member moved an amendment. The Government was agreeable to that. The Government accepted that. It is here only that the Government is coming up like this. That is the convention, Sir. *(Interruptions)*

SHRI SUBRAMANIAN SWAMY: Sir, the point is, Mr. Bansal has already moved the amendment.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): He has not moved it.

SHRI SUBRAMANIAN SWAMY: He has moved the amendment. Without his consent it cannot be withdrawn. *(Interruptions)*

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): No, no. The question is, the Minister who is in charge of the Bill has moved the amendment, and it has been taken into consideration. Where is the question of anybody else moving it? Identical amendments need not be taken into considerations at all. That is my ruling. That is the correct position. Common sense tells us this thing.

SHRI P.N. SUKUL : Sir, on a point of order. The hon. Home Minister moved the amendment because of the convention in the House and because of the legality involved. *(Interruptions)* But Mr. Bansal submitted his amendment earlier. *(Interruptions)*

SHRI P. SHIV SHANKER : Mr. Vice-Chairman, Sir, may I make a submission so that the issue could be resolved. We need not involve ourselves .. *(Interruptions)*

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY): It has been very clearly explained by Mr. Jacob as well as by the Leader of the House. *(Interruptions)*

SHRI P. SHIV SHANKER : I would just make one submission. In the case of an identical amendment, there is no question of our moving an amendment from this side. The question of our moving a similar amendment, once the hon. Home Minister has moved the same amendment, does not arise. It will not be moved. But under rule 100, arrangement of amendments will "have to be in the order in which they

[Shri P. Shiv Shanker]  
have been received. As I said, after the Minister's amendment the amendment from this side will not be moved. But rule 100 says : "... amendments may be arranged in the order in which notice of them is received." (*Interruptions*)

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) : The amendment by Mr. Bansal has not been moved at all. (*Interruptions*)

SHRI P. SHIV SHANKER: I am saying the same thing. I am only trying to explain to you that it cannot be moved, but that it has only to be arranged and those who have given notice of have a right to speak. That is all. This is the real situation. (*Interruptions*)

SHRI P. N. SUKUL : How i can one speak without moving his amendment ? (*Interruptions*)

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) : I shall now put the amendment to clause 2, moved by the hon. Home Minister, to vote. The question is:

"That at page 1, line 12, *for* the words 'four years', the words 'three years and six months' be *substituted*."

*The motion was adopted.*

SHRI P.N. SUKUL : Sir, the Member who has given notice of the amendment has a right to speak.

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) : He has already spoken during the course of the debate.

SHRI MIRNA IRSHADBAIG: He has a right to speak, under rule 100.

SHRI DIPEN GHOSH : The amendment has already been adopted.

THE VICE-CHAIRMAN : (DR. G. VIJAYA MOHAN REDDY) :  
Now, I shall put clause 2, as amended, to vote. The question is :

"That clause 2, as amended, stand part of the Bill."

*The House divided.*

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) :

Ayes	..	..	156
Noes	..	..	1
AYES	..	..	156

Ahluwalia, Shri S.S.

Alia, Kumari

Alva, Shrimati Margaret

Amin, Shri Mohammed

Amla, Shri Tirath Ram

Amrita Pritam, Shrimati

Anand Sharma, Shri

Ansari, Shri Mohammed Amin

Antony, Shri A.K.

Baby, Shri M.A.

Bagrodia, Shri Santosh

Balanandan, Shri E.

Balu, Shri T.R.

Bansal, Shri Pawan Kumar

Barongpa, Shri Sushil

Basumatary, Shri Amritlal

Basu Ray, Shri Sunil

Bekal Utsahi, Shri

Bhardwaj, Shri Hansraj

Bhatia, Shri Madan

v Birla, Shri Krishna Kumar

Chakravarty, Shrimati Bijoya

Chatterjee, Prof. (Mrs.) Asima

Chaturvedi, Shri Bhuvnesh

Chaudhuri, Shri Tridib

Chavan, Shri S.B.

Chowdhary, Ram Sewak

Chowdhry, Hari Singh

Chowdhury, Shrimati Renuka

Das Gupta, Shri Gurudas

Deepak, Shri Krishan Kumar

Faguni Ram, Dr. Fernandes, Shri

John FT

Gandhi, Shri Raj Mohan  
 Ganeshwar Kusum, Shri  
 Gautam, Shri Anarnd Prakash  
 Ghosh, Shri Dipen Gopalan,  
 Shri R.T. Gopalsamy, Shri V.  
 Goswami, Shri Ramanarayan  
 Gupta, Shri Vishwa Bandhu  
 Gurupadaswamy, Shri M.S.  
 Hanspal, Shri Harvendra Singh  
 Hashmi, Shri Shamim Jacob,  
 Shri M.M.  
 Jadhav, Shri Vithalrao    Madhavrao  
 Jain, Dr. Jinendra Kumar  
 Jani, Shri Jagadish  
 Javali, Shri J.P.  
 Joshi, Shrimati Sudha Vijay  
 Kailashpati, Shrimati  
 Kakodkar, Shri Purushottam  
 Kaldate, Dr. Bapu  
 Kalvala, Shri Prabhakar Rao  
 Kar, Shri Narayan  
 Kesri, Shri Sitaram  
 Khan, Dr. Abrar Ahmed  
 Khaparde, Miss Saroj  
 Khatun, Kumari Sayeeda  
 Kidwai, Dr. Mohd. Hashim  
 Kiruttinan, Shri Pasumpon Tha.  
 Kollur, Shri M.L.  
 Kulkarni, Shri A.G.  
 Kunjachen, Shri P.K.  
 Kuthiravattom, Shri Thomas  
 Lakshman, Prof. C.  
 Lather, Shri Mohinder Singh  
 Ledger, Shri David  
 Lenka, Shri Kahnu Charan  
 Lotha, Shri Khyomo  
 Maheshwarappa, Shri K.G.  
 Mahishi, Dr. (Shrimati) Sarojia  
 Mahto, Shri Bandhu . ,  
  
 Majhi, Shri Prithibi Iaviya,  
 Shri Radhakishan Malik, Shri  
 Mukhtiar Singh Manhar, Shri  
 Bhagatram

Maran, Shri Murasoli  
 Masodkar, Shri Bhaskar Annaji  
 Mathur, Shri Manmohan  
 Meena, Shri Dhuleshwar  
 Mirza Irshadbaig, Shri  
 Mishra, Shri Shiv Pratap  
 Mohammad Yunus, Shri  
 Mohan Singh, Shri  
 Mohanty, Shri Subas  
 Morarka, Shri Kamal  
 Mukherjee, Shrimati Kanak  
 Mukherjee, Shri Samar  
 Naik, Shri G. Swamy  
 Nallasivan, Shri A.  
 Narayanasamy, Shri V.  
 Natarajan, Shrimati Jayanthi  
 Padmanabham, Shri Mentay  
 Pahadia, Shrimati Shanti  
 Palaniyandr, Shri M.  
 Pande, Shri Bishambhar Nath  
 Pandey, Shrimati Manorama  
 Pandey, Dr. Ratnakar  
 Panwar, Shri B.L.  
 Patel, Shri Vithalbhai M.  
 Patil, Shri Vishwasrao Ramrao  
 Poddar, Dr. R.K.  
 Puglia, Shri Naresh C.  
 Quasem, Shri Mostafa Bin  
 Radhakrishna, Shri Puttapaga  
 Rafique Alam, Shri  
 Rahman, Shri Mohd. Khaleelur  
 Raja Ramanna, Dr.  
 Raju, Shri J.S.  
 Ramachandran, Shri S.K.T.  
 Ramamurthy, Shri Thindivanam K.  
 Rao, Shri Moturu Hanumantha  
 Rao, Shri Yalla Sesi Bhushana  
 Ratan Kumari, Shrimati  
 Rathwa, Shri Ramsinh  
 Reddy, Dr. Narreddy Thulasi  
 Richharia, Dr. Gobind Das ■  
 Sahay, Shri Dayanand  
 Sahu, Shri Baikuntha Nath

Sahu, Shri Santosh Kumar  
Saikia, Dr. Nagen  
Salaria, Shri Shabbir Ahmad  
Salve, Shri N.K.P.  
Satya Bahin, Shrimati  
Sen, Shri Ashis  
Sen, Shri Sukomal  
Sharma, Shri Chandan  
Shiv Shanker, Shri P.  
Siddiqui, Shri Abdul Samad  
Singh, Shri Bir Bhadra Pratap  
Singh, Shrimati Pratibha  
Singh, Shri Ram Awadhesh  
Singh, Dr. Rudra Pratap  
Singh, Shri Surender  
Singh, Thakur Kamakhya Prasad  
Sinha, Shri Yashwant  
Sivaji, Dr. Yelamanchili  
Som Pal, Shri «  
Sreedharan, Shri Arangil Sukul,  
Shri P.N. Swamy, Shri Subramanian  
Taimur, Shrimati Syeda Anwara  
Talari Manohar, Shri Thakur, Prof.  
Chandresh P. Thakur Jagatpal  
Singh Topden, Shri Karma Tyagi,  
Shri Shanti Upendra, Shri  
Parvathaneni Vajpayee, Shri Atal  
Bihari Venkatraman, Shri  
Tindivanam G. Verma, Shri Kapil  
Verma, Shrimati Veena Viduthalai  
Virumbi, Shri S. Yadav, Shri Ish  
Dutt Yadjav, Shri Ram Naresh

NOES—1

Aurora, Sardar Jagjit Singh

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

*Clause 2, as amended, was added to the Bill.*

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):  
The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

*The House divided.*

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):  
Ayes .... 156

Noes ....

1

AYES—156

Ahluwalia, Shri S. S. Alia, Kumari  
Alva, Shrimati Margaret Amin, Shri  
Mohammed Amla, Shri Tiratb Ram  
Amrita Pritam, Shrimati Anand  
Sharma, Shri Ansari, Shri  
Mohammed Amin Antony, Shri A.  
K. Baby, Shri M. A. Bagrodia, Shri  
Santosh Balanandan, Shri E. Balu,  
Shri T. R. Bansal, Shri Pawan  
Kumar Barongpa, Shri Sushil  
Basumatary, Shri Amritlal Basu  
Ray, Shri Sunil Bekal Utsahi, Shri  
Bhardwaj, Shri Hansraj Bhatia, Shri  
Madan Birla, Shri Krishna Kumar  
Chakravarty, Shrimati Bijoya  
Chatterjee, Prof. (Mrs.-) Asima  
Chaturvedi, Shri Bhuvnesh  
Chaudhuri, Shri Tridib Chavan, Shri  
S. B. Chowdhary Ram Sewak  
Chowdhry Han Singh

Chowdhury, Shrimati Renuka Das  
Gupta, Shri Gurudas Deepak. Shri  
Krishan Kumar Faguni Ram, Dr.  
Fernandes, Shri John F. Gandhi,  
Shri Raj Mohan Ganeshwar  
Kusum, Shri Gautam, Shri Anand  
Prakash Ghosh, Shri Dipen  
Gopalan, Shri R. T. Gopalsamy,  
Shri V. Goswami, Shri  
Ramnarayan Gupta, Shri Vishwa  
Bandhu Gurupadaswamy, Shri M.  
S. Hanspal, Shri Harvendra Singh  
Hashmi, Shri Shamim Jacob,  
Shri M. M. Jadhav, Shri Vithalrao  
Madhavrao Jain, Br. Jinendra  
Kumar Jani, Shri Jagadih Javali,  
Shri J. P. Joshi, Shrimati Sudha  
Vijay Kailashpati, Shrimati  
Kakodkar, Shri Purushettam  
Kaldade, Dr. Bapu Kalvala, Shri  
Prabhakar Rao Kar, Shri Narayan  
Kesri, Shri Sitaram Khan, Dr.  
Abrar Ahmed Khaparde, Miss  
Saroj Khatun, Kumari Sayeeda  
Kidwai, Dr. Mohd. Hashim  
Kiruttinan, Shri Pasumpon Tha.  
Kollur, Shri M. L. Kulkarni, Shri  
A. G. Kunjachen, Shri P. K.  
Kuthiravattom, Shri Thomas  
Lakshmana, Prof. C. Lather, Shri  
Mohinder Singh Ledger, Shri  
David Lenka, Shri Kahnu Charan  
Lotha, Shri Khyomo  
Maheswarappa, Shri K. G.  
Mahishi, Dr. (Shrimati) Sarojini

Mahto, Shri Bandhu Majhi, Shri  
Prithbi Malaviya, Shri  
Radhakishan Malik, Shri Mukhtiar  
Singh Manhar, Shri Bhagatram  
Maran, Shri Murasoli Masodkar,  
Shri Bhaskar Annaji Mathur, Shri  
Manniohan Meena, Shri  
Dhulesbwar Mirza Irshadbaig,  
Shri Mishra, Shri Shiv Pratap  
Mohammad Yunus, Shri Mohan  
Singh, Shri Mohanty, Shri Subas  
Morarka, Shri Kamal Mukherjee,  
Shrimati Kanak Mukherjee, Shri  
Samar Naik, Shri G. Swamy  
Nallasivar, Shri A. Narayanassmv,  
Shri V. Natarajan, Shrimati  
Jayanthi Padmanabham, Shri  
Mentay Pahadia, Shrimati Shanti  
Palaniyandi, Shri M. Pande, Shri  
Bishambhar Nath Pandey,  
Shrimati Mancrama Pandey, Dr.  
Ratnakar Panwar, Shri B. L. Patel,  
Shri Vithalbbai M. Patil, Shri  
Vishwasrao Ramrao Poddar, Dr.  
R. K. Puglia, Shri Naresh G.  
Quasem, Shri Mostafa Bin  
Radhakrishna, Shri Puttapaga  
Rafique Alam, Shri Rahman, Shri  
Mohd. Khaleelur Raja Ramanna,  
Dr. Raju, Shri J. S. Ramachandran,  
Shri S. K. T. Ramamurthy, Shri  
Thindivanam K. Rao, Shri Moturu  
Hanumantha Rao, Shri Yalla Sesi  
Bhushana Ratan Kumari, Shrimati  
Rathwa, Shri Ramsinh



Reddy, Dr. Narredrfy Thulasi  
Richharia, Dr. Govind Das  
Sahay, Shri Dayanand Sabu,  
Shri Baikuntba Nath Sahu, Shri  
Santosh Kumar Saikia, Dr.  
Nagen Salaria, Shri Shabbir  
Ahmad Salve, Shri N. K. P.  
Satya Bahin, Shrimati Sen, Shri  
Ashis Sen, Shri Sukomal  
Sharma, Shri Chandan Shiv  
Shanker, Shri P. Siddiqui, Shri  
Abdul Samad Singh, Shri Bir  
Bhadra Pratap  
Singh, Shrimati Pratibha  
Singh, Shri Ram Awadhesh  
Singh, Dr. Rudra Pratap  
Singh, Shri Surender  
Singh, Thakur Kamakhya Prasad  
Sinha, Shri Yashwant  
Sivaii, Dr. Yelamanchili  
Som Pal, Shri  
Sreedharan, Shri Arangil  
Sukul, Shri P., N.  
Swamy, Shri Subramanian  
Taimur, Shrimati Syeda Anwara  
Talari Manohar, Shri  
Thakur, Prof. Chandresh P.  
Thakur Jagatpal Singh  
Topden, Shri Karma  
Tyagi, Shri Shanti  
Upendra, Shri Parvathaneni  
Vajpayee, Shri Atal Bihari  
Venkatraman, Shri Tindivanam G.  
Verma, Shri Kapil  
Verma, Shrimati Veena  
Vidhuthalai Virumbi, Shri S.  
Yadav, Shri Ish Dutt  
Yadav, Shri Ram Naresh

NOES—1

Aurora, Sardar Jagjit Singh

*The motion was carried by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.*

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

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):  
Mr. Minister.

SHRI SUBRAMANIAN SWAMY : I have given a notice .....  
(Interruptions)....

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY):  
All right.

SHRI SUBRAMANIAN SWAMY: The reason I have to make a very brief mention is that yesterday I opposed the introduction of the Bill because they had asked for one year's extension. Now, I know that we are at the end of March and I also know that it is not possible to hold the elections within one month. So when the Congress (I) brought in this amendment and these people backed out, I decided that we will join with the rest of the House and vote for the Bill. Now, however, let me say that the reaction already according to my information for the postponement is quite severe and the Government should give a firm assurance that they will not come back again to this House to seek further amendment and that they will hold elections as soon as possible and they will take even less than six months' time which they wanted.

SHRI MUFTI MOHAMMAD SAYEED : Sir, I move :

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

THE VICE-CHAIRMAN (DR. G. VIJAYA MOHAN REDDY) :  
The question is:

*Amdt.)*

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

*The House divided.*

THE VICE-CHAIRMAN (DR.  
G. VIJAYA MOHAN REDDY):  
Ayes .... 156

Noes ....

AYES—156

Ahluwalia, Shri S. S. Alia,  
Kumari Alva, Shrimati  
Margaret Amin, Shri  
Mohammed Amla, Shri Tirath  
Ram Amrita Pritam, Shrimati  
Anand Sharma, Shri Ansari,  
Shri Mohammed Amin Antony,  
Shri M. K. Baby, Shri M. A.  
Bagrodia, Shri Santosh  
Balanandan, Shri E. Balu, Shri  
T. R. Bansal, Shri Pawan  
Kumar Barongpa, Shri Sushil  
Basumatary, Shri Amritlal Basu  
Ray, Shri Sunil Bekal Utsahi,  
Shri Bhardwaj, Shri Hansraj  
Bhatia, Shri Madan Birla, Shri  
Krishna Kumar Chakravarty,  
Shrimati Bijoya Chatterjee,  
Prof. (Mrs.) Asima Chaturvedi,  
Shri Bhuvnesh Chaudhuri, Shri  
Tridib Chavan, Shri S. B.  
Chowdhary Ram Sewak  
Chowdhry Hari Singh  
Chowdhury, Shrimati Renuka  
Das Gupta, Shri Gurudas  
Deepak, Shri Krishan Kumar  
Faguni Ram, Dr. Fernandes,  
Shri John F. Gandhi, Shri Raj  
Mohan

Ganeshwar Kusiim, Shri Gautam,  
Shri Anand Prakash Ghosh, Shri  
Dipen Gopalan, Shri R. T.  
Gopalsamy, Shri V. Goswami,  
Shri Ramnarayan Gupta, Shri  
Vishwa Bandhu Gurupadaswamy,  
Shri M. S. Hanspal, Shri  
Harvendra Singh Hashmi, Shri  
Shamim Jacob, Shri M. M.  
Jadhav, Shri Vithalrao Madhavrao  
Jain, Dr. Jinendra Kumar Jani,  
Shri Jagadish Javali, Shri J. P.  
Joshi, Shrimati Sudha Vijay  
Kailashpati, Shrimati Kakodkar,  
Shri Purushottam Kaldate, Dr.  
Bapu Kalvala, Shri Prabhakar  
Rao Kar, Shri Narayan Kesri,  
Shri Sitaram Khan, Dr. Abrar  
Ahmed Kharparde, Miss Saroj  
Khatun, Kumari Sayeeda Kidwai,  
Dr. Mohd. Hashim Kiruttinan,  
Shri Pasumpon Tha. Kollur, Shri  
M. L. Kulkarni, Shri A. G.  
Kunjachen, Shri P. K.  
Kuthiravattom, Shri Thomas  
Lakshmana, Prof. C. Lather,  
Shri Mohinder Singh Ledger,  
Shri David Lenka, Shri Kahnu  
Charan Lotha, Shri Khyomo  
Maheswprappa, Shri K. G.  
Mahishi, Dr. (Shrimati) Sarojini  
Mahto, Shri Bandhu Majhi, Shri  
Prithibi Malaviya, Shri  
Radhakishan Malik, Shri  
Mukhtiar Singh Mannar, Shri  
Bhagatram Maran, Shri Murasoli

Masodkar, Shri Bhaskar Annaji  
Mathur, Shri Manmohan Meena, Shri  
Dhuleshwar Mirza Irshadbaig, Shri  
Mishra, Shri Shiv Pratap Mohammad  
Yunus, Shri Mohan Singh, Shri  
Mohanty, Shri Subas Morarka, Shri  
Kamal Mukherjee, Shrimati Kanak  
Mukherjee, Shri Samar Naik, Shri G.  
Swamy Nallasivan, Shri A.  
Narayanasamy, Shri V. Natarajan,  
Shrimati Jayanthi Padmanabham, Shri  
Mentay Pahadiya, Shrimati Shanti  
Palaniyandi, Shri M. Pande, Shri  
Bishambhar Nath Pandey, Shrimati  
Manorama Pandey, Dr. Ratnakar  
Panwar, Shri B. L. Patel, Shri  
Vithalbhai M. Patil, Shri Vishwasrao  
Ramrao Poddar, Dr. R. K. Puglia,  
Shri Naresh C. Quasem, Shri Mostafa  
Bin Radhakrishna, Shri Puttapaga  
Rafique Alam, Shri Rahman, Shri  
Mohd. Khaleelur Raja Ramanna, Dr.  
Raju, Shri J. S. Ramachandran, Shri  
S. K. T. Ramamurthy, Shri  
Thindivanam K. Rao, Shri Moturu  
Hanumantha Rao, Shri Yalla Sesi  
Bhushana Ratan Kumari, Shrimati  
Rathwa, Shri Ramsinh Reddy, Dr.  
Narreddy Thulasi Richharia, Dr.  
Govind Das Sahay, Shri Dayanand  
Sahu, Shri Baikuntha Nath Sahu, Shri  
Santosh Kumar Saikia, Dr. Nagen

Salaria, Shri Shabbir Ahmad Salve, Shri  
N. K. P. Satya Bahin, Shrimati Sen,  
Shri Ashis Sen, Shri Sukomal Sharma,  
Shri Chandan Shiv Shanker, Shri P.  
Siddiqui, Shri Abdul Samad Singh, Shri  
Bir Bhadra Pratap Singh, Shrimati  
Pratibha Singh, Shri Ram Awadhesh  
Singh, Dr. Rudra Pratap Singh, Shri  
Surender Singh, Thakur Kamakhya  
Prasad Sinha, Shri Yashwant Sivaji, Dr.  
Yelamanchili Som Pal, Shri  
Sreedharan, Shri Arangil Sukul, Shri P.  
N. Swamy, Shri Subramanian Taimur,  
Shrimati Syeda Anwara Talari  
Manohar, Shri Thakur, Prof. Chandresh  
P. Thakur Jagatpal Singh Topden, Shri  
Karma Tyagi, Shri Shanti Upendra, Shri  
Parvathaneni Vajpayee, Shri Atal Bihari  
Venkatraman, Shri Tindivanam G.  
Verma, Shri Kapil Verma, Shrimati  
Veena Viduthalai Virumbi, Shri S.  
Yadav, Shri Ish Dutt Yadav, Shri Ram  
Naresh

NOES—1

Aurora, Sardar Jagjit Singh

*The motion was carried by a  
majority of the total Membership of the  
House and by a majority of not less  
than two-thirds of the Members present  
and voting.*