

Sir, it ridicules both the Kremlin and the White House both Mr. Gorbachev and the President of the United States as if they came here and waited to get the advice from the South Block for the summit conference. In other words, it looks as if the entire globe revolves because of the Delhi Declaration!

6.00 P.M.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Gopasamy has got only five minutes. After that, the Minister can make the statement.

SHRI V. GOPALSAMY: No, no.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): All right, all right. Now, let the Minister make the statement.

STATEMENT BY MINISTER REGARDING NATIONAL SECURITY ACT IN RELATION TO PUNJAB

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, on the 3rd March, 1989, the Prime Minister had intervened in the discussions in the Lok Sabha and *inter-alia* made some important announcements regarding Punjab, I take this opportunity to inform the Members of this House of action taken on an important part of that announcement, namely the operation of the National Security (Amendment) Act.

As the Members would recall, in 1987 Parliament had passed the National Security (Amendment) Act 1987, which introduced a new Section, 14A, in the National Security Act, 1980. This Section provides that in respect of the "disturbed areas" of Punjab and Chandigarh a person may be detained for a period exceeding three months without reference to the Advisory Board in specified circumstances and

for a maximum period of detention of two years. Certain time limits in the parent Act for completion of various procedural steps were also enhanced by this Amendment Act.

Section 14A was operative in respect of detentions made before 8th June 1988. Its applicability was extended by one year i.e. upto 8th June, 1989 by the National Security (Amendment) Act, 1988.

Pursuant to the Prime Minister's announcement that the National Security (Amendment) Act would be withdrawn and the provisions of the Parent Act would be restored in their applicability to Punjab, the Government have decided that the applicability of Section 14A will be allowed to lapse in the normal course on 8th June, 1989. Meanwhile, instructions have been issued to the Government of Punjab that they should not invoke the provisions of Section 14A with immediate effect.

The Prime Minister's package on Punjab has been widely welcomed. Government are committed to implement the package fully and quickly and move forward to find a solution to the outstanding issues.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): There are nine Members who want clarification. I would like all of them to be brief. Yes, Mr. Dipen Ghosh.

SHRI DIPEN GHOSH (West Bengal): Mr. Vice-Chairman Sir, it is a welcome thing. . . .

SHRI V. NARAYANASAMY (Pondicherry): For the first time you have welcomed it.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You please hear Mr. Ghosh first.

SHRI DIPEN GHOSH: You must know that I advised you when this amending Bill was brought forward..

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Ghosh, you carry on.

SHRI DIPEN GHOSH: Sir, let him recall that when this amending Bill was brought forward here we suggested not to do it. Anyway, late wisdom is better than none. But it is welcome that the Government has taken a decision to allow that amended Act to lapse by the 8th of June 1989, and, in the meantime according to the announcement of the Prime Minister some Jodhpur detenus have been released.

SHRI P. CHIDAMBARAM: All. All Jodhpur detenus have been released.

SHRI DIPEN GHOSH: Some Jodhpur undertrials have been released. Still some are yet to be released:

SHRI P. CHIDAMBARAM: No, no. All have been released.

SHRI DIPEN GHOSH: Jodhpur detenus have been released. But the other detenus have not been released, those against whom there are cases or something like that. With regard to the Jodhpur detenus, a certain number of people were present at the time of the Blue Star Operation inside the Temple and they were arrested and taken to the Jodhpur Jail. That I know. Sir, you will appreciate that this package deal, whatever they have made it was made in order to help restore the normal situation or normalcy in Punjab. About the release of Jodhpur detenus also, we from the Opposition side had been demanding and asking the Government to release them. At that time the Government was taking an obstinate position. However, afterwards they came to senses and they have given their release order. Even in the case of Rajiv-Longowal Agreement, the Agreement which contains the provisions which it contains, about that also we from the Opposition, particularly from my party, had been requesting the Gov-

ernment before the Blue Star Operation, to do the same. Afterwards they did it. Every time.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): That means the Government is responsive.

SHRI DIPEN GHOSH: Responsive? Yes. I am taking the clue from your statement. They are responsive to the proposals made by us to restore normalcy in Punjab or to solve the Punjab problem only after messing up the whole situation and complicating the whole situation, by taking certain actions in the meantime which were not in the interest of Punjab or for that matter restoring normalcy in the Punjab.

Still we do not know what are the other items of the package deal, package announcement, and how do they stand? He has stated that the Punjab package has been widely welcomed and he is committed to implement the package fully. What are the others in the package? Where do they stand? And what prevents them to implement them after the Prime Minister's declaration. We are not aware of it. On the 3rd March the Prime Minister had made the announcement and now it is the 27th April. And the Minister of State for Home Affairs comes forward with this statement. So I want to know what are the other items in the package, how do they stand and where do they stand? What prevents the Government from implementing them?

Whatever announcement has been made in this statement, it is intended to restore normalcy and to solve the Punjab problem. Everybody is interested to see that the Punjab problem is settled. But every day we hear and we read in the newspapers and we hear on the TV and Radio that terrorists are on rampage, that so many people have been killed and the Punjab situation is going from bad to worse. At a point of time the Government had met or had sat with the leaders of the Opposition parties and groups and had

drawn up an action plan to mobilize public opinion so that the extremists could be isolated and secular democratic forces could be mobilized against the terrorist activities and secessionist activities. In fact, according to that action plan the holding of rallies was started. A rally was held. Mr. P. V. Narasimha Rao was there along with other leaders. Next day President's rule was imposed in Punjab, obviously looking at the ballot box of Haryana. But now again the situation has gone out of hand. So I would like to know what concrete steps the Government now proposes to restore normalcy in Punjab, to fight back the problem of extremism and secessionism in Punjab and what do they propose to do to mobilise the public opinion. This is a political fight in Punjab. It is not simply a problem of law and order. They have to mobilise public opinion and unite the democratic and secular forces. What do they propose to do to mobilise all the forces interested in fighting back these forces of terrorism, these forces of extremism and these forces of separatism? Let us know the exact proposal that they have got.

SHRI SUBRAMANIAN SWAMY:

Sir, considering the magnitude of the Punjab problem and considering that has been said here in the *suo motu* statement, I think the Minister could have spared the time of Parliament by making this announcement outside or in the course of some other things. There was no need because it is a very small piffling step that has been taken on a very big problem. There is no indication whatsoever in the statement as to what the Government is going to do about Punjab. Of course, one can have different views. I have always maintained that Operation Bluestar was a monumental blunder and one day or the other the realisation will be all over and widespread. It is already quite widespread. But it will be total one day. I would like to know what the Government is going to do to

bring about reconciliation. In that reconciliation process, one of the things that ought to be done is this. Innocent people were arrested under the N.S.A. Some of them were tortured for which there is plenty of documentary proof such as the Tiwania Commission. The Government should undertake to rehabilitate those people who have suffered, pay compensation to them and, if necessary, appoint a fresh Human Rights Commission to give comfort and aid to these people who have innocently suffered.

श्री सत्य प्रकाश मलवीय (उत्तर प्रदेश): माननीय उपसभाध्यक्ष जी, किसी भी लोकतांत्रिक देश में ऐसा कानून रखना कि बिना मुकद्दमा चलाए सालों साल लोगों का जेल में रखना, इससे जो कार्य-कारिणी है उसके हाथ में निरंकुश अधिकार आ जाता है और इससे बहुत से निर्दोष लोग भी बरसों-बरसों जेल में पड़े रहते हैं। 1975 में एक कानून था मेन्टिनेंस ऑफ इन्टरनल सिक्युरिटी एक्ट, अटल जी यहां बैठे हैं, उसी कानून के अंदर पकड़कर जेल भेज दिए गए और 19 महीने तक यह कहा गया कि देश के लिए खतरा थे। इसलिए मैं यह मांग करना चाहता हूं कि यह जो राष्ट्रीय सुरक्षा अधिनियम 1980 है, यह पूरा का पूरा स्ट्रेच्युट बुक से समाप्त कर दिया जाए क्योंकि किसी के खिलाफ अगर सबूत है तो उसके ऊपर अदालत में आप वाजिब दाखिल करके, आरोप दाखिल करके, मुकद्दमा करके, अगर उसको फांसी की सजा हो सकती है कानून के अन्तर्गत तो उसको फांसी की सजा दी जाए। इसलिए एक तो मेरी मांग यह है कि राष्ट्रीय सुरक्षा अधिनियम 1980 को सरकार को वापस लेने की घोषणा करनी चाहिए।

दूसरे, वहां पर आज जन-प्रतिनिधियों की सरकार नहीं है। जन-प्रतिनिधियों की सरकार थी। वहां पर चुनाव हुए थे और चुनाव होने के बाद वहां पर बरनाला साहब की सरकार बनी लेकिन बरनाला

[श्री सत्य प्रकाश मालवीय]

साहब की सरकार को, जैसा अभी दीपेन घोष जी ने यहां पर चर्चा की, यह कहकर समाप्त कर दिया गया कि वहां पर संवैधानिक दृष्टि से सरकार काम नहीं कर रही है। तो मैं यह भी जानना चाहूंगा कि वहां पर लोकप्रिय और जन-प्रतिनिधियों की सरकार को कायम करने के लिए सरकार क्या कदम उठाने जा रही है? और बल्कि मैं तो यह मांग करूंगा कि इस बात की सरकार को घोषणा करनी चाहिए कि शीघ्र ही हम पंजाब में विधान सभा के आम चुनाव कर एंगे और आम चुनाव कराकर के वहां की जाता के प्रतिनिधियों को हम विधान सभा में बिठाएंगे। मैं यह समझता हूं कि अगर पंजाब के लोगों को एक बार मौका मिलता है अपनी सरकार बनाने का, तो यह भी सहायक सिद्ध होगा वहां की स्थिति सुधारने में। इसलिए जब मंत्री जी अपना उत्तर दें तो मेरी इन बातों का उत्तर देने की कृपा करें।

श्री राम अवधेश सिंह (बिहार) : मान्यवर, यह जो छोटा सा बयान आया है मंत्री जी का, तो यह लगता है कि कानूनी पेच जो था, वह थोड़ा ढीला किया गया है। उस कानूनी पेच को थोड़ा सा ढीला करने से पंजाब की समस्या सुलझ नहीं सकती। उसको पूरे परिप्रेक्ष्य में देखना होगा कि किन कारणों से वहां अशान्ति है और उन कारणों को दूर करने के बारे में जब तक पर्याप्त कदम नहीं उठाए जाएंगे तब तक एक प्रावधान को, नेशनल सैक्युरिटी ऐक्ट की एक धारा को अप्रभावित कर देने से या उसको अपने आप, स्वतः मर जाने देने से वहां क्या स्थिति ठीक हो जाएगी? मैं मंत्री जी से जानना चाहता हूं कि सरकार के दिमाग में या सरकार के पास ऐसा कोई प्रस्ताव है जिससे वहां की मुकम्मिल समस्याओं को जिनमें राजनीतिक समस्याएं प्रधान हों, उनका हल हो सके क्योंकि वहां जो लड़ाई है

वह साधारण कानून और व्यवस्था की नहीं है। मैं सरकार से यह भी जानना चाहता हूं कि वहां चुनी हुई सरकार लाने के बारे में विचार कर रहे हैं? वहां की विधान सभा भंग की गई है तो उसे उसी तरह मरो हुई हालत में कब तक रखेंगे।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I am not sure about it. Has it been dissolved?

SHRI SUBRAMANIAN SWAMY: Yes, yes.

श्री राम अवधेश सिंह : मार दी गई है या उसकी हत्या कर दी गई है। तो मैं मंत्री जी से स्पष्ट जानना चाहता हूं कि कब तक पंजाब में चुनाव कराए जाएंगे और लोकप्रिय सरकार स्थापित की जाएगी। जब तक लोकप्रिय सरकार नहीं बनती है तब कोई शान्ति नहीं की जा सकती। ऐसंबली भंग करते समय इसी सदन में तर्क दिए गए थे कि चूंकि सरकार के रहते हुए हिंसक वारदातें बढ़ रही हैं तो उसके बाद हिंसक वारदातों में तीन चार, पांच या दस गुना वृद्धि हो गई है। इसलिए यह कहना कि जनप्रिय सरकार के रहने से हिंसक वारदातें बढ़ी थीं और सरकार की सीधा साक्षेदारी थी हिंसक लोगों से, ऐक्सट्रीमिस्टों से, तो यह बात मानने की नहीं है। तो तथ्य है, जो केन्द्रीय सरकार ने तर्क दिए थे वे सारे के सारे निराधार थे, मनगढ़ंत तथा बनावटी थे। इसलिए हम जानना चाहते हैं कि कब तक वहां लोकप्रिय सरकार स्थापित करेंगे? जो वहां की असली ताकत है, जो डिस्टर्ब कर रहे हैं शान्ति को सरकार से कहिए कि उनसे बात करें।

यही बातें मैं जानना चाहता हूं जिनका उत्तर मंत्री जी देने की कृपा करें।

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh): Sir, I would like to confine myself to two clarifications.

No. 1: Jodhpur detenus have been released but prominent leaders like Sardar Prakash Singh Badal continue to be in detention. Is there any proposal to set him free?

Secondly, a big contingent of Central Ministers had gone to Chandigarh to hold parleys with leaders of political parties. First it was announced that the talks will be confined only to the political parties of Punjab. But at the last moment, the leaders of Haryana and Chandigarh were also invited. Why was it done? There is a clash between the interests of Haryana and Punjab. There are leaders in Chandigarh who would like the Union Territory to continue as it is. If the talks were exploratory and if the idea was to seek the co-operation of the political parties in Punjab to bring about normalcy, why leaders of Haryana and Chandigarh were invited? Was it to sabotage the talks?

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, I would like to seek three clarifications from the hon. Minister.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Within two minutes.

SHRI V. NARAYANASAMY: I will not take more than two minutes.

While welcoming the statement made by the hon. Minister, I would like to seek this clarification. As Mr. Atal Bihari Vajpayee has said, the political parties were called to Chandigarh. The Cabinet Sub-Committee which was appointed by the Government to look into the problem of Punjab and talk to the various political parties also assembled there. The Akalis were conspicuous by their absence. They boycotted the meeting.

SHRI SUBRAMANIAN SWAMY: You put the leaders in jail. How do you expect them to come for the talks?

SHRI V. NARAYANASAMY: I would like to know whether any persuasive efforts will be made by the Government to call them for talks and to evolve a consensus.

Secondly, there was an announcement made that the Panchayat elections would be held in Punjab. I would like to know whether any proposal is pending with the Government of India to hold the Panchayat elections in Punjab.

Thirdly, in the border areas of Punjab, the identity card system has been introduced. I would like to know whether the process has been completed and whether we have been able to contain the entry of terrorists into Punjab from across the border.

DR. YELAMANCHILI SIVAJI (Andhra Pradesh): Sir, while welcoming the statement of the hon. Minister, I would like to know what is the purpose of the 59th Amendment and the package of proposals by the Prime Minister.

The second aspect is, quite a good contingent has been released. It is noted. But people like Mr. Badal are still inside the prison. Why the Government is not taking any steps to release these people? Why have they not been released and when are they going to be released? The parent Act itself says that there is no bar on the Government to detain a person once again even when the revocation order is passed by a court or even when the detention order is held invalid by a court of law. During the Emergency, I was released three times by the High Court of Andhra Pradesh and I was rearrested in the court itself on the same grounds. Mr. Vengal Rao was the Chief Minister of Andhra Pradesh at that time. In one particular instance when Mr. Vengal Rao was not available at Hyderabad...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Do not bring in other things. This is in regard to Punjab only (Interruptions)

SHRI SUBRAMANIAN SWAMY: Why don't you ask Mr. V. C. Shukla?

DR. YELAMANCHILI SIVAJI: It is the same thing. NSA is the counterpart of MISA. Why don't you make a law that once a person is released by a court of law he cannot be rearrested on the same grounds by means of another detention order? I would like to know from the hon. Minister whether such a provision would be introduced.

SHRI CHITTA BASU (West Bengal): I would like to know from the hon. Minister as to how many detenus were actually affected by section 14A of the amended National Security Act. Secondly, this thing has been done with a view to create congenial conditions for the restoration of peace in Punjab. This is the objective of the package announced by the Prime Minister. One of the items of the package was the release of the Jodhpur prisoners. After being released—I would not say quite a number of them—many of them were rearrested. Does it help in improving the climate for the restoration of peace in Punjab even though the package was designed to improve the condition for the purpose.

Secondly, there has been a constant grievance among the Sikhs that those who were found guilty in the anti-Sikh riots of 1984 in Delhi have not been properly dealt with or have not been punished. (Interruptions). If the package is designed for the purpose, I think the grievances of the Sikhs are very genuine in this respect and I want to be informed as to what steps the Government has taken so far in the matter of redressing these very long pending grievances of the Punjab people.

Then, the whole thing is about the package on Punjab, but in that package implementation of the Rajiv-Longowal accord has not been included. As a matter of fact, the Rajiv-

Longowal accord even today provides the basic political framework for the solution of the Punjab tangle. To me it appears that the Congress party and the Government itself have come to the conclusion that the Rajiv-Longowal agreement has by this time become a dead letter. Would the hon. Minister kindly explain whether you have abandoned it whether you have jettisoned it and if not what other proposal you have got as an item of the package to bring about a permanent political solution of the Punjab problem?

Lastly, they have included panchayat elections also in their package. Now I read it from newspapers, I am not in a position to know more as you can, that extremists are at work to see that the panchayat elections are not held at all. What particular action is proposed to be taken to see that Panchayat elections are held in a peaceful condition, this is what I would like to know. Also, if the panchayat elections can be held in a peaceful condition if the Government can secure that condition in Punjab, why is not the Assembly election being held?

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman Sir, the initiative of the Prime Minister in announcing certain steps in the form of a package in March this year was aimed to ease the situation in the State. It has always been the case of the Government that no special law would be kept in force for a period longer than what is absolutely necessary. With some improvement in the situation these steps have been announced. I would like to know, firstly, whether the Government would review from time to time to narrow down the limits of disturbed areas as such. It is heartening that from the entire State which was once declared to be a disturbed area as well as Chandigarh, now they have come down to three districts. I would like to know whether any mechanism has been worked out to

review the situation so as to further bring down the areas, maybe, to some tehsils only.

Secondly, I would like to know what steps are being taken to ensure that the innocent people are not harassed by the police. That is precisely the purpose of even making this amendment. The preventive detention is a harsh law. The period of detention from three months to two years was enhanced because of certain special reasons. It is being brought down to three months again, but the harassment of innocent people would still continue. What is being done to remove those grievances of the people?

SHRI N. E. BALARAM (Kerala): Mr. Vice-Chairman, Sir, in this statement, at the end it is stated that the Government are committed to implement the package fully and quickly. First of all, I do not know all the details of the package, but I would like to know when the Cabinet Sub-Committee visited Chandigarh. The delegations of some political parties had got an opportunity to meet them. In that meeting a number of suggestions were placed before the Cabinet Sub-Committee. Many of the suggestions were political and other suggestions were also there. When the Minister speaks of the package, does it contain any of the important suggestions — I do not say all the suggestions — made by the political parties at their meeting in Chandigarh? Our information is that they have been. They had a very long talk with the Cabinet Sub-Committee and they had an exchange of opinion about the Punjab situation. I do not know whether the Sub-Committee's opinion and assessment and the opinion of the delegates of the parties which met them are identical, or are there any differences? What about the opinion of those representatives of the political parties who had given their opinion? What happened to that opinion? Have they taken it into consideration? Because the Minister speaks

about some packages. They had made some concrete suggestions when they met the Sub-Committee. Did they come in the package?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Shri Ahluwalia. Only two minutes. Please ask pointed questions, just like Vajpayeeji.

श्री सुरन्द्रजीत सिंह अहलुवालिया (बिहार): उपसभाध्यक्ष महोदय, मैं स्वागत करता हूँ जो यह पहल की गई है पंजाब के बारे में। पर अप्सोस की बात है कि 3 मार्च को प्रधानमंत्री जी ने इसकी घोषणा की थी और इस प्रकार 24 दिन लग गये इस कागज को लाने में। मैं आपके माध्यम से जानना चाहूंगा कि इस 14(ए) को विद-डा करने के बाद कितने डेटेन्यूज को हम राहत देंगे, कितने डेटेन्यूज को हम राहत दे सकेंगे, कितने लोगों को हम छोड़ सकेंगे मुद्दा वहां आता है।

दूसरा, जैसा कि अखबारों में पढ़ने को आता है और कुछ कंपलेट्स भी आती हैं कि पुलिस ने इस कानून का बहुत दुरुपयोग किया है और कई लोगों को बिला वजह से इस कानून के तहत बंद रखा है। तो मैं जानना चाहता हूँ कि इसके लिये क्या कोई इनक्वायरी कमिशन या बोर्ड बिठाया जायेगा जो इस पर विचार करे कि किसी को गलती से तो अरेस्ट नहीं किया गया है। साथ ही मैं यह भी जानना चाहता हूँ कि अगर कोई गलत पकड़ा गया तो क्या उसको कोई कम्पनसेशन देने की व्यवस्था की जायेगी? इसके साथ-साथ जोधपुर डेटेन्यूज को छोड़ने के बाद हमने अखबारों के माध्यम से जाना है कि जोधपुर डेटेन्यूज जो छूट गये थे वे आतंकवादियों की गोलियों के शिकार बने, मारे गये। तो एन.एस.ए. से छूटने के बाद ये नहीं मारे जायेंगे क्या इसकी कोई गारंटी दी जायेगी। यह मैं मंत्री महोदय से जानना चाहता हूँ।

SHRIMATI BIJOYA CHAKRAVARTY (Assam): Sir, I will take one minute only. It is a very welcome move. The Opposition always demanded this. But when we demanded repeal of black laws, we were branded as conspirators. I am glad that good sense has prevailed upon the Government.

I have only three questions to ask. Number one, when does Government propose to hold elections in Punjab?

Number two, why have a large number of released detenues been arrested again? How can the Government justify its action?

Number three, has the Government positively found out or identified the issues that hurt the Sikhs most and whether Government has got positive proposals to stop the killing of innocent people?

श्री शम्भू लाल (जम्मू और कश्मीर):
पहले तो मैं होम मिनिस्टर साहब को बधाई देना चाहता हूँ जो उन्होंने एन.एस.ए. की दफा 14(ए) को विद-डा करने की बात की है। इससे एक नई फिजा बनेगी और प्रधानमंत्री का पैकेज प्रोग्राम अगर सही मायनों में इम्प्लीमेंट हो तो पंजाब के सैल्यूशन के हम बहुत करीब पहुँच जायेंगे। मैं यह जानना चाहूँगा कि जो कैबिनेट कमेटी पंजाब गई और वहाँ पर मुख्तलिफ जमातों को मिली, जिसमें बी.जे.पी. भी था, वाजपेयी जी ने अभी कहा, उन्होंने सिर्फ मेमोरैंडम दिया और फिर भाग गये और कोई पार्टिसिपेशन ही नहीं किया। तो हरियाणा, पंजाब और चण्डीगढ़ से अकाली पार्टी लेकर बाकी जितनी भी पार्टियाँ मिलीं उनका कहना यह था कि पंजाब समस्या का हल जो है वह राजीव गांधी लौगोवाल अक्राई के बेसेज पर होना चाहिये। उसमें दो बुनियादी बातें हैं एक तो पानी का झगड़ा है और दूसरा चण्डीगढ़ के ट्रांसफर का मतलब है। मैं यह जानना चाहता हूँ चूँकि हरियाणा सरकार जो है जिससे यह मसला सम्बन्धित है इन लिमिट आफ

चण्डीगढ़ जो टेरिटरी उनको मिलनी है और सतलुज यमुना लिंक केनाल भी जल्दी बने और पानी का शेअर जो उस अक्राई के मुताबिक उनको मिलने वाला है तो क्या देवी लाल सरकार, जनता दल की सरकार इस सिलसिले में कोअप्रेट कर रही है? मैं यह जानना चाहता हूँ कि जनता दल की सरकार सरकार को कहाँ तक कोअप्रेट कर रही है?

SHRI P. CHIDAMBARAM: Sir, a very small announcement, as Mr. Swamy would characterise it, has provoked here what appears to be a Half-an-Hour Discussion. But I am grateful to the hon. Members for the questions they have asked, many of them of course overlapping. So, I will try to answer the main points, if anything is left out, I shall certainly clarify it.

Sir, it is not correct to say that Government has given up the Rajiv-Longowal accord. On the contrary, let me reiterate, we have full faith in the Rajiv-Longowal accord. We are committed to implement the Rajiv-Longowal accord, and we are committed to find solutions to outstanding issues within the framework of the Rajiv-Longowal accord.

Last year we faced a difficult situation. In April last year, April of 1988, hon. Members are aware, we worked out the Punjab Action Plan which was mainly intended to step up the drive against terrorists and terrorism and restore a sense of security among the people of Punjab. It was criticised by some sections. But I believe that the steps taken under the Punjab Action Plan particularly the Operation Black Thunder, of flushing out all terrorists from gurdwaras and the raids conducted on hiding places, did yield good results as far as the security environment in Punjab is concerned. Yes, it had consequences. But I have come before this House and several times spelt out that there is a price to be paid for such an increased activity. During the second and third quarter of 1988 there was a tremendous amount

of reprisal by terrorists. Our forces stood up to the heightened activities of terrorists. The last quarter of 1988 was the best among the four quarters. The first quarter of 1989 was better than the last quarter of 1988 in terms of strong action taken by the police force against terrorists. The number of lives lost is still high. But in the first quarter of 1989 it was less than the last quarter of 1988 which was less than the previous quarter.

Once we were confident that we have restored some measure of control over the security environment, the Prime Minister announced the Punjab package intended to bring the laws in Punjab on par with the laws in the rest of the country. This is a graduated response, a measured response. One of the items of the response was the release of Jodhpur under-trials. Sir, I want to take this opportunity to say once again—I have said it several times in Parliament outside, in the Consultative Committee—the Jodhpur prisoners were not detenus, they were under-trials facing a proper case filed against them. The trial of the case could not take place because it was pending before the Supreme Court on a question of law. The trial, therefore, did not take place. But they were, nevertheless, under-trials facing a charge of waging war.

SHRI SATYA PRAKASH MALAVIYA: Was the trial stayed by the Supreme Court?

SHRI P. CHIDAMBARAM: Yes. All the 194 accused, including six absconders were released on the 6th of March, 1989. The Punjab Government re-arrested 79 persons who were accused in other cases including cases under section 302, murder and section 307. We appointed the Ribeiro Committee to review the cases of these 79 arrested persons. After reviewing the Ribeiro Committee recommended and we have accepted the recommendation and fortysix people have been released. Today there are only 33 people arrested on charges other than the charges of

waging war, in respect of cases which arose prior to Operation Bluestar. There are charges, including charge of murder 302, 307 dacoity etc. These are very serious charges. These charges cannot be given up. Thirty-two people have been kept under arrest by orders of court, judicial remand etc. Mr. Tohra is also under detention in a case which has been filed against him by the Punjab Government. We shall see how these cases progress.

As regards other items of the package, one of the items was that we will withdraw cases for making objectionable speeches. We have reviewed 563 cases involving a larger number of accused. In each case there may be more than one accused. We have directed withdrawal of 437 cases. But if anyone makes an objectionable speech hereafter, we intend to take very strong action. We cannot on the one hand withdraw cases and still take a lenient view of people who make objectionable and seditious speeches in the future. We have directed withdrawal of 437 cases out of the 563 cases which have been reviewed.

As far as restrictions under the Foreigners' Act is concerned, all restrictions have been removed by a notification made on the 4th of March, 1989, the day after the Prime Minister's announcement.

Now, I come to item No. 4. As regards the Punjab Disturbed Areas Act and Armed Forces (Special Powers) Act, as the hon. Member, Shri Bansal mentioned, these Acts apply only to three districts out of 12 districts. They are Amritsar, Gurdaspur and Ferozpur. I shall keep what Mr. Bansal mentioned in mind i.e. is there scope for a further review.

As regards district committees for development I am happy to report that most of the political parties have given their lists. I believe the Government will soon constitute the district development committees. They will also

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serve as the district grievances redressal committees, and will hear grievances.

We have a system of village protection force. We have also got, what are known as S.P.O. pickets—Special Police Officers Pickets. The village protection force covers over 700 villages. I am happy to report that in villages where we have set up the village protection force, only in two cases the terrorists attacked the village protection force. The villages, where the village protection force has been set up are more or less immune to terrorist attack. I am not saying that that is the only reason, but that seems to be a contributory reason to deter terrorist attacks. Now, we want to merge these two and set up a village defence organisation which will involve in larger numbers the people of the village and a greater amount of voluntary effort. This has been worked out and we hope to introduce the village defence organisation very soon.

As regards Punjab elections, yes, action has been initiated. The draft electoral roll is being finalised by the Election Commission. I believe after they have published it or will publish it for inviting objections, the final electoral roll, I am told, will be ready by the 1st of June, 1989. The Government is committed to commence the process of Panchayat elections. We shall keep the warnings mentioned by the hon. Members in mind. Yes, we have to do it in phases and it will be worked out and we shall come to the House at an appropriate time.

As regards consultations with Opposition parties, the Cabinet Sub-Committee had very useful meetings with several political parties. It is a matter of deep regret that the Akali parties did not accept our invitation.

Mr. Vajpayee asked me why we invited the parties of Haryana and Chandigarh. The Rajiv-Longowal Accord is to solve the Punjab problem but it does have elements which con-

cern the people of Punjab and concern the people of Haryana. And I certainly don't think it is wrong to know what their positions are. At least today we have on paper the positions of the parties regarding Punjab, regarding Chandigarh, regarding its impact on Haryana, their position on territory and their position on water. We at least have it on paper. We at least know where they stand. We know the area of differences.

SHRI ATAL BIHARI VAJPAYEE:
They are well known.

SHRI P. CHIDAMBARAM: They are not so well known. In fact, you will be surprised some of the things which were told to the Cabinet Sub-Committee, they are not so well known. Even if they are well known, they are not well understood. Even if they are well understood there are always people who will distort these positions. So, it is much better that they are known, understood and not distorted. It is a matter of regret that Mr. Vajpayee's party, a very small section of that party came to us and said that they will not meet us. Having met us they said that they will not meet us which I suppose, is a position only Mr. Vajpayee's party can take.

SHRI SUBRAMANIAN SWAMY:
The Punjab BJP and the Haryana BJP gave the same stand or they gave a different stand?

SHRI P. CHIDAMBARAM: Only one unit met us. The Chandigarh unit met us. If I remember right the Chandigarh unit met us. Having met us they said that they will not meet us. So I assume that is a position which only Mr. Vajpayee can explain how that can happen... (Interruptions) ...I am coming to that. Following the discussion with the parties which we met in Chandigarh the Cabinet Sub-Committee has met twice thereafter. We are not formulating what we shall do next. I shall soon come before Parliament to say what we intend to do

next. These discussions were indeed useful and I don't agree that the Akalis gained any advantage or scored any point by not meeting us. I think, in all fairness they should have met us and if they have any disagreement they should have come and told us that there is some disagreement. *(Interruptions)*. . . Doors are open. Even now if the Akali parties or any one of the Akali parties wishes to meet the Cabinet Sub-Committee we are willing to meet those parties. *(Interruptions)*. . . I am coming to that. I have got all the points noted. I will cover the package first. Now, Sir, a large number of points were asked and I will take them one by one. I have answered Jodhpur under-riids. I have answered Punjab package. Mr. Malviya asked about popular Government. The Constitutional processes are there. Today, Punjab is under President's rule and we are committed to commence the process of elections to the Panchayats. Let us see how things go and at the appropriate time we will have to come to the Parliament to announce any decision that we may take.

SHRI VIRENDRA VERMA (Uttar Pradesh). What about the Municipal elections?

SHRI P. CHIDAMBARAM: We are now committed to hold Panchayat elections. I do not want to cross too many hurdles at the same time. Let us see how the Panchayat elections go. It is a major exercise. It has to be conducted very carefully. We have to take note of threats held out. We are gearing ourselves up to face challenge and I sincerely seek your cooperation. Let us see how the Panchayat elections go before we decide upon the next step.

Sir, as far Section 14A is concerned, now there are only 38 detenues under NSA today in Punjab. So the number is not so large as it is sought to be made out. The rest are all under judicial custody or police custody under the various Acts because they are charged with various crimes. Under

NSA we have only got 38 people in detention as on the 31st March, 1989. Out of these 38 people in 20 cases we have invoked section 14A. But I must utter a word of caution: by allowing section 14A to lapse on the 8th of June, 1989 it does not mean that these 20 will be released. They would have to still serve out their period of detention unless, of course, the Advisory Board or the Court or the Government of Punjab releases them from detention. But the point is that section 14A will not be invoked in any case in future. As of today section 14A is as good as withdrawn.

Sir, questions were asked about innocent people being harassed. There are as many versions as there are political parties and people. Yes, there are some cases where innocent people have been put to difficulties. But, then, we must also understand the situation in which the Punjab Police is working. I do not certainly defend any case where an innocent is harassed. Every case that has come to our notice we have looked into. The Governor travels around the State. Mr. Ribeiro travels around the State. We look into it. We have taken action against some policemen. I believe we have dismissed as many as 10 policemen in the last couple of months. I sincerely hope that there will be no case of torture of any innocent. When the District Development Committees which will also possibly work as Grievances Redressal Committees come into being. They will also be a forum in which grievances can be ventilated. *(Interruptions)*. . . I am coming to that. Many people in Punjab know that the security forces have launched a major operation in the last two months. But these were controlled operations. In fact, there has been no case, no allegation of either a fake encounter or torture in the last two months when controlled combing operations have taken place in many of the areas. I think the new strategy is paying off. We go there and we involve the villagers. We search the village, we apprehend people who are suspects. We screen them

[Shri P. Chidambaram] and we release the bulk of them immediately. There has been no complaint at all and I sincerely hope that there would be no cause for complaint. We are keeping a very tight control over the operation now and I sincerely hope that there will be no room for complaint and if there is a particular grievance, I am willing to look into that. Mr. Subramanian Swamy mentioned about Tiwana Commission. Yes, Tiwana Commission is there. Mr. Subramanian Swamy sets great store by it. Unfortunately, we do not set great store by it. If there are specific instances of human rights violations, I am willing to look into it but I do not think I can agree with Mr. Subramanian Swamy that we must appoint a Human Rights Commission to go into the excesses there. It is a difficult task in Punjab which is being carried out under very difficult circumstances and it is very easy to make accusations, it is very easy to find fault. I would only state that if any specific cases are brought we will look into them. I think, I have covered most of the major points.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You have covered almost all the points. (*Interruptions*)...

SHRI P. CHIDAMBARAM: Mr. Badal was detained under NSA on

the 26th of May, 1988. In his case also, I am told section 14(A) has been invoked. As you know, Mr. Badal was only yesterday moved from the Coimbatore prison to Dehradun. We shall see how things go. Last time, he was at liberty and immediately after "Operation Black Thunder", you know what led to his detention under the NSA. I sincerely hope that Mr. Badal also realises the gravity of the situation. I sincerely hope that he also re-examines his position in Punjab. Just as you are appealing to us to re-examine the question of his detention I think, you should appeal to him to re-examine the situation in Punjab and the position of his party in Punjab. I shall certainly keep what you have said in mind and we shall see what can be done. Thank you, Sir (*Interruptions*)

SHRI N. E. BALARAM: What about the doctors' strike?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): No, no. Now, the House stands adjourned and will meet at 11.00 A.M. on Friday.

The House then adjourned at fifty-four minutes past six of the clock till eleven of the clock on Friday, the 28th April, 1989.