SHRI VISHWA BANDHU GUPTA (Delhi); Madam, I would like to congratulate our Prime Minister and the Government not only to have made strides in space, but also to have now got a headway in the seabed exploration and science and technology. Madam, I would like to know whether an estimation has been made on the cost of exploration of the Seabed and whether there are some rare metals which may be used for very exclusive defence needs that would be possible to get from this exploration. Thank you.

SHRI RAJIV GANDHI: Madam Deputy Chairman, I would first like to refer to the hon. Member who talked about the burgler detectors. I don't anticipate the need for any burglar detectors in this particular field at the moment.

DR. R. K. PODDAR; This morning there was a question on it.

SHRI RA.ITV GANDHI: We do not need them here. We do not anticipate anybody pinching anything.

The main question that the Members have raised is that of our self-reliance and whether we have the capability and whether We have developed the capability. I would like to say here that no country in the world has developed complete capability for seabed mining. This is a very frontier area and we are out there, right in front with just two or three other countries in the world. And it is a question of balancing how you are going to do these things. If, for example we take the route of saying that yes, We will develop our own ship, we will develop ou'r own crane on the shin, our own equipment on the ship, we will develop everything of our own, in the meantime the brains of our scientists will go rusty, So, we have to balance that. Where we have brains, where we have manpower available which is capable of doing highly advanced work, we must give them the tools to do that work. And invariably when you are talking of tools for scientists who are working at the frontiers of science, these are very highly specialised pieces of equipment which have been made just in one or two numbers. They are not mass produced. It is not economically viable to mass produce them. And often it is more convenient to buy many of these things. It is cheaper and more convenient than to wait for many years till you have the capability to develop them to use them. It is a question of balancing the capabilities of your scientists with the production and technologists which are available in he country. And I feel that in highly specialised frontier areas we should not be hampering our scientists by forcing them for complete self-reliance. Yes, self-reliance must come in. As we now develop the technology for mining these resources and perhaps, by the middle of the next decade-we are targeting to be able to do this—we will have a much higher indigenous capability in tackling the technology that is required for this. Thank you, Madam Deputy Chairman,

I. STATUTORY RESOLUTION DIS APPROVING THE NATIONAL SECURITY (AMENDMENT) ORDINANCE, 1987—Contd.

II. THE NATIONAL SECURITY (AMENDMENT) BILL, 1987 —Contd.

III. STATUTORY RESOLUTION DISAPPROVING THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ORDINANCE, 1987—Contd.

IV. THE TERRORIST AND DISRUP TTVE ACTIVITIES (PREVEN TION) BILL. 1987—Contd.

SHRI SUKOMAL SEN: Madam. now reverting back to my point as T stated, what Mr. Chidambaram said

[Shri Sukomal Sen] has further confirmed my contention. I am not going to dilate on this point.

Coming back to Section 14(A) the main point of our discussion, this clause was struck down by the Punjab and Chandigarh High Court. Later on the Government went to the Supreme Court. The Supreme Court issued a stay order. But the case has not been disposed of as yet. But the Government did not wait for the final disposal of the case what the Supreme Court has to say about the validity of this. The Government did not wait for that. On the contrary, the Government has come up with the inclusion of the same thing, the same section in the amending Bill for sanction by the Parliament. If you really believe in democracy and justice, then why did you not wait for the Supreme Court's verdict On it, for the Supreme Court's clarification on it and how they would dispose of the case?

This is one point, Madam. Then, Madam, about the advisory hoards and extending the period of three months to six months for reporting *to* the advisory boards, what is the necessity of this extension of period from three months to six months? Now that in our country the telecommunication service has been so modernised and improved and when the police personnel are equipped with the most modern equipment any charge against any arrested person, whether he is in a taluka headquarter or a district headquarter can be reported back to the State capital within minutes.

[THE VICE CHAIRMAN (SHRI JAGESH DESAI) in the Chair] And the Government can compile any charge against any person within a short span of time and they can place the matter before the advisory board. Instead of that they are extending the period of reporting from three months to six months. Sir, it will de-grave injustice to the innocent peonle. As I have shown earlier, the people who were arrested, most of them proved innocent ultimately. If they are forced to be detained for six months for no fault of theirs, although the persons are innocent, Sir, is it not striking at the very root of democracy? Is it not an assault on the personal liberty of a lawabid-ing citizen of our country? it is a direct assault on a lawabiding citizen of our country. That is why I very much oppose the extension of the period.

Then about the advisory boards, you talk of retired judges. I have no grudge against anybody. But when retired judges are put on such a body, it will be their intention, their interest *to* continue. As such it will become another bane of vested interests.

Then I would like to draw the attention of the Hon. Minister to how this article 14A will be applied. It is stated that with a view to preventing any person from entering any district or from interfering in the efforts of the Government in coping with terrorist and disruptive activities, and from acting in any manner prejudicial to the defence of India—all right, the security of India—all right, the security of the State—all right, but the maintenance of public order, suppose a rally is being held for some political demands or some economic demands. You say it disturbs the public order, you apply this. Then the maintenance of supplies and services essential to the life of the community. Suppose a strike takes place. An institution, an industry, any service in that area, the workers have a right to strike, it is guaranteed by the Constitution. If the workers go on strike in an area, you can apply this article because maintenance of supplies and services essential to the community, is included in this clause. So. this clause will be abused, has been abused and will be abused in future also.

I know from personal experience that in Punjab a number of trade

union workers were detained under this Act. Your administration could not detain the terrorists. The killing spree is going on without interruption. The trade union workers were detained under this Act because they are very easy to catch. It. is not easy to catch the terrorists. So, Sir, this clause which has been abused in the past will be abused in the future. So. I strongly oppose it and I cannot approve of this clause.

THE VICE-CHAIRMAN: (SHRI JAGESH DESAI); Please conclude now.

SHRI SUKOMAL SEN; I have just started. It is such a serious situation. You are gagging democracy. Have I no right to speak in Parliament? You are gagging me in Partment also. *(Interruptions).* Do not pply this rule against me now. All '.ght, I will conclude, since you are wetting impatient. Now. about the her Bill, the Terrorist Activities B 11. What is this? This is another pirce of legislation which is very coirectly called a black Act. Now, Mr Chidambaram said that tribunal justice has to be strengthened. But what about the police force? What about the intelligence? You are only strengthening tribunal justice, giving them unusual powers, extraordinary power, but as yet you could not revamp your police force or strengthen the intelligence service. As I said, people have been killed but nowhere police is found; nobody is caught in Punjab or in Delhi: nobody- is Caught. You should strengthen your intelligence force, your police force. Merely by giving extraordinary powers to tribunals, how can you fight terrorism? You.are approaching the subject in a reverse order, and not from the correct side and that is why, because of this wrong handling, or mishandling, the situatios is deteriorating and worsening day by day and it is going beyond control.

Now only this. There is another aspect of it. It is a direct encroachment upon the powers of the State Governments. I have gone through your reply in the Lok Sabha since it was debated there, and you replied at length. Still I could not convince myself. The police is on the State List. Now you are creating a set of Central Government officers with special powers to act as police in the States, and the State police will have to help them. This is a direct interference in the States' jurisdiction. Under what provisions of the Constitution, under what entry of the Constitution, are you doing it? You said in Lok Sabha that legal expert opinion has been taken. I do not know whe-there ultimately this Act will stand before the court of law; but that is a different thing. So far as we have studied it and so far as we have consulted legal experts, the expert legal opinion given to us is that it is a direct interference in the affairs of the States, encroachment on the jurisdiction of the States. If there is terrorism in a State, it is for their police force to handle. If a State asks for CRPF or army, you have to send it to help them but you cannot empower a special class of Central Government officers with powers of police to investigate or even to arrest. Is it not a parallel police force you are creating in the State putting it above the State police? Have you consulted the State Governments? In India, a number rof States are governed by non-Congress-I parties. Have you consulted them? You have not consulted the States, and without, consisting anybody, you are doing it. You do not care for them and do not care to take their opinion, whether they would like this or not.

Then about article 22, even through a photograph. identification is to be made of a terrorist. This is too much. Everybody is prepared to fight terrorists no ?sane person will say that terrorists should not he fought, and nobody would compromise on this issue. But here, in the name of fighting terrorism, the administration is being vested with extra-

[Shri Sukomal Sen]

ordinary powers, powers which are subject to misuse and abuse, and these things cannot be allowed. So, we find that these amendments that ! you have brought in this Bill are too draconian and I cannot support it.

Another point is, the hon. Minister said that they have the political will. In his introductory statement, the hon. Minister said that the Government have the political will to fight terrorism. Mr. Chidambaram, this Act was passed in 1985. Eighteen months elapsed before rules were framed. If you had the political will to fight terrorism, if your administration was efficient, capable and determined to fight terrorism, why did you take eighteen months to frame the rules? V/hat is your answer? You have no answer. What I want to say is that with this method of handling, the Punjab situaion cannot be tackled. President's Rule has further worsened the situation. Dismissal of the Barnala Government has been the gravest Of bunglings by the Central Government during this period in respect of Punjab.

Therefore. Sir, I would say, withdraw this Bill. Enough powers are there. Enough legislations are there. The CPC is there. So many Acts are there. You are equipped with all the powers. Use them. Fight the terrorists. Take the people into confidence. Rouse public opinion. Rouse popular initiative and instal a representative Government there. End President's Rule. Allow those who are the representatives of the people to rule that State.

Sir, about the Rajiv-Longowal accord, perhaps, it has gone under the grave. So many things are said. Everybody is jubilated. What is the position of the accord now? Everybody has forgotten it.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Sukomal Sen, you are now bringing in a new point. You must conclude now. You have taken more than twenty-five minutes.

SHRl SUKOMAL SEN; I am concluding. If you want to bring peace in Punjab, you have to implement the Punjab accord, the Rajiv-Longowal accord in all sincerity. If you handle the situation in this manner, you will create more problems in Punjab. You will not: be able to solve the Punjab imbroglio in this way. You are mishandling the situation. Your handling of the situation has led to further deterioration and worsening of the situation.

श्री दरबारा सिंह (पंजाब) : वाइस चेयरमैन साहब, मैंने अपने अपोजीशन के दोस्तों की कुछ स्पीचें सुनी। उनको सुनकर मुझे ऐसा जान पड़ता है कि जो सिचयेशन पंजाब में इस वक्त है उसको समझकर नहीं बल्कि तथ्यों को अपनी तरह से यहां पेश किया जा रहा है। मैं आपसे अर्ज करना चाहता हूं कि इसकी जरूरत क्यों पड़ी। मैं, ये दोनों जो अमेंडमैंट हैं उनकी हिमायत करने के लिये खड़ा हुआ हूं। इसकी वजह है। यह कैसेसिटी हो गई थी और यह इसलिये कि पिछला इंतजाम जिस ढंग से चल रहा था उस में कुछ लपोल्स थे। उनको दुरुस्त करने के लिये यह स्टैप लिया गया है। यहां अकार्ड के बारे में कहा गया कि दिन बदल दिये गये हैं। पहले बिल में जहां सेक्युरिटी की बात है वहां कुछ दिन, कुछ वक्त मुकर्रर था और उस वक्त को बदला है ताकि अच्छी तरह से उसका जांच हो जाय, इससे ज्यादा कुछ नहीं है। इसलिये इस अकार्ड के बारे में बार-बार यह कहना ठीक नहीं है। मैं यह कहता हूं कि जो अकार्ड हुआ तो वह बहुत गुड फेथ में किया गया। इसको इम्प्लीमेंट करने में सरकार ने अपनी ओर से पूरी कोशिश की। मैं कहना चाहता हूं कि इस पर अमल क्यों नहीं हुआ, किसने नहीं किया ? जो पानी का फैसला किया गया था, वह फैसला उन्होंने नहीं माना। उन्होंने कहा कि चंडीगढ़ दे दो लेकिन उसके बदले में जो जमीन देनी थी उसको हरियाणा को देने की बात नहीं मानी। कौनसी बात है जो उन्होंने मानी हो। फिर यह कहना कि उसको हिन्दुस्तान की सरकार ने नहीं किया

है गलत बात है। यहां पर इसको इस तरह से पेश करने से कोई फायदा नहीं होगा। हम यह चाहते हैं कि किस तरह से टैरोरिज्म खत्म हो और यह टैरोरिज्म जो है यह हमारे पूरे देश में न फैले और इसका दूसरे मुल्क फायदा न उठायें। इसके लिये हमारी कोशिश है और इसी कोशिश में ये स्टेप लिये गये हैं। मैं यह पूछना चाहता हूं कि कहां से यह बात चली। क्या यह सच नहीं है कि मुक्तसर में जो इतना बड़ा हादसा हुआ तो वहां सरकार कन्डोलेंस करने के लिये गई थी। जिन लोगों ने मारा, इन्नोसेंट को जीवा किया, जिनको सिल्ट किया, जिनके सीने पर गोली चलाई है, वे जाकर घरों में मार जाते हैं नागरिकों को मार जाते हैं तो उसके लिए इकटठा कर के कहते हैं कि ज्यादती हुई है। मैं यह कहता हूं क्या उन लोगों से ज्यादती नहीं हुई जिनके परिवार के सारे के सारे मैम्बर मारे गये, कत्ल कर दिये गये हैं, घर बैठे उनको निशाना बना दिया गया और इसको कहने वाला कोई नहीं है। अभी परसों मल्होत्रा जी को बरबरे बाजार गोली मार कर भाग गये। मैं यह पूछना चाहता हूं क्या सी०पी०आई० के आदमी नहीं मारे गये, उनके लीडर मारे गये हैं काम करने वाले मारे गये हैं कांग्रेस वाले मारे गये हैं, बी०जे०पी के आदमी मारे गये हैं, पंजाब में किस पार्टी के आदमी नहीं मारे गये हैं? दिल्ली में भी मारे गये हैं। मैं सारी पार्टियों को इसलिए कहता हूं कि यह सोचें और अगर वो सिर्फ अपोजीशन करने के लिए कहेंगे तो मैं समझता हूं कि आप पंजाब की स्थिति को सही तौर पर समझ कर उसके लिए कोई आउटलेट नहीं दे रहे हैं। वहां पंजाब में कौन से हादसात नहीं हुए हैं अमृतसर में नहीं हुआ, जलंधर में नहीं हुआ या किसी और जगह नहीं हुआ सारी जगहों पर हादसे हुए हैं। मैं यह कहता हूं कौन उनकी मदद करता रहा है? मैं इस बात पर कोई तलख बात में नहीं पड़ना चाहता हूं। पार्टियों में क्या कुछ नहीं हुआ? कांग्रेस को एक तरफ कर के सब लोगों ने एक ग्रुप को मदद की है और उनको कहा कि ऐसे चलना चाहिये, कांग्रेस के खिलाफ कहते रहे हैं। मैं भी वहां गया था हमने कहा था कि प्रोब्लम का हल यह है उस हल के खिलाफ सब ने आवाज दी और आज यह कहते हैं कि अकार्ड जो है मैं समझता हूं गुड-सेंस में ले कर कहना चाहिये कि केंद्रीय सरकार ने ठीक किया है लेकिन वो इसके मुताबिक चले नहीं। यह हमारी जिम्मेदारी नहीं है। यह सूबा तक्सीम हुआ है वो कहते हैं कि पंजाब को चण्डीगढ़ मिलना चाहिये। चण्डीगढ़ की जो प्रापर्टी थी वह युनाइटेड पंजाब की कैपिटल बनाया गया था अगर उस कैपिटल को एक फरीक को देना है तो दूसरे फ़रीक को उसके एवज में कुछ न कुछ देना पड़ेगा जमीन देनी पड़ेगी। पानी का भी सवाल है। सरकार को पूरे हिन्दुस्तान के स्तर पर तमाम राज्यों को पानी का बंटवारा बराबर करना पड़ेगा क्योंकि पानी किसी के जेब का नहीं है यह रिसोर्सेज जो हैं यह नेचुरल रिसोर्सेज हैं। जहां पानी की जरूरत है वहां पानी जाना चाहिये और उसका इक्विटेबल डिस्ट्रीब्यूशन होना चाहिये। मैं तो सारे हिन्दुस्तान के लिए कहता हूं। यह गलत बात है कि पहले क्योंकि यह एक रेपेरियन स्टेट थी जब वह गुलाम थे अब रेपेरियन स्टेट हट गई अब वो पंजाब के दरिया बन गये हैं। आप दिल खोल कर के बात करो आप बहुत सीमित रूप में बात कहते हैं, थोड़ी सी जगह पर बैठ कर कहते हैं अपना दिल बड़ा कर के बात करनी चाहिये। यह हिन्दुस्तान का मामला है यह अकेले पंजाब का मसला नहीं है। यह मैं इसलिए कह रहा हूं इस जगह पर हम सब लोगों को सहानुभूति करनी चाहिये उनके साथ जो शहीद हो गये हैं जो मारे गये हैं। उनकी सरकार ने भी मदद की है, लोगों ने भी मदद की है, सब कुछ हुआ है। मैं समझता हूं कि इस समस्या का पोलिटिकल हल होना चाहिये लेकिन इसका पोलिटिकल हल कैसे होगा, जब टैरेरिज्म पूरी तौर पर डील किया जाएगा उसको डील करने के लिए यह प्रबंध किया गया है इसलिए क्यों आप ऐसी बातें करते हैं? मैं कहता हूं यह बातें हुई हैं। जब टेरिज्म कर्ब हो जाएगा तो हम सोच सकेंगे, नार्मल स्थिति चलेगी तो बात आगे बढ़ेगी। मुझे आशा है कि हम पोलिटिकल तौर पर हल कर सकेंगे। अब यह कहना कि उसको हटा दिया था, फलां को हटा दिया पेरेलल सरकार बन गई थी उन दिनों में। जितने हादसे हुए हैं उस में यह हुआ

[श्री दरबारा सिंह]

है एक आदमी जो टैरेरिस्ट्स से मिले हुए थे या टैरेरिस्ट्स की तरफ से आए हुए किसी न किसी कान्सपिरेसी में घुसे हुए थे उन लोगों ने उन लोगों को पुलिस में दाखिल करवाया दूर जगहों पर लगवाया जो लोग टैरेरिस्ट्स से ताल्लुक रखते थे या उस किस्म के थे या उस कैटेगरी में जाने वाले थे। अगर ऐसे हालात पैदा किये जाएं स्टेट्स में गवर्नमेंट होते हुए भी एक पेरेलल गवर्नमेंट टेरेरिस्ट्स बनालें तो उसका इन्तजाम करना किस का फर्ज था। वह हिन्दुस्तान की सरकार की जिम्मेदारी है इसलिए इसी हिन्दुस्तान की सरकार ने वाजिब तौर पर वहां प्रेजीडेंट रूल लगाया। यह कहना कि उससे ज्यादा हादसे हुए हैं सवाल यह है कि हादसे हुए हैं लेकिन लोगों को कानफिडेंस यह जरूर हुआ है प्रजीडेंट रूल में। और उन्होंने पूरे तौर पर उनका मुकाबला किया। इस लिए कुछ लोग यह कह रहे हैं कि फेक इन्काइंटर्स हो रहे हैं। मुझे पता है कि मेरे वक्त में भी कहते थे कि फेक इन्काउंटर हो रहे हैं। मैं आज चैलेंज करता हूं कोई फेक इन्काउंटर्स उस वक्त के दिखा दे। आपोजीशन इस लिहाज से अटैक करे कि वहां फेक इन्काउंटर्स हो रहे हैं इसलिए ताकत नहीं देनी चाहिए, मैं यह कहता हूं कि कौन से वाकयात नहीं हुए? क्या जुडीशियल के आदमियों को कत्ल नहीं किया गया। वे दफ्तर में बैठे हुए थे उनके सीने पर गोली नहीं चलाई, जुडीशियल आदमी को मारा गया है, जो जज था उसको मारा गया है जो आदमी जाता है गवाही देने के लिए उसको रास्ते में कत्ल कर दिया जाता है उसके सीने पर गोली चला दी जाती है कि विटनेस कैसे दे रहे हो अमृतसर की अदालत में यह नहीं हुआ? यह सब कुछ होता है। यह होते हुए भी समझें कि यह जो आब्जेक्ट लाया गया है कि एस०पी० के सामने अपना कोई कन्फेशनल स्टेटमेंट देता है तो उसकी मंजूर नहीं किया जाये तो फिर किसको मंजूर किया जाये। अगर वह कहते हैं कि मैंने यह काम किया है व नीचे कन्फेशनल स्टेटमेंट दे रहे हैं कर रहे हैं कि फलां जगह से जाकर हथियार बरामद हुआ है क्या आपको चलता नहीं है पाकिस्तान से नहीं आ रहा है, अमेरिका से नहीं दिये जा रहे हैं? सोफिस्टीकेटड वेपन्स पाकिस्तान से आ रहे हैं किसी न किसी शक्ल में, यही नहीं कि इसी बार्डर से आ रहे हैं, बार्डर अकेर भी हैं वहां से किसी न किसी तरह से ये आ रहे हैं तो उसका मतलब समझना चाहिए कि वे जिसके घर से निकले हैं वह उसको जखीरा बनाकर लोगों का डिस्ट्रीब्यूट करता है मारने के लिए, क्या उसको लाइफ इम्प्रिसनमेंट नहीं होना चाहिए या क्या 5 साल की सजा कम से कम नहीं होनी चाहिए, क्या उन पर जुर्माना नहीं होना चाहिए। यहां बात कह देना आसान है। आज जिसके सीने पर गोली लगी है जिसके बेटे के सीने पर गोली लगी है उसकी मां से पूछो कि तुम्हारी हालत कैसी है? वहां कहने से फायदा नहीं है। इसलिए मैं कहता हूं कि आप उस मां का ख्याल रखें जिसका बेटा कत्ल कर दिया गया है और खून पड़ा है, उसको मारकर चले गये हैं, पुलिस अपना पूरा जोर लगा रही है, उसको पकड़ने की कोशिश कर रही है, कई पकड़े भी गये हैं, इन्काउंटर्स हुए हैं। सब कुछ होता है। पकड़ने के लिए आते हैं। तो वे गोली चलाते हैं फिर पुलिस वाले किसी सेवा समिति के सदस्य नहीं हैं जो खड़े रहें, वे भी गोली चलाते हैं। मुकाबले में मरते हैं तो मरें क्योंकि जो टेरोरिस्ट्स हैं वे कहते हैं हमने खालिस्तान लेना है। आप समझ लीजिए आप खालिस्तान के लिए रास्ता बहाल करना चाहते हैं तो दोनों बिलों के सारे पहलुओं पर मुखालफत कीजिए। अगर आप चाहते हैं कि इस चीज की रोकथाम हो, अगर चाहते हैं कि हिंदुस्तान का यह मजबूत टुकड़ा हिंदुस्तान का हिस्सा रहे तो लाजिमी तौर पर हमें ये चीजें लेनी पड़ेंगी। यह कहा गया यहां कि कोई चलेगा, जलसा होगा कोई जलूस होगा, मैं तो कहता

हूं कि सारी पार्टियां आयें चलें, छाती निकालकर हमें चलना चाहिए, लोगों तक जाना चाहिए। सरकार जो काम करती है वह एडमिनिस्ट्रेटिव तौर पर करती है। आज पोलिटिकल पार्टियां इकट्ठा होकर नहीं चल सकती हैं ? मैं इनकी सिफारिश करता हूं कि सी०पी०आई "एम" हेड अप, चेस्ट आऊट करके वहां गयी बाद में उनके जो लोग हैं दोस्त हैं वर्कर्स हैं मारे गये। लेकिन सबको निकलना चाहिए, किसी को बुजदिली का काम नहीं करना चाहिए। हम चलने के लिए तैयार हैं आइये चलें। यहां हो क्या रहा है, यह कहने से काम नहीं चलेगा। इसलिए मैं कहता हूं कि यह डेमोक्रेसी तो हर कोई चाहता है, कौन नहीं चाहता कि वहां इंस्टाल हो ऐसी सरकार जो चला सके। हैं किसी की मेजारिटी, न बरनाला के पास है, न बादल के पास है और उन्होंने जितने काम किये उन्हीं के कारण अन्दर बैठे हैं, कितने उन्होंने सेडीशन के काम नहीं किये, आया उसको भूल गये हैं, अखबारों में जो पढ़ते रहे हैं, इनको कुछ उन्होंने नहीं कहा। सरकार बनी बरनाला जी की 703 आदमी छोड़ दिये गये। एक रिटायर्ड जज था इसको कहा गया कि इनके कागज देखो। रिटायर्ड जज आकर बैठे। मुझे बता दो कि एक-एक कागज नहीं देखना चाहिए ? कह दिया, कि लंप सम में छोड़ दो सबको और छोड़े और वे जाकर टेरोरिस्ट्स के साथ मिल कर आज वही काम कर रहे हैं जो टेरोरिस्ट्स पहले करते थे । मैं इस हक में हूं कि रिव्यू होना चाहिए उनका जो कि अन्दर हैं लेकिन जो इनोसेंट हैं उनको निकालो लेकिन जिन्होंने 10–10, 12–12 खून किये हुए हैं, लोगों के कत्ल किये हुए हैं आया उनको छोड़कर आप चाहते हैं कि फिर वही काम शुरु कर दें जिसके कारण वे पकड़े गये थे । इसलिए पुलिस के लिए यह कहना कि इनका कोई मंजूर नहीं हो । आप मुझे बता दो कोई आदमी तैयार है विटनेस देने के लिए यह कहने के लिए कि मैं गवाही देने के लिए तैयार हूं कि मेरे सामने उस आदमी को उसने गोली लगायी है । पहले ही उसकी छाती पर एक गोली लगती है, उसको भी ठंडा कर दिया जाता है। तो इसलिए मैं समझता हूं कि हमारी गवर्नमेंट बहुत मजबूत होनी चाहिए, ज्यादा इस पर निगरानी चाहिए, लेकिन दूसरी स्टेट्स को भी चाहिए, गुजरात को भी चाहिए— हमें इस तरह से निगाह रखनी चाहिए कि सारी जगह से कहीं न कहीं से कि धकेल करके कोई न कोई चीज इधर–उधर पहुंचती है ।

मैं उन देशों का नाम नहीं लेना चाहता हूं दूसरों का, क्योंकि पाकिस्तान तो सीधा लगा हुआ है। वहां हम गये उस ग्रेट पर्सनेलिटी को छोड़ने के लिए, तो जो "जंग" का नुमाइंदा है, वह हमें पूछने लगा कि हम पर शक क्यों किया जा रहा है कि हम टेरोरिस्ट्स को ट्रेन करके भेजते हैं ?

मैंने कहा कि हमें तो शक नहीं, हमें तो यकीन है, लेकिन अगर आप शक समझते हैं, तो इस शक को दूर कीजिए। कहते हैं कि हमारे प्रेजीडेंट कई दफा गये हैं और उन्होंने जाकर कहा है। मैंने कहा नहीं, उसके बाद दूसरी तरफ दुगने आदमी और हथियार भेजने की कोशिश की है और बीस दुकानें जो खोली हैं इस बार्डर के साथ असले की, वह किसके लिये हैं? वहां कोई खेतीबाड़ी के लिए, वह असला किस बात के लिए है, मुझे बताइये ? वह चुप कर गया।

मैंने कहा कि इसी आदमी के खिलाफ जिसको हम छोड़ने आए हैं, आप हमारे खिलाफ कहेंगे जब हम चले जायेंगे और वही हुआ कि गवर्नमेंट आफ इंडिया जो है, वह इसका फायदा उठाना चाहती है । एक निहायत ही ग्रेट वारियर आफ इंडिपेंडेंस, महात्मा गांधी के बाद दूसरा नाम जो आता है, वह सरहदी गांधी

[श्री दरबारा सिंह]

का ही नाम आता है, जिसने अपने जंगजू तबके को तबदील किया इस बात के लिए कि अमन तशद्दत के रास्ते पर चल कर मुल्क की आजादी हासिल की जाए। उसकी हमने तो यहां देखभाल की है ताकि वह जिंदा रहे आईन्दा के लिए। वह शमा है जो जलती रहे—हम चाहते है कि हिंदुस्तान की आजादी के बाद वह एक बहुत बड़ी पर्सनेलिटी है, जो जिंदा रहे काफी अरसे के लिए। उसके लिए हम दुआ मांगते हैं। वह दुआ भी नहीं दे सकते है। मैं इसलिए कहता हूं कि वह दगा देते हैं दुआ की जगह।

इसलिए मैं कहता हूं कि जितना आप इस बात पर कहते जायेंगे कि इसमें यह लूपहोल हैं—पर आप लूपहोल दूर करने की कोशिश नहीं करते और फिर आप यह भी कहते हैं कि ऐसे नहीं करना चाहिए, कोई पाजिटिव पार्ट नहीं लेते।

मैंने एक सज्जन से बात की थी। मैंने कहा कि आप सवाल तो उठाते हैं, मुझे जरा यह बता दो कि करना क्या चाहिए? मैं समझता हूं कि यह बहुत एबल मिनिस्टर हैं। मैं इनको अर्ज करना चाहता हूं कि आप एस०पी० के साथ भी अगर कुछ और अपने रूल्ज में कर सकते हैं जिससे कि पूरी पाबंदी हो जाए, जिसमें ठीक तौर पर सारी जांच हो, वह अगर लगा दें, तो कोई बुरी बात नहीं है। रूल्ज में यह किसी-किसी जगह पर हो सकता है। हम नहीं चाहते हैं कि किसी इनसान को पकड़ कर इस ढंग से उसे टेरोरिस्ट बनाया जाए। हम चाहते हैं कि वह टेरोरिस्ट जो मतलब है, उसको पकड़ कर—मैं कहता हूं कि हमें बिलकुल मीनिंगफुल काम करना होगा इस बात के लिए अगर आप चाहते हैं कि हिंदुस्तान वाकई बच जाए।

यहां पर कहा गया कि बाहर भी ऐसी चीजें हो रही हैं, यह उसी के रीएक्शंज हैं। आज का टेरोरिस्ट क्या चाहता है जो कमिटेड है? वह यह कहता है कि यहां से दूसरी कम्युनिटी वालों को और वहां से लोगों को भगायें, इस तरह से जो बैकलैस और रीएक्शंस जो हैं, वह तो चाहते हैं। अगर आप यह चाहते हैं कि वहां कुछ न किया जाए, तो उनके जो इरादे हैं, वह आप पूरा करने के लिए पूरी कोशिश कर रहे हैं।

मैं यह कहता हूं कि आप इस पर बहुत सीरियसली ध्यान दीजिए। न लेबर पर इसका असर पड़ने वाला है, ना किसी डेमांसट्रेशन पर जो सरकार के खिलाफ है उस पर, हां अगर वह ईंट-पत्थर चला कर और गोला-बंदूक चला कर किसी को मारेगा तो लाजमी तौर पर यह टेरोरिस्टज एक्टिविटीज में कहीं आ सकता है। लेकिन यह नहीं है कि कोई अपने तौर पर अपने डेमोक्रेटिक सेट अप में अपनी कोई बात कहना चाहता है, उसको रोकने के लिए गवर्नमेंट की कोई किसी तरह की गुंजाइश इसमें नहीं रखी हुई है। तो मैं यह अर्ज करना चाहता हूं कि यह डिस्टिंगुइश करके चलना चाहिए और इस बात का इंतजार नहीं करना चाहिए कि चूंकि वहां की जो अदालत है पंजाब की, उसने इसको खत्म कर दिया है, रिजैक्ट कर दिया है इन्होंने अपील की है, उसमें उनको इजाजत दी गई है आगे बात चलाने की, तो आप इंतजार करते रहें और वह हमें मारते रहें वहां, इस बात के लिए कहां तक आप जायेंगे? वह क्या करते हैं, अदालत क्या करती है, सुप्रीम कोर्ट क्या करती है—वी शैल हैव टु लुक आफ्टर दैट—वह तो सरकार का काम है और अदालत क्या काम करती है—तो यहां 14 (ए) पर बहुत कुछ कहा गया है। मैं समझता हूं हमारे माननीय सदस्य श्री वाजपेयी जी बहुत अच्छे ढंग से बोलते हैं। कभी इनके पास एक भी प्वाइंट हो तो वह उसका एक ऐसा अलंकार बांधेंगे कि जिसका कोई आधार नहीं। लेकिन मैं यह कहना चाहता हूं कि यह कहना कि दो-दो,

चार-चार, पांच-पांच दिन आगे करने से अगर आपकी पार्टी को या किसी को नुकसान होता हो तो बता दीजिए। उसमें तो उसकी सैटिस्फैक्शन के लिए है कि सरकार कुछ दिन और बढ़ाकर पूरी तौर पर अपना केस पेश कर सके, यह बात है । आप इस बात पर इत्तफाक करते होंगे कि कोई भी जो टैरोरिस्ट है, मैं आपको बताना चाहता हूं, सरकार को तो बहुत कुछ मालूम है, हमें कुछ थोड़ा सा मालूम है कि वह जो टैरिस्ट पकड़ा जाता है, वह बोलता है और वह क्या-क्या बोलता है ? वह कहता है कि फलां से मैंने हथियार लिए, फलां को मारा, फलां को इसलिए मारा है, वहां से पैसा लूटने गए थे, वहां हमारा शेयर पड़ा था, वह सारी चीजें बताता है । आप कहते हैं कि वह जो बताता है हम उसका उसको इस ढंग से मुआवजा न दें कि उसको जेल में डाला जाए । सिर्फ इसी बिनाह पर, आप इस बहाने से कहें कि यह किसी इन्नोसेंट पर लागू न किया जाए तो ये सारे ही आप एक स्लेट में से साफ करना चाहते हैं आप सब चीज को साफ करना चाहते हैं तो यह बात आपको नहीं करनी चाहिए । मैं यह कहना चाहता हूं कि यह अकेली बात ही नहीं है वाइस चेयरमैन साहब मैं इससे जोड़ता नहीं इस बात के लिए, लेकिन यह बात गलत है. आज जितने सवाल बाहर की सरकारें उठा रही हैं उनका परपज उनके सामने यह है कि कुछ बात बने या निकले या एक लटकती हुई तलवार जो है वह इस सरकार पर है। वह इस बात के लिए लगातार कोशिश में है और कहां तक कामयाब होते हैं वह देखेंगे । लेकिन सवाल यह है कि आज भी आपने देखा कि कितनी हमारी डिवलपमेंट है और हम डिवलपमेंट की तरफ जो रहे हैं । पंजाब में पर कपिटा इन्कम सब से ज्यादा थी । मैं यह कहता हूं कि आप हमारे डेमोक्रेटिक सेट अप को देखिए जिस वक्त मैं पंजाब का चीफ मिनस्टर था, यह जो बिजली है आज जिसकी वजह से बावजूद सूखे के अगर पंजाब में कोई पैदावार हो रही है तो वह इसलिए कि वहां पर रोपड़ का थर्मल प्लांट तीन साल में खड़ा कर दिया, गरीब वर्कर्ज को पैसा सबसे ज्यादा दिया गया ताकि काम जल्दी पूरा हो । लेकिन पिछली सरकार ने जिसका नाम बरनाला सरकार कहते हैं क्या एक मैगावाट भी बिजली उन्होंने पैदा की है । यह बात कड़वी तो है । उनकी तवज्जह डिवैलपमेंट की तरफ थी ही नहीं। एम्प्लायमेंट किन-किन लोगों की हुई मैं उस पर नहीं जाना चाहता । पुलिस में एम्पलायमेंट किन लोगों की हुई है ? (व्यवधान) आपने बोलना है तो बाद में बोल लेना । मैं यह अर्ज करना चाहता हूं कि यहां नहीं कि जो एक प्रोफार्मा तय किया गया है उसमें यह लिखा गया है कि कौन किस जगह से उजड़कर आया है हमने उसको देना है, नौकरी भी उसको देनी है, हाउस भी उसको देना है और सारे जो लोज हैं सापट लोज जो भी उनको देने हैं । लेकिन जो गरीब वहां से उजड़ा है और जिनको टैरोरिस्ट ने उजाड़ा है और वह दूसरे सूबों में निकले हैं उनके लिए उस सरकार ने एक कदम भी उठाया हो तो कह दें ? कहते हैं कि वह बहुत अच्छी सरकार थी । वह सरकार थी या वह एक पार्टी का प्रोग्राम लेकर उस टैरोरिजम को ज्यादा मजबूत करने के लिए वजूहात पैदा कर रही थी ? मैं यह कहता हूं कि ऐसे कहने से कोई फायदा नहीं होगा । फैक्चुयल चीज पर जाएं और मैं यह चाहता हूं कि वहां इकोनोमिक प्रोग्रामज ज्यादा हों, लोगों को यूथ को एम्प्लायमेंट दीजिए लेकिन यह तभी हो सकता है जबकि टैरोरिजम खत्म हो । डांगे एक बहुत मशहूर सी.पी. आई. के लीडर हैं, उनका पढ़ा यहां एक दोस्त ने और सारा पढ़ने से पता चला कि उन्होंने कहा कि जितनी देर तक टैरोरिजम खत्म नहीं होता उतनी देर तक कोई भी पोलिटीकल चीज हो नहीं सकती । बात ठीक है । आप उसको हटायेंगे तो हम किस से बात करेंगे ? कौन कहता है किस-किस वास्ते कौन सी डमोक्रेसी बना दें । आप चाहते हैं, यहां बैठ हुए कि डमोक्रटिक सट आप में जिसकी सब से कम तादाद है उसकी सरकार बना दी जाए ? और जब हम यहां कहते हैं कम्युनलिज्म पर बोलते हुए लोगों से कहा, हमें किसी एसी पार्टी से ताल्लुकात नहीं होना चाहिए, जो कम्युनलिज्म है । इस कम्युनलिज्म के

[श्री दरबारा सिंह]

खिलाफ हम सब को मिलकर लड़ना चाहिए। आप कम्युनिस्ट पार्टी के साथ हमारा जोड़ कराना चाहते हैं, उसके लिये हम कतई तैयार नहीं हैं। इसलिये मैं कहता हूं कि जब यह बात है, तो फिर रास्ता यह नहीं निकल सकता कि एक सरकार अच्छी थी, हमें पता चला है कि कितनी अच्छी थी। बहुत कुछ कह सकता हूं उसके बारे में, कौन से मिनिस्टर हैं, जिनको वहां पकड़ा गया, उनसे लाखों रुपया निकला है, वह कहां से निकला है, कहां से लिया उसने? कितनी करप्शन नहीं हुई वहां और वह सब उसके वजीरों ने की थी, और तो किसी ने नहीं की? आप उसको डिस-ओन नहीं कर सकते। जिस आदमी ने एक नेक काम किया था, उसका टिकिट भी निकला है। ठीक है, मैं उससे इख्तलाफ कर सकता हूं। एक भले आदमी ने कुछ काम करने की कोशिश की और उसका सारा ही किया - कराया खारिज करने के लिये, खत्म करने के लिये सब कुछ पिछली सरकार ने, जो उसके नाम पर बनी थी, उसने किया है।

महोदय, बहुत कुछ कह सकता हूं, उसके बारे में। आप मत छेड़िये कि डेमोक्रेटिक सरकार थी। वह डेमोक्रेटिक सरकार नहीं थी, बल्कि एक पार्टी-ग्रुप की सरकार थी। जो यह चाहते थे कि कम्युनिज्म को कायम करते हुए हम कितना सरकार से ऊपर उठा कर अपनी पोजीशन में रह सकते हैं। यह उनका आइडिया था। कभी उनका आइडिया यह नहीं हुआ कि हम इस स्टेट को आगे बढ़ा सकें और टेरारिज्म का मुकाबला कर सकें। उन्होंने टेरारिज्म का मुकाबला नहीं किया। उसको सबमिट किया है और हम उस सबमिशन को मानने के लिये तैयार नहीं हैं। इसलिये उस सरकार को हटा कर केन्द्र सरकार ने अपनी जिम्मेवारी ली है और उसको निभाने के लिये वहां एक डी०जी०पी० और गवर्नर ठीक तौर पर अपना काम करने के लिये लगे हुए हैं। ठीक है, कई लोगों को शिकायत होगी कि वह मानते नहीं हैं। मैं समझता हूं कि अगर कोई ठीक बात है तो उस बात को मानना चाहिये, लेकिन सिफारिशात् वह नहीं मानते, उसके खिलाफ भी जा सकते हैं, बहुत से लोग। मैं यह कहता हूं कि यदि आनेस्टली किसी चीज को करना चाहते हैं तो उनकी मदद करने के बजाय यहां हरेसमेंट होता है। मैं समझता हूं कि पुलिस को डीमोरेलाइज किया गया है, हमारी तरफ से, सबकी तरफ से डीमोरेलाइज किया गया है। उसकी मोरेल को पूरा करने के लिये यहां ऐसा किया है कि एस०पी० के सामने जो भी बयान दे दे, बयान देकर कोर्ट चला जाता है और वह मोता हो या एसमा हो, इसमें कोई फर्क नहीं है। अगर कोई आदमी 10 आदमी को मारने के बाद पकड़ा जाता है तो उसके लिये हम-दर्दी पैदा करने के लिये हम यहां नहीं आये हैं। इसलिये मैं कहता हूं कि इस कदम को मजबूती के साथ आगे उठाना चाहिये और जो सरकार कहती है, अगर उसमें कोई लूप-होल्स हैं, उसको आप सबस्टेंशियल कर सकते हैं कि यहां खराबी है। बजाय इसके कि आप इसको अपोज करें, आप अपने कोई बजुहात बयान करें और कहे कि दिस इज दी राइट कोर्स, आप कंक्रीट परपोजल दें। उसके लिये तो गुंजाइश है। लेकिन इस चीज के लिये गुंजाइश कहां आ गई कि यह बिल्कुल दफा कर दो, इसको खत्म कर दो, इसकी जरूरत नहीं है। किस बात की जरूरत है, वह आप हमें बता दें। इसकी जरूरत नहीं है कि स्ट्रोंग एक्शन लेना चाहिये।

एक बहुत अच्छी बात कही, बाजपेयी साहब ने कि हमें डटकर मुकाबला करना चाहिये, इस टेरोरिज्म का। इस बात में मैं उनके साथ हूं कि हमें मजबूती से कदम उठाने चाहियें। बाजपेयी साहब, इसी वजह से इन्होंने यह बिल यहां लाया है, ताकि हम मजबूती से उसका मुकाबला कर सकें और टेरारिज्म को खत्म कर सकें।

इन अलफाज के साथ शुक्रिया।

SHRl V. RAMANATHAN (Tamil Nadu): Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity to speak a few words on this subject. The Minister has stated in the Statement of Objects and Reasons that the National security (Amendment) Bill, 1987 is being introduced, although ' the entire State of Punjab and the whole of the Union Terri'ory of 'Chandigarh had been declared as "disturbed areas" under the relevant Disturbed Areas Act, there had been no improvement in the effective prevention of these activities. That is why, Sir**,** he has brought forward this amending Bill to give effective implementation and bringing the areas under some control. Anyway, Sir, it is a highly essential Bill. The activities of the extremists are increasing day by day. They are threatening the national security. Every day killings are going on. The menace of terrorism is spreading from one State to another State. There are press reports that they are getting helicopters and other improved weapons to strengthen their hands. Under these circumstances, i* is very essential to take all necessary steps to take action to cotnrol the situation in Punjab. Even among the general public and the officials, who are bound to help the Government to suppress the terrorises acts, out of fear, on one is coming forward to help the Government machinery to suppress these terrorist activities. Under these cir-cumstances, it is highly essential that the Government must come forward and they must have all weapons in their hands to control these terrorist activities. Otherwise, it will spread throughout the countrv. It may not remain confined to Punjab but it may go round all over the country and may spread throughout and create. lot of problems to the nation and will threaten the security and the integrity of this nation. I agrree, this is not only a problem of Punjab but it is a national problem, spreading from one State to the other. If it is allowed to grow, people will begin to think that through violence, they can achieve anything and for every demand, they will take arms against the Government thereby threatening the Government to achieve their objective. Therefore, it is highly essential to curb these terrorists activities. But I want to impress upon the Government that by giving more legal arms to the police, the problem of terrorism will not be solved. A few years before, it was thought that this-problem of terrorism is a law and order problem and the Government thought that by police action, this problem can be settled and peace can be brought to Punjab. People can live there peacefully. But unfortunately, this problem is getting more complicated. It has not remained a mere law and order problem. Now, the Government has understood that it is a political problem, and it is to be solved in a political manner. Our Government has solved so many problems of this nature. Mizoram problem was effectively solved. Recently, the problem of Tamils in Sri Lanka was solved amicably by this Government. This problem has been solved very effectively to the satisfaction of all concerned and the entire world is appreciating it. Though a lot of problems were there and many lives have been lost but finally, our Government has been able to settle the problem in a political manner convincing all the people concerned. In the same manner, the problem of Punjab can be solved. Here, we have to act in the sorirtt of give and take and by adopting this method, the Government can find a political solution. By giving threats and by giving more arms to the police, this problem cannot be solved The general public should not feel frustrated. Peonle fighting should not go frustrated. If they begin to think 'hat once and for all, our life is doomed and they have no other alternative except to fight the Government, if the terrorists are driven to that extent, then they will not lay down their

arms till the last and there will be no end to that. Do you think, that at the present moment, the police is not

[Shri V. Ramanathan]

having arms in their hands? They are having every legal arm, every weapon, every protection under law in respect of all these things. But in spite of all these things, the police is not able to control them, The popular Government of Barnala was unable to control it. They were not able to settle the issue of controlling terrorists. For that,

we have President rule. 4.00 A.M. The police officers are there with very heavy arms. In spite of it, as my hon. friend has pointed out, the deaths and atrocities are going higher and higher everyday. Therefore, this will not solve the problem. Therefore, giving more power to the police is no good. I am sorry to bring to the noice the House that forty years ago, throughout the country, there was the slogan "Down with Police Raj". We should not allow such a situation to repeat by providing more arms and more powers to the police.

Now, under section 14 of the National Security Act, without any opinion of the Officer, a man can be kept inside for si'x months. The Government could in this case at least say that the National Security Act is only for Chandigarh and Punjab; it is going to be used only for two years; the problem will be solved within two years; if it is not solved within that time, it will be expended till a particular times but what about the Terrorist and Disruptive Activities (Prevention) Bill? I applies to the whole country. It aoplies to all. They can say that action under this Act will be taken only against people who are indulging in such activities. But, unfortunately, the police is given all sorts of powers. Here, under section 7 of this Act, the Officers of the Central Government also can be vested with police Dowers. The State Government is given the sidelines. Previously they left the judiciary to the State Govern ments. Now, they are slowly encroaching upon the judicial system. Furthermore, now there are so many thousands of cases pending n the Supreme Court that no appeal is disposed of in a short time. If the designated court, finds a man guilty, he can file an appeal to the Supreme Court, if a person is arrested and if he files an appeal to the Supreme Court, he cannot see the light of day for the rest of his life. That is the position. Why should you not provide for an appeal to the High Court? Are you not having faith in the High Court? Why should you drive people to the Supreme Court? A man from some corner of the country cannot go to the Supreme Court. We d° not have even Benches of the Supreme Court in other places. In this condition, if a man is rightly or wrongly arrested by a police officer and put in jail, he will be doomed in jail itself.

Then about confessional statements. The hon. Minister is an able advocate. He knows very well how confessoinal statements are recorded by the police. They record it in the police station itself even without seeing the accused,! even without seeing the witnesses.' They record the statement. Subsequently, they secure the witnesses and bring them to court to depose. The court convictg the accused. In 99.5 cases out of a hundred, this is the position. I do not say you should not believe police officers. The hon. Minister may ask me whether police officers are- not honest and trustworthy. I have to say, very hesitatingly, that cent per cent of them are not honest. At least to that extent I can say. My learned friend, the honourable Minister, practises in the High Court and the Supreme Court and he may not be coming across the police people at the lower level, he may not be knowing what is going on at the lower level, how the police behave—the Supreme alone knows it. I do not want to go into that. But no citizen can move freely if powers, as are proposed here, are given to the police authorities in regard to confession statements as well as presumption under Section 3. For identification of the accused it is provided that if a. photograph is produced as evidence, that will have the same value. It is said—

"Where a person hag been declared a proclaimed offender in a terrorist casse, the evidence regarding his identification by witnesses on the basis of his photograph shall have the same value as the evidence of a test identification parade."

Unfortunately such cases occur daily- "With these powers in the hands of the police, no citizen can move freety without fear of the police. If a police officer takes it into his head, he can put anyone in imprisonment, he can take this law into his hand and throw any body inside the prison, The police officer can take the plea that such and such is a terrorist activity, dan gerous activity, so and so is preaching secessionism, such and such is an anti-national activity, and under such pre texts he can put anyone in jail. This will create a very undesirable situa tion and ultimately our hard-won free dom will be in jeopardy and we will be at the mercy of the police. There, fore, I plead with the honourable Minister to reconsider and review these provisions regarding confessio nal statements, identification etc, and amend the provisions accordingly, Thank you.

श्री विट्ठलराव माधवराव जाधव (महाराष्ट्र) : उपसभाध्यक्ष महोदय, इस सदन में जो राष्ट्रीय सुरक्षा संबंधी और आतंकवाद संबंधी विधेयक लाये गये हैं मैं उनका समर्थन करता हूं। जब हम इस बारे में सोचते हैं तो हमें चिंता होती है। अभी मैं दरबारा सिंह साहब का भाषण सुन रहा था। पंजाब के बारे में मुझे भी कुछ जानकारी है। मैं दो दफा पंजाब गया था। एक दफा मास कांटेक्ट प्रोग्राम के संबंध में और दूसरी दफा पंजाब के चुनाव के संबंध में। बहुत से लोगों से उस वक्त डिसक्शन करने का, चर्चा करने का मौका मुझे मिला। उस समस्या को, उस सवाल को समझने की कोशिश की। उसके बारे में सत्यपाल डांग का आर्टीकल आया था वह भी मैंने पढ़ा है। जो कुछ भी देश में हो रहा है और जो यह समस्या है यह बहुत गंभीर समस्या है। आप जानते हैं, सारा सदन जानता है कि 1947 में आजादी मिलने के बाद, 3–4 महीने बाद ही महात्मा गांधी की हत्या कर दी गयी। आतंकवाद लोगों के दिल और दिमाग से खत्म होना चाहिए। जब तक आदमी के सोचने का ढंग और सोचने का तरीका बदल नहीं जाता तब तक समाज से आतंक-वाद कभी खत्म नहीं हो सकता। उसके बारे में काफी लिखा गया है। मगर जब सोचते हैं कि आतंकवाद क्यों आता है, जब हम बड़े-बड़े शहरों में बम्बई में, दिल्ली में या कहीं और जाकर देखते हैं कि एक आदमी 25 मंजिला इमारत बनाता है, होटल बनाता है तो करोड़ों रुपये कमाता है और दूसरा आदमी 5 रुपये रोज भी कमा नहीं पाता उसके दिल में और दिमाग में द्वेष की जो चिंगारी होती है उसी से आतंकवाद की उत्पत्ति होती है ऐसा मैं मानता हूं। इसके बारे में काफी अन्तर्राष्ट्रीय चर्चा हुई है कि आतंकवाद क्यों बढ़ रहा है। जब हम देखते हैं कि जो पूंजीवादी राष्ट्र हैं, कैपेटलिस्ट्स कंटरीज हैं, अमेरिका, फ्रांस, जर्मनी, ब्रिटेन या गल्फ कंटरीज हैं इन सब में आतंकवाद दिखाई देता है और जब हम साम्यवादी देशों की तरफ देखते हैं, रशिया, पोलैंड, यूगोस्लाविया, चको-स्लोवाकिया, विएतनाम, चाइना आदि देश हैं इनके बारे में कभी हमने समाचार-पत्रों तक में भी नहीं पढ़ा कि वहां आतंकवाद से इतने लोग मरे। प्रश्न यह है कि वहां आतंकवाद क्यों नहीं होता और यहां क्यों होता है। यह सोचने का एक बहुत बड़ा प्वाइंट है ऐसा मैं समझता हूं। बात यह है कि जैसे जैसे समाज में आर्थिक विषमता नष्ट होती जाती है वैसे-वैसे आतंकवाद की भावना भी खत्म हो जाती है। कोई भी व्यक्ति लोकशाही के नाम पर, डेमो-क्रेसी के नाम पर, अगर हिंसा करता है तो यह ठीक नहीं है। मैं समझता हूं कि हिंसा की भावना ही आतंकवाद की जड़ है। आजादी के बाद सारी दुनिया में थोड़ी बहुत मात्रा में आतकवाद की भावना पैदा हुई है। यही कारण है कि भारत जैसे अहिंसावादी देश में भी आतंकवाद पैदा हुआ है। जिस देश ने सारी दुनिया में

[श्री विट्ठलराव माधवराव जाधव]

अहिंसा का नारा बुलंद किया, जिस देश में महात्मा गांधी के नेतृत्व में अहिंसा का नारा बुलंद हुआ, जिसने सर्व धर्म सद्भाव की भावना सारी दुनिया को दी, उस देश में भी हिंसा की भावना भड़क उठी है, उस देश में भी लहू बहा है, खून बह रहा है। यह सब क्यों हो रहा है, इसके बारे में सोचने की जरूरत है। मुझे ऐसा लगता है कि दुनिया में जो पूंजीवादी राष्ट्र हैं वे चाहते हैं कि जिस देश ने सारी दुनिया में अहिंसा का नारा बुलन्द किया, जिस देश में राजनैतिक आजादी है, उस देश में हिंसा को भड़काया जाये। यही कारण है कि आज हमारे देश में आतंकवाद फैल रहा है। श्री दरबारा सिंह जी ने कुछ बातें यहां पर कही हैं। मैं भी पंजाब गया था। मैं फरीदकोट में 15 दिन रहा, गुरुदासपुर में 15 दिन रहा। वहां हमें एक 85 वर्षीय स्वतंत्रता संग्राम सेनानी मिले। उन्होंने बताया कि पाकिस्तान के बार्डर पर चार-पांच जगह आतंकवादियों को ट्रेनिंग दी जा रही है। मैं किसी पार्टी का नाम नहीं लेना चाहता हूं। देखने में यह आता है कि कुछ लोग अपने निजी स्वार्थ के लिए इस आतंकवाद का सहारा लेते हैं... (व्यवधान)। मैं यह कहना चाहता हूं कि कुछ लोग इन आतंकवादियों से जुड़े हुए हैं। हमने महात्मा गांधी, पंडित जवाहरलाल नेहरू, श्रीमती इंदिरा गांधी के नेतृत्व में महान भारत का निर्माण किया है। महात्मा गांधी के देश में आतंकवाद फैले, यह उचित नहीं है। आतंकवादी के हाथों ही श्रीमती इंदिरा गांधी की हत्या हुई। यह आतंकवाद हमारे देश में पाश्चात्य देशों से आया है। यह भारत का विचार नहीं है। धर्म के नाम पर आतंकवाद फैलाया जा रहा है। धर्म और राजनीति को कभी एक साथ नहीं मिलाया जाना चाहिए। इतने बड़े पैमाने पर हम सर्व धर्म सद्भाव की बात करते हैं और दूसरी तरफ धर्म का दुरुपयोग किया जाता है। आज वक्त आ गया है कि धर्म को राजनीति से बिलकुल अलग रखा जाये। चाहे कोई सिख हो, ईसाई हो, हिन्दू हो या मुसलमान हो, धर्म को राजनीति के साथ नहीं मिलाया जाना चाहिए। अभी तक देखने में यही आता है कि हमारे देश में जितने भी दंगे हुए हैं उनमें 90 प्रतिशत मामलों में धार्मिक भावना के कारण दंगे करवाये गये हैं। इसलिए हमें इस आतंकवाद को इस दृष्टि से देखना चाहिए। हम मास कांटेक्ट प्रोग्राम करते हैं। लेकिन उनका कोई फायदा नहीं होता है। इसका कारण यह है कि मास कांटेक्ट प्रोग्राम में जो लोग आते हैं वे हमारे ही विचारों के लोग होते हैं और ट्रक्स में भर कर लाये जाते हैं। इसीलिए महात्मा गांधी जी ने कहा कि अहिंसा प्रबल आदमी की शक्ति है। शक्तिशाली आदमी ही अहिंसा की बात कर सकता है। जो हिंसा को बुलंद करता है उसका जवाब हिंसा से लेना चाहिए, वहां पर अहिंसा, कुछ काम नहीं कर सकती है... (व्यवधान)। हमारे देश में जो हिंसा चल रही है, जो आतंकवाद चल रहा है, वह पाश्चात्य देशों की देन है। हमारे देश में डेमोक्रेसी है, लोकशाही है। वे नहीं चाहते कि इस देश में लोकशाही चले। हमारे देश में और देश के बाहर जो ऐसी ताकतें हैं वे इस आतंकवाद को भड़का रही हैं। और हम इन लोगों से नहीं निपटेंगे तो ये लोग हमें निपटा देंगे। इसलिए आज जरूरत इस बात की है कि इस आतंकवाद को खत्म करने के लिए हमें सब कदम उठाने चाहिएं। इसलिए मैं आपको यह सुझाव देना चाहता हूं कि कोई धर्म हो उस धर्म को राजनीति से अलग रखना चाहिए। उपसभाध्यक्ष महोदय, यह जो प्रोसेशन निकलते हैं, धार्मिक प्रोसेशन निकलते हैं इनको पूरी तरह से बंद करना चाहिए। जब कोई शिव सेना के नाम पर आता है, कोई किसी नाम पर आता है, वह जो धर्म के नाम पर, जाति के नाम पर या समुदाय के नाम पर या सम्प्रदाय के नाम पर आता है इसको पूरी तरह से बैन कर देना चाहिए। चाहे शिव सेना हो, चाहे जमाते इस्लामी हो और चाहे आर० एस० एस० हो, कोई भी संगठन जो जाति और धर्म के आधार पर बनता है वह देश के लिये खतरनाक है। हमारा ध्येय यह होना चाहिए कि सारा हिन्दुस्तान हमारा देश है और यहां पर जो भी आदमी रहते हैं, जो इस देश के हैं उनका एक धर्म है और वह भारत

धर्म है। अगर हम इस हिसाब से इस चीज को देखें तो हम आतंकवाद का मुकाबला कर सकते हैं अन्यथा नहीं कर सकते। उपसभाध्यक्ष महोदय, ये जो खून होते हैं, रोजमर्रा जिनके बारे में हम समाचार-पत्रों में पढ़ते हैं, इस बारे में मुझे एक शेर याद आता है :

"इक हूक सी दिल में उठती है
इक दर्द जिगर में उठता है
मैं चुपके-चुपके रोता हूं
जब सारा आलम सोता है।"

दूसरी बात यह है उपसभाध्यक्ष महोदय कि हमारी जो वर्तमान शिक्षा पद्धति है, हमारे देश में चली हुई जो शिक्षा पद्धति है उसमें भी काफी दोष हैं। आजादी के बाद, पिछले चालीस वर्षों में स्वतंत्रता के बाद हमारी शिक्षा पद्धति में ऐसा परिवर्तन होना चाहिए था जिसमें प्रोफेशनल एजूकेशन की व्यवस्था की जाती। हमारे लिये जो शिक्षा जरूरी है वह हम लेते। हमारे देश में 75 प्रतिशत लोग कृषि में लगे हुए हैं। इसलिये उनकी शिक्षा कृषि पर आधारित होनी चाहिए। अगर हमारी 25 प्रतिशत पापुलेशन इंडस्ट्री में है तो उनको वैसी ही शिक्षा दी जानी चाहिए। लेकिन हमारी जो वर्तमान शिक्षा पद्धति है वह ऐसी है जिसका संबंध व्यक्ति के व्यवसाय से नहीं है। अगर हम पहले ही उसमें बुनियादी परिवर्तन कर लेते और हमारे देश की जो जरूरतें हैं उस पर आधारित शिक्षा हम देते रहते तो शायद यह आतंकवाद के विष का बीज हमारे यहां न बोया गया होता।

उपसभाध्यक्ष महोदय, इसके साथ ही में आपसे यह भी कहना चाहता हूं कि हिन्द महासागर में अमेरिका आदि राष्ट्र अपना सैनिक अड्डा बना रहे हैं। जब जब अपनी नेबरिंग कन्ट्रीज में डेमोक्रेसी को डिस्टर्ब करने की बात आती है तब तब वे अपना हाथ आगे बढ़ाते हैं। हमारे देश ने कई बार इस सवाल को यू० एन० ओ० में भी उठाया है। फिर भी वह छोड़ने को तैयार नहीं है। इसके लिये हमारी भूतपूर्व प्रधानमंत्री श्रीमती इंदिरा गांधी ने दिल्ली में 103 राष्ट्रों का सम्मेलन बुलाया था, सारे नान-अलाइन्ड कन्ट्रीज का सम्मेलन बुलाया था और कोएक्जिसटेंस को उन्होंने फिर इसमें रखा था। इसलिये उस कोएक्जिसटेंस की भावना को सामने रखकर, उसको कायम रखकर, अपने स्वभिमान को कायम रखकर, अपनी लोकशाही और अपनी डेमोक्रेसी को कायम रखकर अपने देश का विकास होना चाहिए, आर्थिक विकास होना चाहिए तथा आर्थिक विषमता नष्ट होनी चाहिए ऐसा हम चाहते हैं।

SHRI ATAL BIHARI VAJPAYEE: Are we discussing these two Bills or the international situation?

SHRI VITHALRAO MADHAVRAO JADHAV; International situation is related to terrorism in India and in. other countries also.

उपसभाध्यक्ष (श्री जगेश देसाई) : समय बहुत कम है, दो मिनट में समाप्त कीजिये।

श्री विट्ठलराव माधवराव जाधव : उपसभाध्यक्ष महोदय, मैं आपसे कहना चाहता हूं हमारे मंत्री जी जो यह विधेयक लाये हैं इसका मैं पूरी तरह से समर्थन करता हूं और इस सदन के माध्यम से सारे देश से अपील करना चाहता हूं कि सारे भारत के लोग आतंकवादि के खिलाफ एक जुट हो जाएं ताकि हम देश के कोने कोने से, चाहे वह कहीं भी हो, उसको पूरी तरह से खत्म कर सकें और देश को इस कठिनाई से छुटकारा दिला सकें। इन शब्दों के साथ मैं अपनी बात समाप्त करता हूं।

SHRI M. S. GURUPADASAMY (Karnataka); Mr. Vice-Chairman, Sir, at the outset, let me say that our perception our judgement, our assessment of Punjab is quite different from that of the Government. We, on this side, are not holding any brief for terrorists in Punjab. We are as anxious as the Government to end terrorism in Punjab. But we differ from the strategy, from the approach of the Government in tackling this important issue. We do not subscribe to the theory that terrorism can be ended, can be mitigated by counter-terrorism, by police methods adopted

[Shri M. S. Gurupadaswamy]

by the State Government or the Centre. Violence cannot be met always by retaliatory violence. This is the fundamental difference between you and the Opposition.

SHRI P. CHIDAMBARAM: Are you speaking for the whole Opposition?

SHRI M. S. GURUPADASAMY: I am speaking for the whole Opposition On this particular matter on this particular question.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI); If they do not take objection, you can take it like that.

PROF. C. LAKSHMANNA; (Andhra Pradesh): The Opposition is speaking with one voice.

SHRI M. S. GURUPADASAMY: I say that terrorism can be ended, can be eliminated only by removing the causes of terrorism not otherwise. Without political settlement, I am afraid, violence and terrorism in Punjab cannot be eradicated. This has got to be understood. I thought the Treasury Benches have drawn a lesson from the past. We had the President's Rule in the past before Barnala came to power and the President's Rule failed and failed miserably to contain violence and terrorism 'n Punjab. The entire House pleaded with the Government that there should be a popular rule and that the popular Government will provide a popular buffer between the Centre and the people there. There was a popular rule. The Government of India supported that popular rule. But strangely enough, for their own mysterious reasons, they ended this popular rule under the plea that that rule has failed miserably to meet the challenge of terrorists and that the Centre and the Centre alone is capa-ble of meeting this challenge. The euphoria, the spirit of accommodation and understanding which was generated by the Accord evaporated quickly when the President's Rule was again introduced in Punjab. The President's Rule, they say, was introduced because of the failure of the Barnala Government to contain terrorism there. But look at the 100 days of the President's Rule. During the 100 days of the President's Rule, there have been more killings by terrorists. My friend has quoted that within these three months, 100 days, nearly 560 people have been killed by the terrorists. During the same period before the President's Rule, only 167 people were killed. In the month of July alone nearly 200 people have been killed, and more than 150 people have been injured. But before Barnala was dismissed, he was castigated that in one month alone there were 79 killings. Therefore, it was said that the situation was alarming. Therefore Barnala Government should be dismissed. The record of the President's rule in Punjab is more dismal than Barnala's. I do not give compliment to Barnala Government. Barnala Government failed to contain violence. But my contention is you have failed more than Barnala in this regard. This is my contention.

SHRI P. CHIDAMBARAM: What is the alternative?

SHRI M. S. GURUPADASAMY: I am coming to that. Alternative is not the President's rule. The alternative is, as I said earlier, you should bring about a political settlement. The accord should have been implemented. If you had implemented the accord if you had reached a political settlement with the leading elements in Punjab, you would have been able to isolate the terrorists from the community. Today terrorists are housed everywhere. They have been given shelter. And you are adopting only police solution to eradicate the terro- rrists. t is no solution. Recently, Mr. Buta Singh, the Home Minister said in Shimla, on the 20th July. The Punjab administration had been able to strike at the heart of terrorist groups. Then on August 19, the Governor of Punjab said: Hardcore terrorists in Punjab stand isolated.

Now, my friend has said this: There has been a deterioration in the situation in Punjab, the situation has worsened. Therefore he has to bring these statutes and Bills have to be passed in this House. He tried to find contradiction amongst some Members here. What about this contradiction. The spokesman of the Government, the Home Minister of India says that terrorists have been struck hard. The Governor of Punjab says that they stand isolated. How do they get this presumption? This is sheer presumption, I say and it is contrary to facts. Where are they isolated? They are uniquitous. They are striking every where at random. They are using weapons of Pakistani markings or Chinese markings. Your intelligence has failed. My friend has said that criminal justice has been paralysed. What is paralysed is not criminal justice. Your judgment is paralysed. Your assessment is paralysed. Your perception is paralysed. You are wrong. You have seen it yourself in Sri Lanka. There also, Mr. Jayewar-dene thought like you that terrorism has got to be controlled and challenge has got to be met by military means, by police methods. He realised at last, at great cost, that that was not the solution, and politcal settlement was the only alternative. An accord was signed and it is being implemented in Sri Lanka. If the accord was implemented, or had been implmen-ted, the situation in Punjab would have been materially different. But if you adopt these methods and go on like this, using your police methods, passing extraordinary statutes, giving, extraordinary powers to yourself under the so-called extraordinary situation, you will not succeed for one hundred years. You can only succeed when you bring a change in the atmosphere, change in the mood of the people, their political leadership. You have to win them over. This cannot be done by passing de-terrent piece of legislation.

You brought this legislation earlier for two years. Now you propose to extend it by another two years. We supported you at that time thinking that you needed special powers to meet the special situation. But you have failed. Now you again come before us asking for more powers, as if your powers are not adequate. You want more powers. Therefore, we have these Ordinances and these Bills before us. But, Sir, detention of a person is not an ordinary act. We seem to have lost the sensitivity in us. In the past, I know, when Preventive Detention Bill was brought, for the first time, in the Lok Sabha, there was a furore in the whole of Lok Sabha when Rajaji—or it was Sardar Patel, introduced it for the first time. It was for a limited period. There was such an uproar in the House at that time because we had just emerged from slavery. We were still under the glow of independence, enjoying that glow, and we were very sensitive to anything which restricted freedom. Today, we violate the freedom of the individual at will. What is the philosophy behind it? Detention is worse than cruelty, from ray point of view, the worst type of human cruelty, because you detain a person without proof, only on suspi-cion. Alright, we give that power. But here under the Bill, why do you want to keep him for two years? What for? Detention of a person without trial is a crime. It violates the rule of law; it violates funda-mental freedom. Article 22 gives powers under extraordinary situation. All right. If it is an extraordinary situation in Punjab, your application of constraints on or detention of an individual should be the minimum. Why are you extending the period from six months to one year, from one year to two years? Why should a person suffer detention for two years? It is cruelty, human cruelty is not a punishment. I know. Detaining a person under this statute is not a punishment. He has not committed any crime. But on suspicion, you detain him. It is cruelty. Denial of freedom, fundamental freedom. Why do you deny him this freedom for two years?

[Shri M. S. Gurupadaswamy]

Secondly, there is only one review by the Board. Advisory Board is there constiuted as a safeguard. But only one review. Why not have re peated reviews? My friend was ask ing 'Can you suggest any other safeguard which he is going to ac cept?'. Why should there be only one review? Only one for two years. Can there not be a review every month after six months? Can there not be a review of the situation it-self? It is not provided in any Indian **law.** Persons are arrested and kept under detention because a person might commit some crime or some thing within a particular locality. Why don't you review the situation there in the area?

THE VICE CHAIRMAN (SHRI JAGESH DESAI): Mr. Gurupadaswamy, you have to conclude now.

SHRI M. S. GURUPADASWAMY: Sir, I am making some valid points on the statute. Why don't you review the situation in the areas concerned? Why don't you review the situation in the areas where adverse trends are operating? Till now, the Indian Government has not thought on those lines.

Sir, there is one thing incongruous here. In regard to the definition of a designated court in the Terrorist and Disruptive Activities (Prevention) Bill, Why do you bring in the High Court? I do not find any reference to 'High Court in any other clause. If it is there, please let me know. Why should there be a definition in regard to High Court? A designated court consists of ,a sessions judge, under the jurisdiction of the High Court itself. Then, why should there be this definition? What for?

SHRI P. CHIDAMBARAM: Because, the presiding officer of a designated court shall be appointed with the concurrence of the Chief Justice of the High Court under sub-clause (4) of clause 9.

SHRI M. S. GURUPADASWAMY: Why should there be definition for that?

SHRI P. CHIDAMBARAM: Which High Court?

SHRI M. S. GURUPADASWAMY : The definition is not necessary. It is totally superfluous. I am afraid, I cannot understand its relevance-

SHRI P. CHIDAMBARAM: Kindly see, Mr. Gurupadaswamy, sub-clause (e), clause 2. "High Court" means the High Court of the State in which a judge or an additional judge of a Designated Court was working im-mediately before his appointment as such judge .or additional judge". I choose a judge say, from Karnataka, a district judge, a senior district judge, and appoint him as the presiding officer of a designated court. It has to be done with the concurrence of the Chief justice of the Karnataka High Court. That is why the definition is necessary.

SHRI M. S. GURUPADASWAMY : Why should there be a definition? I do not understand still.

SHRI P. CHIDAMBARAM: Otherwise which High Court? I cannot take him from Karnataka and put him in Punjab.

SHRI M. S. GURUPADASWAMY : It is a small point. But I do not see any relevance at all.

SHRI P. CHIDAMBARAM: It is a small point. I thought I will explain.

SHRI M. S. GURUPADASWAMY : There is no explanation. It is irrelevant, according to me, in the scheme of things.

SHRI P. CHIDAMBARAM; Please try to understand what I am saying. I do not think it is good to throw invectives. Please try ito understand

the definition. I will explain it again so that you may understand. The defini tion may not be needed if the judge is going to function in the same State. But here, we may take a judge from, one State and appoint him to func tion as the presiding officer of a desi gnated court in anothe'r State. The point is, which High Court Chief Justice should give the concurrence. Therefore, all we say here is that the Chief Justice of the High Court in the territory in which that judge was working earlier should give his con-currence. That is why the definition is necessary. Please read it again and you will understand what I am trying to say.

SHRI M. S. GURUPADASWAMY: Anyway, it is too much.

Finally, Sir, I do not subscribe to the view that these Ordinances or the Bills in that context were necessary because I find that a wrong assessment of the whole situation has been made. My fears are that statutes may be misused by the authorities concerned for various purposes. As you know, in Punjab after the Jalianwala Bagh, when the Rowlatt Act was passed there was so much reaction in the whole country. If you go through the provisions of the Rowlatt Act, they were far far better than the provisions that my friend has put in these statutes.

SHRI SANTOSH KUMAR SAHU (Orissa): Mr. Vice-Chairman, Sir, I have heard the hon. Members speaking with all eloquence. Actually in peace time when the situation is normal such type of Bills need not be introduced in this House, I quite agree with them, but in, .criticial times when the situation is abnormal, when innocent people are being killed in the streets, when bus passengers are killed, when children and women are also not spared by terrorists, id is necessary that the laws should be made stringent. Now the criticism has been launched on many fronts. The first argument is that we are going against the Principles of jurisprudence, against the principles of natural justice, without going into the details without giving ex planation why anyone should be detain ed. The other question raised is whet her it is in consonance with the demo cratic principles. The third question raised is, how it is going to solve the Punjab problem or the North-West fron tier disturbed areas traingular problem.

The first question to my mind is very important. In North-West part of India the religious and fanatic political parties could not solve the problem. This is what we have learnt from the recent history of India. There is the urge of religious fanatism and religious fun-damentalism which is growing in some parts of the country. This has created a tendency to finish all political ethos and create conditions of terror in this country. It is, therefore, necessary to bring in new laws, stringent laws. We don't deny that in peace times such laws should not be there. We must have lofty ideals. But in order to deal with such a terrible situation in the country, in the interest of the unity, security and integration of the country, it is necessary to adopt a new approach to the problem. Sir, I do agree with the hon. Members who have spoken from the other side that it requires a new approach, it requires appliance of an open mind in a patriotic way. All political parties should have a patriotic look, but Mr. Vice-Chairman, through you, I would like to inform the hon. Members that this alone would not solve the problem. This is not the solution. This has been our experience in the recent past. There are religious fundamentalists, terrorists, who are being trained by foreign powers. The terrorists have developed terrible political ethos. This is the lesson of the recent history of India and it must be looked from this perspective. The situation prevailing today in India should not be compared with the situation prevailing in Ceylon and other countries. If this is done, it will be denigrating the history of modern India. I was asking myself whether in other democratic countries also such laws have been passed in differnt times, I will just cite a few examples

[Shri Santosh Kumar Sahu]

to show that in other countries, in other democratic countries also such laws have been introduced. I quote what Lord Dennings has said in his book "Landmarks in Law":

> "If our society is attacked by one or more who would destroy us and our freedom, then we must have means to defend ourselves".

Then he goes on to write:

> "We must stop them at every point before they launch their offensive if we can and after it is launched."

Then he adds:

> "If the danger is grave and imminent, we may have to detain them without trial, we may have to act on report of the secret intelligence, we may have to modify the rules of natural justice."

He said this getting support from the Report on Terrorism in Northern Ireland in 1978 which was chaired by Lord Goddard. This is what it says— and I quote:

> "While the liberty of the subject is a human right to be preserved under all possible conditions, it is not, cannot be absolute right, because one may use his liberty to take away the liberty of another and must be restricted from doing so. When freedoms conflict, the State has a duty to protect those in need of protection."

Now the situation is very critical and aggravated. So it requires a new consideration. What is the situation now? We may have many hopes. Everybody on this side and the other side aopes that there will be a solution. Everybody expects that there should be solution in the North-western part of the country. In this House it has been stated that the terrorists are sometimes trained abroad and sent from abroad. This is a process which is going on with an ulterior motive to see that this country's honour is destabilised. We must look at it from this angle. It is a serious question which is before us.

New coming to the Bill, it is not a new Act. What is the provision in the Bill which is before us and how we can solve it? The first question to be considered is that a political solution can be brought only when there is a certain amount of normalcy. Nowhere in the world history has everything become so irrelevant. Today I submit that the religious and political leaders have become irrelevant to the society in Punjab. Even the religious priest has been sidelined. Some people have gained control. With whom to talk for a solution? People might be accusing us but it does not solve the problem. Let us be told what is the nerve centre, this is how we can solve it. It is just pious wishing only and politicking. It is a grave matter. If you see the newspapers, the terrorists are coming from abroad, are being aided by foreign countries, have the latest weaponry and the latest communication system. They are informed before the police comes to arrest them. Is it not necessary, therefore, that we must have proper legal system to take preventive measures? Is it not necessary to have such provisions for that? Any man who gives the information might be killed. Nobody can give a guarantee. This is the situation in the North-western part of the country today. Nobody comes forward to give evidence. If he had seen the incident only yesterday, he does not come openly to the court because his life is very dear to him. Under the circumstances, the Ordinance which has been promulgated by the Government in its wisdom should be given a reasonable trial.

Now some statistics have been given byv some hon. Members I do not want to quote them again. These show an increase in the number of incidents of murder, looting and terrorism in some parts of the North-western States, especially in the border districts. That again justifies the point that there is need for modernisation of the police force, besides what several Members have said — that we must have a particular ap-

proach. Other questions like the economic problems of Punjab, how the law and order situation in the other districts can be improved so that the economy there could be improved, should also be looked into.

Sir, about the Bill I would like to say one or two things. While the horizon and the situation is changing in India, why not we say that this legislation is meant not only for Punjab and: Chandigarh but also to any disturbed area, because at many places in the border areas the life pattern is changing and the pattern of crime also is changing so fast? Therefore, we have to enact such laws which can give us scope to deal with the changing situation there. Sir, I must ask the honourable Minister through you to modernize our police organization and also to have modern equipment for the police force and the Border Security Force so that they can effectively control the situation.

Earlier also I have said in this House that international smuggling of narcotics in the border States is one of the prime motives for the acts of terrorism in he north-western frontier States. From the report of the International Conference on Narcotics held in Rome two or three years back it was known, this has become the golden line of international smuggling of drugs in the whole world. Now the golden line is through the north-west border it has gone to Bombay and then to Europe. After this there was a lot of criticism in the House. This has generated a lot of wealth-black money—and money power for financing the terrorists. This must be stopped. If necessary we have other laws by which blockade of the border becomes necessary. We have to take stringent measures here.

Sir, through you I would tell the honourable Home Minister that he must look at the problems. At the same time, the doors must be open to see that normalcy is restored and there must be a political dialogue. Here I must appeal to Members of all the political parties to see that people come out and resist the terrorists when they will earn the goodwill of the nation.

The north-western part had contributed much in the past to the country. People of different religions contributed in the past during the Indian struggle of Independenie and for the achievement of economic self-reliance by lndia. I think they will continue to contribute so in the near future also and these problems will be solved and Punjab will contribute to India's struggle for achieving the national goals of economic success and further progress.

With these words, Sir, I support these Bills.

PROF. C. LAKSHMANNA: Mr. Vice-Chairman, Sir, I oppose these two Draconian Bills I oppose them because these two will give unfettered powers and unleash Police raj in Punjab.

Sir, every time the Government has been coming forward with the argument of exibiting political will. When deaths were taking place when terrorists were terrorizing the people of Punjab, this great Government showed great political will and brought forward the first Terrorists and Disruptive Activities (Prevention) Act of 1985. Subsequently when a democratic Government existed there, the Governor of Punjab had the following to State:

> "The ruling party and its Government have no political will to combat, truly and seriously, either the fundamentalist movement or the growing extremism, and have become quite incapable of ever assuring effectively, far less satisfactorily the basic fundamental rights guaranteed under the Constitution under articles 14, 16, 19, 21 and other rights under articles 300A and 301."

The democratically elected government was dismissed, and President's rule was imposed. During the three-and-a-half months or four months when this President's rule had been in force, when the Governor had eloquently talked

[Prof. C. Lakshmanna]

about the various articles of the Con-stitu.ion, I would like to ask whether he has been able to guarantee what ha; been given in these articles.

Even the Minister in reply to a question, has stated that the number of deaths that have taken place during the Barnala Government are approximately of the same number as those which have taken place since the Barnala Government has been dismissed. There is an answer....

SHRI P. CHIDAMBARAM: I said, "The number of terrorists killed during the period after President's rule WHS imposed is 130, which is the same number as the number of terrorists killeng from 1.10.85 up to 11.5.87."

PROF. C. LAKSHMANNA: Having stated this, I would like to ask the Minister what the number of deaths is.

SHRI P. CHIDAMBARAM: I will give the figures. That is different

PROF. C. LAKSHMANNA: In any case, the number of deaths has gone up, it has not gone done, and what has been guranteed by the Governor at the time of recommending to th Union Government for the imposition of President's rule, has not been given to the people: on the other hand, it has been further abridged. Therefore, where is the political will shown by this Government in combating terrorism and extremism" What is happening is, whenever there is an increase in the terrorist activities, in the extremist activities, the Government will come forward saying that what has been available is not sufficient.

Some months back when most of the Opposition opposed, the Government sought powers under Article 249 of the Constitution, Having sought the powers and having obtained the powers, we know for certain that the Government will not be able to utilise it. But none the less, you are only interested in acquiring as many powers as possible and nothing more, and nothing has happened. In fact, one of the Opposition parties had been demanding that you have to take action. As we are not agreeing today, we did not agree on that day also. I see no justification.

SHRI ATAL BIHARI VAJPAYEE: That is why they have not taken action.

PROF. C. LAKSHMANNA: That is what I am saying. lt is between you. Let Mr. Vajpayee and Mr. Chidambaram decide. I am not worried. Our contention as then and our contention today is the same, that you are unnecessarily taking powers which you will not implement. You are taking powers by which you will not be able to guarantee the purpose for which these powers are being taken. Therefore, I would like to request the Minister kindly to consider whether there is a need for taking such, draconian, special powers and converting Punjab into a police raj.

Then, the second thing which the Minister said is that the crimnial justice system is under fire in Punjab, if 1 correctly understand him. I would like to ask: if the criminal justice system is under fire will you be able to restore the criminal justice system by these powers which you are acquiring? If you are going to restore, I would like to know the ways and means by which you are going to restore the criminal justice system about which you have been talking about eloquently.

In the other House, talking about the arming of the police with powers in terms of the evidence to be recorded, the confession of a particular person to be taken as evidence, you said that the entire Evidence Act is there. You cited articles 25, 26, 28, 30. If this particular power was already vested in the Evidence Act as in existence, what was the need for you to take special powers? The fact that you are transgressing what is available as the criminal justice system in the existing Act is evidenced by the fact that you want to take such powers.

There are about 200 to 250 known terrorists, I understand. Their identity has been by and large established.

would like to ask, during the period of four monhs, how many of them could be apprehended and how you are going to use their particular information to apprehend them.

I know, by arming yourself with this particular thing, you will terrorise the villages, you will terrorise entire Punjab, and instead of regaining their confidence to be with us, perhaps, you will be doing something unpardonable. You S 00 p.M.will be alienga Punjab from the mainland. If that is to happen there won't be anybody else held responsible for it except the present Government, the Congress party. Therefore, kindly take powers by which you are likely !o align a substantive section of the population instead *of* pushing them away from the maintream.

Now, you are taking over certain more powers for detention upto six months without even the opinion of the Advisory Board. What for you are taking these powers? I would like to ask: have you been applying the same principle when you have not put to trial those Jodhpur detenus? Have you applied the same principle when Mr. Badal was not even permitted to meet his family members? A former Member of this House and a former member of the Government had to come forward with a letter to the Home Minister as to what type of treatment was given to Mr. Badal.

Thirdly, you are prepared to defy even the court. Mr. Tohra was wanted in a court. He has not been permitted to appear before the court even, as per the newspaper report. If that is the case, what is the type of detention system you would like to perpetuate in this country? If this could happen for these people, what guarantee then you would give us that this will not be abused, this will not be misused in the case of implementation of this Bill also?

Then, you have also abridged by this Bill, the powers of the States. The saga of this Government has been continuous efforts made day in and day out to tbridge the rights and privileges of the States. This was attempted today morning. This was done a few months back. This was done a few years back. Whatever powers are available with the States have been continuously eroded by this Government. One such thing is establishment of designated courts by the Centre.

I would like to ask one question: Who is ruling in Punjab today? It is the Parliament which is ruling. It is the President's rule in Punjab. Therefore, why do you want to arm further with this power? Was the existing power not sufficient excepting you want to show that you have got very touchy teeth? You would like to pierce and show continuously that you are capable of piercing where there is no need for piercing. Therefore, I would like to ask you to kindly look into this. If there has to be curbing of the terrorism, if there has to be curbing of the extremism in Punjab, what is needed is strengthening of the intelligence system, strengthening of the security system especially at the border. This is what one former General has to say. He says:

> "Intelligence capability in Punjab has been and it may have become poorer after a large number of informers have been reportedly killed. Great ingenuity is required to be shown in identifying and fostering the informants."

He further says "various tried methods had to be utilised." Therefore, it is an indictment that the existing intelligence system is incapable of even giving that basic information. The known terrorists, the dreaded terrorists, they are there in Punjab but stil, you are not able to locate them. What is the difficulty? The methods that have been adopted by the terrorists in each of these activity have been, by and large, the same but still you are unable to nab them. Why? I would like to ask how are you going to use the present clauses in curbing terrorism by those dreaded terrorists. If you can tell me, by using this, you will be

[Prof. C. Lakshmanna]

able to nab these known terrorists, then I will be willing to go with you. But none of these clauses that have been introduced in these two Bills has sufficient clarity as to how they are going to deal with these dreaded terrorists. The problem is more with them. The problem is not with innocent people who are spread in the entire State, who could be apprehended. Perhaps, i the police officer can file a number of cases which could be decided even but that will not reduce those dreaded terrorists. Therefore, I would like to ask you to show as to how you are going to show that political will in meeting that situation. Neither of the two Bills which are coming before us and which we are discussing today will be capable of dealing with them. You have not shown the capability to deal with them nor is there any possibility of dealing with them. Therefore, the solution lies elsewhere and not in setting up police raj, not in strengthening police force but in going in for a political solution. I would like to ask as a political solution, would you like to consider the possibility of release of Jodhpur detenus? Would you like to bring out Mr. Badal and Mr. Tohra from the Jail and would you fulfil the promise which you have made that as soon as the conditions permit, you would like to restore the popular rule? I think, the conditions which existed at the time of popular rule which went out were far better than the conditions which exist today. If there is to be proper condition and climate in the country, there is no other alternative but to think of restoring popular rule. I would like to ask whether you will consider those utilitarian measures by which the problem could be solved rather than taking recourse to such dra-coian aws. Thank you.

SHRI P. N. SUKUL (Uttar Pradesh): Vice-Chairman, Sir, I rise to support the National Security (Amendment) Billy 1987 as well as the Terrorist and Disruptive Activities (Prevention) Bill, 1987. Sir, both these Bills are very simple and yet very important. As regards the Terrorist and Disruptive Activities (Prevention) Bill, 1987, it is, by and large, the same that has lapsed in May last There are just a few changes at four or five places. Otherwise, it is the same. As regards the National Security (Amendment) Bill, 1987, it is also very simple because it does not seek to make very many amendments in the original Act of 1980. It is also important because it aims at strengthening the hands of the administration in preventing the crimes being perpetrated by the terrorists in Punjab. Sir, terrorism has been rampant in Punjab for the last four or five years. Innocent ment women and children in hundreds have been killed in Punjab by these terrorists. Farmers, doctors, politicians, journalists, people from all walks of life have been killed and not only Hindus but even Sikhs have been killed and a large number of Government servants, belonging to different communities have been killed. Recently as we know, more than half a dozen relatives of our own Home Minister have been killed. As a result ot this terrorism, our great leader Mrs. Indira Gandhi was killed. All this Is being done, all this is being perpetrated in the name of Khalistan, in the name of Khalsa Raj. So, obviously, communal forces are at work, fundamentalist forces are at work and these are at work at the instigation of foreign powers, as we all know, by now, specially Pakistan, our immediate neighbour. May be behind them the hand of CIA is there. Chinese weapons have also been recovered and all these for reign powers have a hand behind these activities. They provide money, they provide arms and ammunitions and Pakistan provides training. There are training camps all along the Indo-Pakistan border where these extremists are trained and they are sent to India to destablilise our country and to try to dismember our country, to play with our sovereignty and integrity and in my opinion, this call for Khalistan has come from outside, Anandpur Saheb Resolution did not talk about it. It has come from the Western Europe, from England, from America and from Canada. This evil has come

from outside. While talking of This evil, I am reminded of a quotation from Agatha Christie. In one of her novels she wrote, "Evil comes from out side; nottenness breeds from within." Evil comes from outside. Once you do not allow this evil to come further, these extremist elements will rot and they will die a natural death. So Presi dent's rule was promulgated on the 12th May because the Barnala Government failed to deliver the goods. We must not forget there had been an election, Assembly election, and those Akalis won as compared to the Congress Party by- less than one per cent of the total votes polled. Not that only they are respon sible for maintaining law and order and for looking after the welfare of the State and the people of Punjab. In fact our leader, people think that our leader did not want so much to have our own rule in that State. We did not try that much. We did not put up our very good candidates even. Otherwise we would have won less than one per cent votes is nothing. But we allowed them a chance to rule the State and so long as they were there, our Central Govern ment supported therm whole hog, pro vided them with all kinds of assistance. But even then they failed to deliver the goods and that is why President's rule had to be clamped to improve the situa tion. In my opinion, although killings are going on, still they are not to that extent and in my opinion, during Presi dent's rule, a new confidence has come in the people. A new inspiration has come in them. Shri Ribeiro has just now toured the whole of Punjab, and all the districts of Punjab, have been tour ed personally by Ribeiro. He met people and talked to people in villages and everywhere; he said, the situation is much better, there is much more confi dence in the people and they do not fear terrorists so much as they feared in the past. Even today they are there, but the fear of people is not there. When I talk of fear, I am again reminded of another quotation from Agatha Christie. She wrote in Hori, "Fear is incomplete knowledge." "When we know we do not fear." Now the people of Punjab, the people of the country know who are the extremists, what are their ways who are behind them and what are their tactics. So, that trepidation, that fear is now much less is the people. Peo-' ple are not fleeing from Punjab. At that time they had started fleeing from Punjab, but during President's rule no one has come away from Punjab, not a single family. So, these proposed amendments, the amendments in the proposed Bill to amend the National Security Act 1980, are perfectly in order. And what are the amendments? One amendment is to increase the maximum period for communication of grounds of detention to the detenu from 10 to 15 days to 15 to 20 days up to which detention orders issued by the officers are to remain valid without the approval of the State Government. Instead of 10 to 15 days, the Government is now taking power to communicate grounds of detention in 15 to 20 days — there is a difference of only five days and our Opposition friends are very panicky. Prof. Lakshmanna was saying, you are taking so many powers. What powers are we taking? We are only taking five days more to convey grounds of detention. What is going to happen during these five days? The second amendment is to provide in certain cases for detention of persons for a period of more than three months without the opinion of the Advisory Board but not exceeding six months and also for providing a longer maximum period of detention — that is, from one year to two years. These are the changes, the others are consequential changes. These changes proposed by the Government in the National Security Act are perfectly in order because they aim at preventing crime, preventing people from committing crimes, and if we know, if we are able to identify such persons, why not keep them under detention, why should we allow them to move freely and create trouble for innocent people?

As regards preventive detention, have myself been under preventive detention under the Government of Charan Singh in U.P. He was the first to de-

[Shri P. N. Sukul]

tain me under PDA. There was no MISA at that time. During Bahuguna's time I was under detention for about 20 months during Emergency, again for a long time under C. B. Gupta. All these people were in Congress. They became leaders of Opposition and they detained me for *my* trade union activities. I was not an extremist. Our friend, Sukomal Sen, used to visit us; his friends used to visit us in jail. I have been under detention for 4-112 years in ten years for trade union activities, not for killing you; but if try to kill you, I can be detained for 10 years, 20 years; I don't mind. Nobody should play with the lives of others. Anybody who tries to foment trouble must be detained. That is the reason why preventive detention is provided for in the Constitution. Why is Article 27(7) there in the Constitution? Because there can be such irresponsible persons in the society who can try to hold the State, who can hold the society, to ransom. So all that society can do is to keep them under detention. All these terrorists who are creating trouble, who are killing people, innocenl) people, bus passengers, train passengers, must be detained and they must be detained for two years and it will be most welcome for the rest of the world. What happened in China? How was that economic revolution brought about in China? At least one million people were killed — in that cultural revolution — economic offenders, hoarders, profiteers, blackmarketeers, etc. One million people were killed by Mao-tse Tung and China became all right. Today Chinese people are much more prosperous than us. And, Sir, here our Opposition friends are objecting to their detention for a few months more or for a year more.

SHRI ATAL BIHARI VAJPAYEE. Sir, he is recommending the Chinese ex ample!

SHRI P. N. SUKUL: Mr. Vajpayee, I am not recommending it. It all depends upon the conditions, upon the circumstances, in which the Preventive Detention Act had to be invoked or this Act had to be involved. You cannot allow them to kill people all *the* time. Here they have threatened the school children five thousand school children. My own child who came to know of it said: "I will not go." I said, "You-will have to go." So, five thousand school children were threatened with dire consequences with impunity. If the people start behaving in such an irresponsible fashion, whether they are Hindus or Muslims or Sikhs or Christians, they must be kept behind the bars, must be kept under preventive detention, if need be.

Just now Sir, my friends, Mr. Gurupadaswamy, Mr. Sukomal Sen and Prof. Lakshmanna, were all talking of political solutions. What political solution? With whom can you talk? Whom to talk to? With Mr. Barnala? With Mr. Barnala who was there himself for such a long time and who could not do anything? Poor fellow! Then, whom to talk to? With Prof. Darshan Singh w ho has fled from the Golden Temple? Then with whom can you talk?... (/n-*terntptions)*... What I mean to say is that whatever you may decide upon between yourself and Mr. Barnala or-Prof. Darshan Singh, the militants will never accept it. Do you know what happened on the 4th August? On the 4th of August, Prof, Darshan Singh himself convened a convention. He himself convened a convention to have a direction for the Sikhs to have a direction for the Akali Party and, therefore, the proposal, the official proposal, which the five priests had agreed upon was that they should start a civil disobedience movement, a non-violent movement, to attract attention to their demand that the Punjab accord should be implemen-ed, this and that. But the militant, the Gurjit Singh group of the All-India -Sikh Students' Federation said "Nothing doing. We cannot accut anything short of Khalistan and we cannot accept anything short of Khalsa Raj". Now, what is your reply to that? That was why Prof. Darshan Singh fled from there. Had he not fled from there, per-haps he would have been killed. Had

he not ued from there and had he stuck to his own original proposal, perhaps he would hare been killed. Now, with whom are you going to talk? What sort of a political solution do you want? Do our Opposition friends want that we should talk with these extremists who are holding the whole State to ransom? Should we have talks with them? Should we talk to these mercenaries who are creating trouble because they are setting funds from Pakistan, from America, from this and from that? They are not patriots and they are not nationalists. If they do not have even a scant regard for their own religious places, for their own priests. what regard will they have for your Constitution? They do not have any regard for your law, they do not have any regard for other human beings, and they do not have any regard for the integrity and sovereignty of the country. That is why I say that when peonle like. Mr. Gurupadaswamy and others talk of political solutions and this and that, I feel amused. If you are really interested in this sort of a problem then you should, our Opposition friends should form a group and should go fo the extremists or others or whomsoever they want to talk to and they should come to the Government saying that these are their proposals.

[The Deputy Chairman in the Chair]

You should do something constructive. Don't try to lecture to the Government and malien the Government. Maligning the Government or lecturing to the Government is so easy; you can do it and T can do it and even my friend. Shri Ram Awadesh Singh can do it. That is very easy. But doing some-thing constructive, going there yourself and trying to talk *to* them, are not easy. Is this not your problem? Is it the problem only of the Government? This is the problem of the whole of the country. I am sorry, you see that our Sikh brethren all over the country are not taking as much interest in the problem as they should have taken If only our Sikh brethren today, our Sikh brothers, our Sikh friends, choose to bring normalcy in Punjab, they can definitely bring normalcy in Punjab. They can try. They belong to the same religion. So, they should go and try. In my humble opinion, there can be no talk with the terrorists. Our friend, Mr. Gurupadaswamy asked what can we get from stern action and punishment. We can get results only from stern action. It is written in our scripters:

"शठे शाठ्यं समाचरेत् !"

If you are a shath, likewise we will deal with you.

शठ के साथ अगर हम जैसा तो आपको झगड़ मारेंगे ।

शठे शाठ्य समाचरेत् ।

Now. that stage has come. We have to deal with them very sternly. We can talk about land distribution. We can talk about water distribution . We can talk about these problems. But we can not discuss khalistan. We cannot discuss khala raj. That is the problem of our country and the problem of our people. We cannot compromise where the integrity of the country is concerned and the sovereignty of the country is concerned. We should not pursue any policy of appeasement, either with the terrorists or with anybody else. Shrimati Indira Gandhi lost her life pursuing this policy. But she did not compromise. Otherwise, she could have compromised if she wanted to earn some cheap popularity. In my opinion, the stern action that is contemplated in these two Bills can go a long way in solving the problem. The Indo-Pak border must be sealed completely so that the foreign help that comes from China or Pakistan or some other countries is not allowed to come. They are getting arms and money from abroad.

The Vice-Chairman (Shri H. Hanumanthappa) in the Chair.]

The entire Indo-Pak border should be sealed. Also the Punjab border within the country should be sealed for two montns. It should be completely sealed, Nobody should be allowed to cross the border unidentified. Whether he is-

[Shri P. N. Sukul]

going by bus or by train or by any other transport he should be identified and then allowed to go. If he is not identified or if he is a terrorist, he should be taken to task. You will see that you are able to contain this menace with-in two months. We have to act in a very concentrated way. If Pakistan does not agree not to give assistance *to* these terrorists, then we must seriously consider what our diplomatic relationship with Pakistan should be. We must reconsider it. We must tell Pakistan pointedly that they have created this pro-blem for us. All those who have been arrested, so many of them, have admitted the fact as to who gave them arms and training. We must tell them that if they wanted to do this any further, then we will have to reconsider our diplomatic relationship with them. If Pakistan still persists, then we must break our relationship with Pakistan and if possible, in the larger interest of the country, we can even attack Pakistan to give them a lesson. They must not interfere in our affairs to that extent. Hundreds and thousands of people have been killed because of wrong-doings, wrong actions and wrong advice of Pakistan. That is the last step. That is not the first step. But for the sake of our integrity and sovereignty we have to take any action, even the last action if necessary. *(Interruptions)* Thank you, very much. With these words, I support these two Bills.

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा) : श्री राम अवधेश सिंह, आपका समय सात मिनट है।

श्री राम अवधेश सिंह (बिहार) : ऐसा पहले कह दीजिएगा, तो सबगड़बड़ा जायगा ।

उपसभाध्यक्ष जी, यह पंजाब की समस्या पर इस सदन में और दूस सदन में कई बार चर्चा हो चुकी है' काफी लंबी बहस हो चुकी है और में नहीं समझता कि उससे लंबी बहस यह हुई है। महोदय, मुझे उम्मीद थी इस बार कि इस बहस में कोई राजनीतिक दृष्टि नहीं जायेगी। लेकिन पुरानी बहस, जो बासी होती है, वह बासी बहस चलाई गई।

महोदय, जो असल कारण है आतंकवाद का, उसकी ओर इस बहस में कम ध्यान दिया गया । यह बात निश्चित है कि यह शासक दल बहु–संख्या में है, इसलिए यह बिल पास हो जायगा । हम चाहेंगे या नहीं चाहेंगे, बिल तो पास होना है, होगा और जैसा यह स्वरूप चाहेंगे, वैसा वह कर लेंगे। मैं यह कहना चाहता हूं, अब सुकुल जी हैं नहीं, मैं चाहता था कि सुकुल जी यहां रहते . . . (व्यवधान) . . .

श्री अटल बिहारी वाजपेयी : वे पाकिस्तान के खिलाफ लड़ाई की तैयारी करने गए हैं।

श्री राम अवधेश सिंह : तो सरकारी पक्ष से जितने लोगों ने बात की है, करीब–करीब अधिकांश लोगों ने दो–तीन कॉमन बात कहीं । एक बात तो यह कही कि विदेशी ताकतों का हाथ है और दूसरी बात इसमें आतंकवादी बहुत खौफ करते हैं । तो मैं यह कहना चाहता हूं कि यह बिधवा–विलाप करने से क्या फायदा है ? चाणक्य ने कहा था कि जो राजा यह कहता हो कि दुश्मन ने हमको धोखा दे दिया, उसे गद्दी पर रहने का एक क्षण का भी अधिकार नहीं है । तो पाकिस्तान को आप दुश्मन मानते हो, पता नहीं, राजीव गांधी जी, इस भाषण को जो सुकुल जी का है, पसंद करेंगे या नहीं या फिर राजीव जी से पूछकर इतनी भयानक बात बोल गए सदन में । तो आप दुश्मन मानते हैं पाकिस्तान को, अमरीका को भी इस सदन में और सदन के बाहर दुश्मन मानते हो, चीन को भी मानते हो, सबको मानते हो और जब दुश्मन मानते हो, और दुश्मन आपकी सरकार को डीस्टेबलाइज करने का प्रयास कर रहा है, हथियार दे रहा है तो यह कोई नई बात नहीं है अगर आप धोखा खाते हैं। आपकी इतनी जानकारी के बावजूद भी हथियार देता है और

आतंकवाद को ट्रेनिंग देता है, तो यह आपका निकम्मापन है और आपकी भारी कमजोरी है।

महोदय, असल यह रोग है, यह जो अभी आज कह रहे हैं, इस बात पर कल अड़ेंगे या नहीं, यह इनका इतिहास बताता है। अभी 1982 के चुनाव में, आप संशोधन करेंगे वाजपेयी जी, पठानकोट के चुनाव में भिण्डरावाले के साथ श्रीमती गांधी जी ने भाषण किया एक मंच से, उस समय वह आतंकवादी नहीं था। उसके बाद भी सन् 1984 के फरवरी महीने में कहा राजीव जी ने कि संत जी हैं महाराज, और फिर जून में उसकी हत्या कर दी गई बिचारे की . . . (व्यवधान) . . .

एक माननीय सदस्य : बेचारे हैं वह . . .

श्री राम अवधेश सिंह : अगर आप सन्त कहते हैं तो हम बेचारा भी न कहें, इतना तो रहम करिए न? आपने तो संत कह दिया, हमने थोड़ा सा कमजोर शब्द कहा है। यही नहीं, सन् 1984 का जो चुनाव हुआ, इन्होंने उस समय क्या कहा कि यह बादल और बरनाला राष्ट्र द्रोही हैं और श्रीमती गांधी की हत्या के बाद उन्हें बंद किया जेल में और उसके नाम पर वोट मांगा। सारे देश की अखण्डता के लिए, सारे देश को एक रखने के लिए चूंकि कांग्रेस पार्टी सक्षम पार्टी है, इसलिए वोट हम को दो। बरनाला को राष्ट्रद्रोही करार दिया और फिर 8 महीने के बाद अगस्त में कहते हैं कि लोंगोवाल साहब, बरनाला साहब, बादल साहब स्तुत्य हैं। पहले उनके साथ ही मरेंगे, उनके साथ ही जिएंगे का गीत गाया और समझौता किया, चुनाव लड़ा, सरकार बना दी। तो आप ऐसे पैंतरा बदलते रहते हैं। पहले लाल डेंगा को राष्ट्रद्रोही कहा और बाद में लाकर के स्थापित किया। जहां आपका मुख्य मंत्री था, उसको हटाकर के दूसरा मुख्य मंत्री लाल डेंगा को बनाया। तो आपका स्टेंड क्या रहेगा, आज यह है, कल क्या हो जाएगा, यह हम लोगों को समझ में नहीं आता है और न देश की जनता को समझ में आता है। मान्यवर, यह कहा जाता था कि जनता पार्टी और विरोधी लोग कहते हैं कि आनंद साहिब प्रस्ताव सही है। वे गलत कहते थे क्योंकि आनंद साहब प्रस्ताव में खालिस्तान की बात कही गयी है। यह श्री राजीव गांधी का ब्यान है जोकि अखबारों में छपा है। एक बार नहीं सैकड़ों बार छपा है और उसी आनंद साहब प्रस्ताव की करीब-करीब 90 प्रतिशत बातें मानकर राजीव-लोंगोवाल समझौता हुआ कि नहीं? यह तो रिकार्ड पर है। आप देख लीजिए। आपने समझौता किया और आनंद साहब प्रस्ताव को माना लेकिन पहले कहा कि वह राष्ट्रद्रोही प्रस्ताव है। तो मैं यह कहना चाहता हूं कि इस विषय पर बहस कारगर तब होती जबकि केन्द्र और राज्य के रिश्तों के बारे में गहरी बहस होती। आज तमाम राज्यों के साथ अन्याय हो रहा है। भयानक आर्थिक अन्याय हो रहा है, बंटवारे के बारे में अन्याय हो रहा है। आज आटोनोमी की बात केवल पंजाब में उठी है, मैं चुनौती के साथ कह सकता हूं। कि यह बिहार में उठेगी, बंगाल में उठेगी और मध्य प्रदेश में उठेगी।

ठाकुर जगत पाल सिंह (मध्य प्रदेश): मध्य प्रदेश में नहीं उठेगी।

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He is concluding now, please do not disturb him.

THAKUR JAGATPAL SINGH: On a point of order, Sir, Is it relevant in the context of the Bills?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude now.

श्री राम अवधेश सिंह : रिलेवेंट है। 45 प्रतिशत ये मिनरल रिजर्व बिहार में है। वहां का आयात कितना है? देश में सब राज्यों से कम है।

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा): अवधेश सिंह जी आप खत्म करिए।

श्री राम अवधेश सिंह : कर रहा हूं। मैं समझता हूं कि आतंकवादियों की लड़ाई

[श्री राम अवधेश सिंह]

निराशा की लड़ाई है घोर निराशा की लड़ाई है। मैं आतंकवाद का समर्थन करने वाला नहीं हूं और न करता हूं। आतंकवाद को आप जितनी ताकत से संभव हो खत्म करिए। लकिन आप कर नहीं सकते। आप में हिम्मत नहीं है। आप जो एग्रीव्ड पार्टी है उससे तो समझौता करते नहीं है। आपकी आदत है कि जो एग्रीव्ड पार्टी नहीं है उसी से बात करते हैं। लका में गए तो एग्रीव्ड को छोड़कर जो दूसरी है उससे समझौता कर के चले आए। इसी तरह से यहां जिन लोगों ने आंदोलन खड़ा किया है, चलाया है, उनसे आप बात नहीं करते हैं। कभी लोंगोवाल से कभी बरनाला से बात करते हैं और फिर कहते हैं कि डिस्टेब्लाइज कर रहे हैं। फिर तीसरे को चुनेंगे। तो इस तरह से काम चलने वाला नही है। यह राजनीतिक सवाल है आटोनोमी का वेस्ट बंगाल आटोनामी की मांग कर रहा है, तमिलनाडु मे आटोनोमी की मांग कर रहे हैं। कर्नाटक भी मांग कर रहा है, आंध्र प्रदेश भी मांग कर रहा है आटोनामी की। पूरी आटोनामी की नहीं लेकिन इतनी आटोनामी की कि जितने उसके रिसोर्सेज हैं।

SHRI P. CHIDAMBARAM: He is demanding on behalf of everybody.

श्री राम अवधेश सिंह : आप इस बात को नहीं समझेंगे क्योंकि आपके दिमाग में यह बात नहीं आ सकती। राजनीतिक लड़ाई के गर्भ से आपकी पैदाइश नहीं है। इसलिये इन राजनीतिक सवालों को चिदंबरम साहब नहीं समझते।

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा): आपको तो 10 मिनट हो गये, अब आप समाप्त कीजिए।

श्री राम अवधेश सिंह : मेरा निवेदन है कि एक मिनट और दे दीजिये। तो मेरा कहना है कि जो ऐग्रीव्ड पार्टी है उससे बातचीत कीजिये। जो लोग आतंकवादी हैं वे भी जानते हैं कि इस युग में भारतवर्ष से अलग होकर कोई राष्ट्र नहीं बन सकता। अगर व समझते हैं कि हम देश बना लेंगे तो वह गलत है। लेकिन मेरा कहना यह है कि जो न्यायपालिका का कार्य है उसको आप पुलिस के हवाले मत कीजिये। अगर आप पुलिस को अधिकार दे देंगे तो पुलिस न्यायपालिका को खत्म करने लगेगी। अगर ऐसा होगा तो सभ्य समाज खत्म हो जाएगा। किसी भी सभ्य समाज में न्यायपालिका का काम पुलिस को नहीं दिया गया और अगर आप यहां देते हैं तो यह बहुत गलत होगा। आगे आने वाली पीढ़ियों के लिये यह काम बहुत ही गलत होगा। लेकिन आप क्या गारंटी दे सकते हैं कि बिहार में जब मांग उठेगी कि हमारी हिस्सेदारी दो तो आप यह कानून लागू नहीं करेंगे? अगर कर्नाटक से उठेगी कि हमारी हिस्सेदारी दो तो क्या होगा? मझे याद है कि जय प्रकाश नारायण जैसे आदमी को भी कहा गया कि वे फासिस्ट हैं, देश को डिस्टेबिलाइज करना चाहते हैं 21 उनकी मांग क्या थी? उन्होंने खालिस्तान नहीं मांगा था। उनकी मांग थी कि बेरोजगारी को खत्म करो, भ्रष्टाचार को खत्म करो। इन मांगों को लेकर वे चले तो प्रिवेंटिव डिटेंशन ऐक्ट से भी ज्यादा कठोर इमरजेंसी का आपने लगाया। मीसा आपने लगाया। उनको आपने दबाने का काम किया। इसलिये आपको इस संशोधन के मुताबिक खतरा दिखाई दे रहा है।

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा): आपने जो समय मांगा वह भी पूरा हो गया, अब आप समाप्त कीजिये।

श्री राम अवधेश सिंह : तो मैं इस बिल का विरोध करता हूं। विरोध इस माने में करता हूं कि जो अधिकार आप देना चाहते हैं वे दे भी दिये जाएं तो आपके अधिकारी इतने निकम्मे हैं कि इनके पास हजारों अधिकार या कानून पास हैं, किसी कानून का ये पालन नहीं कर सकते हैं। ये अधिकार ले लेंगे तो भी वे निकम्मे रहेंगे।

धन्यवाद।

SHRI VEERSHETTY MOGLAPPA KUSHNOOR (Karnataka): Mr. Vice-Chairman, I support the National Se-

curity (Amendment) Bill, 1987, and the Terrorist and Disruptive Activities (Prevention) Bill, 1987. The first Bill, that is, National Security (Amendment) Bill, 1987 is restricted only to Punjab and Chandigarh. Section 2 says:

"The National Security Act, 1980 (hereinafter referred to as the principal Act) shall, in its application to the State of Punjab and the Union territory of Chandigarh have effect subject to the amendments specified in section 3."

And the other Act, that is, Terrorist and Disruptive Activities (Prevention) Bill, 1987 is, applicable to entire India. I would first discuss about the National Security (Amendment) Bill.

I have been listening from this morn ing the speeches of the hon. Members from the other side. Our party also does not like such kind of laws. But in an abnormal situation, what should we do when innocent people are being killed, in Chandigarh and other places in Punjab? Sir, banks are being looted. A large number of people have been killed. Not only that. They are de panding a separate State of Khalistan. Should we support such kind of terrorists and such type of demands? Sir, one should not object even if, for the sake of the unity and integrity of the country, some persons are arrested without any reason. The country is more important than individuals. I say, the unity and integrity of the country is more important than a person's liberty. Therefore in my opinion, we should welcome when such laws are being enacted in order to see that such tendencies are curbed in Punjab and other places. Our Government has done a very good thing. Moreover, the Terrorist and Disruptive Activities (Prevention) Bill is going to lapse after two years. Therefore, to the Opposition friends who are saying that this measure should not be enacted, 1 would like to put the question, what is the solution? How should we curb these activities? Should we give freedom to the terrorists to kill anybody without any reasons, without any basis? I do not think this is the view of the Opposition. think, no civilised country can all w such kind of disruptive activities. Rule of law has to be enforced.

Having said this, I would like to make the point that the Terrorist and Disruptive Activities (Prevention) Bill should not have been applied to the entile country. My submission is that this should be applied only to those areas where people are waging a war against the country. where they are demanding separate State. This should have been applied only to those areas and not to the entire country. Now, a number of powers have been given. There ore States which are being ruled by different parties. If anybody wants to take revenge against political rivals, by establishing this Board etc. what will happen? Such a possibility is there.

Then, Sir, sub-clause (4) of clause 1 says that it shall remain in force for a period of two years from the 24th day of May, 1987. This means, it will be in force up to May, 1989. The question which I want to raise here is in regard to clause 9. This is a very im-portant clause. I will just read the relevant portion:

and a notification constituting a Designated Court for the same area or areas or for the same case or class or group of cases has also been issued by a State Government under that subsection, the Designated Court constituted by the Central Government, whether the notification constituting such Court is issued before or after the issue of the notification constituting the Designated Court by the State Government, shall have, and the Designated Court constiuted by the State Government shall not have, jurisdiction to try any offence.

Here, you are taking away the rights of the States. The designated courts constituted by the Central Government will override those consittuted by the States. When the State police force is investigating a case, if you go against the wishes of the State, by appointing your own

[Shri Veershethy Moglappa Kushnoor]

designated court, there will be conflict between the Centre and the States. The police force investigating the case will be in difficulty. Whose orders will they abide by? The Central Government's orders or the State Government's orders? I think, in actual implementation, conflict will arise between the Centre and the States. This will have to be clarified by the hon. Minister. Then clause 12(2) tays;

> "If, in the course of any trial under this Act of any offence, it is found that the accused person has committed any other offence under this Act or any rule made thereunder"

I have no dispute with that.

> "or under any other law, the Designated Court may convict such person of such other offence and pass any sentence authorised by this Act or, as the case may be, such other law, for the punishment thereof."

'Other laws' means the provisions under the Indian Penal Code or the Criminal Procedure Code. If that is so, I would like to know whether any other offence committed under the Cr.P.C. or the Indian Penal Code is also going to be investigated and the person punished under this law. Already there are there are going to try a person under' The Cr.P.C. and the Indian Penal Code and if this provision says 'any other law', it will create some ambiguity.

Now I will come to presumption caluse. This is good, it is necessary also. We are seeing that if there are witnesses, the terrorists are first murdering or killing them. Even if somebody is giving shelter, he is not coming out to give evidence because of the fear of being killed or murdered. So, I agree with this section 21, but I cannot understand one thing. Section 15 says that any canfes-sion, made before a police officer not below the rank of a Superintendent of Police will be admissible for evidence. The Minister himself is an eminent lawyer and he will have to enlighten me whether the Superintendent of Police is the investigating officer or any other investigating officer will have to bring the culprit before the Superintendent of Police and he will have to record the confession. Is the Superintendent of Police and the investigating officer one and the same person? This will have to be clarified.

In Section 21 it has been stated that a confession has been made by a co-ac cused that the accused had committed the offence. Does this mean that you are going to pardon the co-accused and take him as a witnes or he is also to be treated as an offender and you are going to punish him? You have to clarify these points.

These are some of the points when. I wanted to make and with that I again support the Bill, that this Bill may be passed.

श्री चतुरानन मिश्र (बिहार) : उप-सभाध्यक्ष महोदय, पंजाब की एक असाधारण स्थिति है और उस असाधारण स्थिति का साधारण तरीके से निदान नहीं हो सकता है। हम कम्युनिस्ट लोग पंजाब में अपना खून बहा रहे हैं और देश की एकता की हिफाजत कर रहे हैं। हमें पता है कि सिर्फ भाषणों और प्रस्तावों से पंजाब की समस्या का निदान और आतंकवादियों की सोफिस्टिकेटेड गन्स का समाना नहीं हो सकता है। इसलिये कोई खास तरीका तो अख्तियार करना ही होगा जिससे उस समस्या का निदान निकले। लेकिन अभी जो विधेयक मन्त्री महोदय ने प्रस्तुत किया है वह परिस्थितियों को और भी भयावह बनाता है। इसलिये मैं अनुरोध करूंगा कि इस पर गम्भीरता से विचार किया जाय। जो बिल हमारे सामने आया है उसमें डिटेंशन की ग्राउन्ड देने में टाइम बढ़ाया जायगा। यानी अभी जो गवर्नमेंट की इंएफीसिएंसी है वह और बढ़ जाएगी। यह बिल डिबलेरेशन आफ कंटीन्यूड इनएफिसिएन्सी आफ दी सेंट्रल गवर्नमेंट है। इसलिये हम कहते हैं कि यह बिल जिस उद्देश्य के लिये है वह बिलकुल डिफीट हो जायेगा। फिर इससे क्या होगा? इससे क्रिमिनलाइजेशन आफ पुलिस होगा। आप जानते हैं कि पुलिस अभी भी क्रिमिनल होती जा रही है क्योंकि

जब सिविल लिबर्टी नहीं रहती है तो ऐसा होता है। कई उदाहरण ऐसे हैं जो इस बिल के साथ स्पष्ट हो जाएंगे। अगर एक आदमी डिटेंशन में है और फिर उसकी डिटेंशन होती है तो उसको भी नजरबंदी के कारणों को देने की अवधि 5 दिन बढ़ाई जा रही है। डिटेंशन 5 दिन और बढ़ा देंगे। जब नजरबंदी में है, नजरबंद हैं और अगर आप ग्राउन्ड तैयार नहीं कर सके और ऐसे लोगों को पकड़ कर रखेंगे तो इससे लोगों में भयंकर गुस्सा पैदा होगा। इसलिये कृपा करके ऐसा आप मत कीजिये। अगर, जैसा कि मन्त्री महोदय ने कहा कि इस कानून के बनने से हम दूसरे स्टेट से वहां जज दे सकते हैं, अगर आप ऐसा करेंगे तो एक भयानक स्थिति पैदा होगी। यह बात ठीक है कि पंजाब में क्रिमिनल जुरिसप्रेंडस पैरालाइज हो गया है। लेकिन मन्त्री महोदय ने समझा नहीं कि यह क्यों हुआ, लोग गवाही देने के लिये नहीं आते? मैं पूछना चाहता हूं कि इसकी पूर्ति इस कानून से कैसे होगी? दूसरा कारण यह है कि पंजाब पुलिस आंदोलन से प्रभावित हो गई है और इसलिये वह सही जांच-पड़ताल नहीं कर रही है हमारा खुफिया विभाग अक्षम साबित हो रहा है। इसलिये क्रिमिनल जूरिसप्रेंडस ठप पड़ती जा रही है। बहुत कम अपराधियों को सजा मिलती है। इस समस्या का समाधान आप इस कानून में प्रोविजन करके नहीं कर सकते। ऐसा लगता है कि आग लगी है पूर्व में और आप फायर ब्रिगेड भेज रहे हैं पश्चिम में, ऐसा करके बहुत भयंकर स्थिति आप पैदा करेंगे। असल में दिक्कत यह है, वैसे हमारे मंत्री महोदय भाग्यशाली हैं जो वे पोस्ट इंडेपेंडेंट डेज के बेबी हैं और उनका इंडियन पुलिस से कभी सामना नहीं पड़ा। वे भाग्यशाली हैं जो ये जन्मे हैं सिल्वर स्पून इन हिज माउथ में लेकर, बल्कि और भी अच्छे गोल्डन स्पून इन हिज माउथ लेकर। जो माननीय सदस्य इनकी पार्टी के हैं वे इंडियन पुलिस को समझ सकते हैं, जो कि आजादी के आंदोलन में भाग ले चुके हैं। अगर आप इंडियन पुलिस से यह कहें कि तुम दस चोरों को पकड़ कर लाओ तो वे दस चोरों के बजाए सौ-दो सौ अच्छे आदमियों को पकड़ कर ले जायेंगे और उनसे दो सौ रुपया लेकर चार सौ रुपया लेकर वहां जमा करा देंगे और उनको टाइम पर चार्जशीट भी नहीं देंगे। आप इंडियन पुलिस को आदर्श बनाना चाहते हैं इसमें हम आपके साथ हैं। लेकिन पंजाब में एक भयानक स्थिति पुलिस के इस रवैये के चलते हो रही है। इसलिये हम लोग आप से निवेदन करते हैं कि आप गेहूं और भूसा को अलग करिये। गेहूं और भूसा दोनों को साथ मत फेंकिये। एक माननीय सदस्य ने कहा कि वहां पर टैरोरिस्ट हत्यायें कर रहे हैं, बसों पर हमला कर रहे हैं और निर्दोषों की हत्यायें कर रहे हैं। बिल्कुल सही बात है। लेकिन जो यह कह रहे हैं उनको अगर आप मार डालिये तो बात थोड़ी समझ में आ सकती है। लेकिन बिना ट्रायल किये उनको मारना क्रिमनलाइज करेगा पुलिस को, जूडीशियरी को, सोसाइटी को। इसलिये मैं कहता हूं कि पहले बूझ तो जाइये कि कौन भूसा है और कौन गेहूं है। जब बूझियेगा तब सख्त कार्यवाही कीजियेगा नहीं तो यह कानून जो आप बनाने जा रहे हैं वही क्रिमनल है और भीरी विलोम पैदा करेगा। आपने कहा है कि हम आपसे इस सोल्यूशन के बारे में चर्चा करेंगे। आप कह रहे हैं कि दिल्ली सरकार एफिसियेंट है, इसलिये आप उसको, केन्द्रीय सरकार को ज्यादा अधिकार देना चाहते हैं क्योंकि राज्य सरकार से नहीं संभलपा रहा है। लेकिन जब दिल्ली में हत्यायें होती हैं तो आप क्या करते हैं? यह यूनियन टेरेटरी है। जब यहां इस तरह की घटनायें हुई थीं उस दिन आप कहां गये थे। यह मत कहिये (समय की घंटी) उपसभाध्यक्ष जी हम तो सिर्फ बोलते हैं राज तो आप ही करते हैं। इसलिये जरा टाइम तो आप दे दीजिये। आप तो लिबरल हैं जरा मेरी बात सुन लीजिये। अगर मेरी बात पसंद न आये...

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा): पसंद की बात नहीं। समय का भी ख्याल रखना है।

श्री चतुरानन मिश्र : दो बिलों को एक कर दिया जो कभी नहीं होता था।

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा): इसीलिये टाइम भी डबल दिया गया है।

श्री चतुरानन मिश्र : केन्द्रीय सरकार से भी पंजाब की समस्या का निदान नहीं निकल रहा है। इसीलिये आप पर हमारा अविश्वास है और हम नहीं सोच सकते कि आप इस सम्बन्ध में और कुछ कर सकेंगे। हमने जब कहा कि आप गेहूं और भूसे को अलग कीजिये तो इसका यह मतलब है कि मार्डरेट्स को आतंकवादियों से अलग करिये। आप दोनों को समेट कर एक ही में रखते हैं। इस पर भी आप जरा गहराई से विचार कीजिये। जोधपुर में जो नजरबंदी हैं वे सबके सब दूध के धोये हुये नहीं हैं, सभी निर्दोष नहीं हैं। लेकिन कितने दिनों आप उनको वहां रखियेगा ? न ट्रायल की जायेगी, न अभियोग लगायेंगे। हम सभी विरोधी पक्ष के लोग कहते हैं कि आप उन पर मुकदमें चलाकर जल्दी से जल्दी कोई फैसला करें, कोई रास्ता निकालें। अगर ऐसी ही स्थिति रहेगी तो इससे समस्या का समाधान नहीं होगा। आज हम वहां पर मारे जा रहे हैं। हम आप की इससे ज्यादा क्या सहायता कर सकते है। लेकिन आप इतनी भी सहायता करने के लिये तैयार नहीं हैं कि नाजायज ढंग से जो लोग वहां नजरबंद है उन पर विचार करें। आप दस को छोड़ते, आप 20 को छोड़ते, आप 80 को छोड़ते, आप कुछ करते ही नहीं। आपकी यह कार्रवाई बदले की भावना है। पंजाब में जनता यह सवाल उठाती है। आप तो मंत्री महोदय नहीं जाते हैं लेकिन मैं जाता हूं वे कहते हैं कि कितने दिनों तक लोगों को नजरबन्द रखेंगे, क्या इसकी कोई सीमा है। इसी तरह से नहर के पानी का या चण्डीगढ़ का सवाल है। क्या कभी आपने सुना है आप भी तमिलनाडु से आते हैं कि तमिलनाडु की केपिटल बिहार में कर दें। क्या आप इसको पसंद कीजियेगा। इसलिये पंजाब की राजधानी चण्डीगढ़ ही होना चाहिये। इन बातों के हल के लिये आपको रास्ता निकालना चाहिये। जब आप की सरकार थी हरियाणा में तब भी आप नहीं कर पाये। अब तो और भी संकट पैदा होगा। कानून में पुलिस के सामने बयान को सत्य समझने की आप व्यवस्था कर रहे हैं। जो जेल जा चुके हैं अंग्रेजों के जमाने में और आप जानते ही हैं कि पुलिस किस तरह मार-मार कर पीट-पीट कर कनेफेशन करवा लेती है क्या क्या कहलवा लेती है क्रिमिनल्ज से कैसा व्यवहार करती है। इसलिये यह संशोधन अनुचित है। फिर आप कहते हैं कि फोटोग्राफ से आइडेंटीफिकेशन हो जायेगा तो क्या जेल में भी फोटो हो जाएगा, क्या आदमी को जेल में नहीं जाना होगा। अगर आदमी को जेल जाना है तो पहचान भी हो सकती है। इसलिये क्या आपने इस तरह की बात कभी सुनी है ? अन्त में मैं कुछ सुझाव देना चाहता हूं। इसके पहले एक बात मैं कह कर सुझाव दूंगा। राजनीतिक समाधान निकालने की चर्चा आई है। मैं यह चाहता हूं कि इसका भी स्पष्टीकरण होना चाहिये। कुछ लोगों के राजनीतिक समाधान का अर्थ यह लगता है कि आतंकवादी जो हैं जो खालिस्तान चाहते हैं जो हत्यायें कर रहे हैं उनसे जाकर के आप बात करेंगे। मैं तो इसके कतई पक्ष में नहीं हूं। आप अगर उनसे बात करेंगे तो मैं उसका जबरदस्त विरोध करूंगा इसके लिये आप से भी मुकाबला करूंगा। हम को लग रहा है कि आप उन्हीं हत्यारों से बात कर रहे हैं। आपके राज्यपाल ने आन दी ईव आफ इंडीपेनडेंस डे पर भाषण करते हुये उनकी तुलना हत्यारों की तुलना शहीद भगत सिंह जी से की... (**व्यवधान**)

SHRI P. CHIDAMBARAM: Sir, normally I do not interrupt, but since this matter has been raised I want to say that I have spoken to the Governor myself. He stoutly repudiated that he made a speech of that nature. The passage appearing in Mr. Satpal Dang's article is incorrect. This morning's article is incorrect. This morning's *The Times of India* carries a letter by the Director of Information and Public Relations, Punjab, repudiating that paragraph. Therefore, I would like you to accept the Governor's statement. He did not make any comparison to any of the freedom fighters.

SHRI CHATURANAN MISHRA: All right. If he has contradicted it, then I am glad. But I am telling you, this confusion was created because he spoke something like that.

SHRI P. CHIDAMBARAM: I have spoken to him *myself.* Kindly read today's *The Times of lndia.* I have spoken to the Governor myself.

SHRI ATAL BIHARI VAJPAYEE: Have you seen the text of the speech?

SHRI P. CHIDAMBARAM: He says that he has gone through the record of the speech. He is satisfied he did not make the statement. An authoritative rejoinder has appeared in this morning's papers.

SHRI CHATURANAN MISHRA: I accept it.

SHRI ATAL BIHARI VAJPAYEE: I *Have* seen the contradiction. . But how did this misunderstanding occur?

SHRI P. CHIDAMBARAM: In fact, the Governor said, when he spoke to me the day before yesterday night that he would—or he has, I am not very sure—1 write a letter to Mr. Satpal Dang denying he made a statement to that effect I think we should accept the Governor's statement.

SHRI CHATURANAN MISHRA: Yes, I am going to accept that. And I am happier with the contradiction. Had it been a confirmation, then that would have been a tragedy that a State's Governor had said like that.

उपसभाध्यक्ष महोदय, हां, यह अवश्य है कि मोडरेट लोगों से, भारत की एकता के पक्षधर सिख लोगों से उनकी समस्याएं उनकी मांग और समाधान पर आप अवश्य बात करें । अभी पंजाब की स्थिति यह हो गई है कि यह जो आतंकवादी हैं इनका पंथक कमेटी पर कब्जा हो गया है । सीधे टकराव की हालत पैदा हो गई है। यह नयी और खतरनाक स्थिति है ।

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा): अब आप खत्म कीजिये ।

श्री चतुरानन मिश्र : बस दो मिनट में समाप्त कर रहा हूं । हमारा ख्याल है कि जब सदन में हम राजनीतिक पार्टी के लोग बोलते हैं तो अच्छी बात बोलते हैं लेकिन वहां चल कर हम जनमत क्यों नहीं तैयार करते हैं ? हमारी पार्टी के लोग जा रहे हैं । आपकी पार्टी तो बहुमत में है, बराबर आप राज चलाते हैं आपके लोग निकलते क्यों नहीं हैं पर्दे से, क्यों पर्दानशीन बना कर आप अपने नेताओं को रख हुए हैं । हम कहते हैं पर्दा उठाएं यह रिवाज तो बहुत पुराना हो गया है । दूसरा हमें यह करना चाहिये कि प्रतिरोध शुरू करना चाहिये । सब से बड़ी समस्या है जनमत तयार करने की क्योंकि उनको वहीं शेल्टर मिलता है, बहुत से लोग समझते हैं कि आतंकवादी जायज काम कर रहे हैं । इस को आप फाइट आउट नहीं करते हैं । जनमत बनाने का काम क्या पुलिस करेगी, डी०ए०पी० करेगा, एम०पी० करेगा, डी०एम० करेगा ? यह मैं जानना चाहता हूं इस कानून के किस प्रावधान से जनमत तयार करना होगा यह बताइये ? इसलिए मैंने कहा कि आप जो यह कानून बनाने जा रहे हैं इस्स एडमिनिस्ट्रेटिव और पालिटिकल डिफीशियंसी जो है, फल्योर जो है उस की आप पूर्ति नहीं कर सकते हैं, इस तरह के रिप्रेसिव लाज से आप इसको रप्लीमेंट नहीं कर सकते हैं । मैं आपसे भी मंत्री महोदय कहूं कि एक तरफ, तो वे लोग हथियार ले आते हैं दूसरे देशों से और हमारे दो साथी जब सिंगापुर से लीगल हथियार खरीदकर ले आए यहां पर दिल्ली में तो उनको पकड़ लिया, कहा आप नहीं ले जा सकते हैं। उन्होंने कहा कि वहां के हाई कमिशनर का परमिट था । हमने बार-बार कहा होम मिनिस्टर साहब से कि इसको आप रीलीज कर दीजिए, जाय खरीदे हुए है । उन्होंने कहा कि कुछ कानूनी पेंच उठ गया है इसलिए कैबिनेट में गया हुआ है । तो हम जायें कैबिनेट में और जो हत्या करने वाले हैं वे बिना कैबिनेट के ले जायेंगे और हत्या करके चले जाएंगे । बताइये कैसे होगा

(समय की घंटी)

[श्री चतुरानन मिश्र]

अभी आतंकवादियों ने एलान किया है कि दीवाली के दिन वह एक सरबत खालसा करेंगे । उसमें फिर कुछ निर्णय लेंगे । हम लोग जितनी पोलिटिकल पार्टीज के लोग हैं जो इस देश की एकता चाहते हैं, अखंडता चाहते हैं क्या वे उसके पहले आम जनता का कोई सरबत खालसा नहीं कर सकते हैं, जो साबित कर दे कि जनमत इधर है । इसलिए मैं यह कहूंगा कि ये रिप्रेसिव लाज जो हैं ये वहां की जनता को और भी आपके खिलाफ करेंगे आप इस आग में और भी पैट्रोल डाल रहे हैं । इसलिए यह कानून सर्वथा अनुचित है देश के हित में नहीं है और इसलिए जो पहले का कानून है उसी से आप कार्यवाहियां कीजिए । आपके पास तो उचित सी०आई०डी० भी नहीं है । आप सी०आई०डी० पर जोर दीजिए कि कहां से वे हथियार ले जाते हैं, कैसे इनको पकड़ें, कौन कहां जा रहा है । जो करना है वह करते नहीं और कानून बनाकर, रिप्रेसिव लाज को बनाकर जनमत को और भी खिलाफ करने जा रहे हैं । इसलिए मैं आपसे अनुरोध करूंगा कि इन बातों पर गम्भीरता से विचार करके इस कानून को वापस लीजिए ।

SHRI BIR BHADRA PRATAP SINGH: (Uttar Pradesh): Mr. Vice-Chairman, Sir, I am on the second Bill.

My contention is that the Bill is not related to any particular State or situation but it relates to the whole country.

Before that, I want to make two poli-ical submissions. I am in favour of a political solution, a solution through talks to every such problem. No military utilisation will be able to bring any solution to such a problem. Rather, the example of Sri Lanka quoted by my learned friend is correct, and we will have to revert back to a peaceful solution the moment we adopt a military solution.

My second contention is, with regard to the terrorists and those who indulge in disruptive activities, (here is only one safeguard which, I say, is sufficient. That is, they should not be convicted without evidence, and the basis of conviction should be an evidence only. All other safeguards that are being talked about in this House, I think, are divorced from realities and facts.

A very senior Member said what we should do with international situation while dealing with terrorism inside the country. He must be reminded that they are trained outside the country, they are financed by foreign countries, they go there when there is pressure here, in this country. They get assylum in those countries. When we ask for re patriation, those countries do not agree to send them back to our country. Over and above these, the technology, the methodology, the new techniques that international terrorist movements are adopting in the world, are at once adopted in this country. We have to propound a new method and make a new law to meet such a situation. Therefore, we are very much concerned at the interna tional terrorism in today's world. Now, the problem arose in the modern sense actually after the establishment of a Jewish State in Israel. That was resisted by P.L.O. It has spread to the wlole of Middle East and to the northern portion of Africa and it is now gripping the whole world. In our national movement, terrorism was an individual act or confined to a limited group. But after regional movements came and now introduced in the country, terrorism has become an organised form of political methodology. Unfortunately, it has become an integral part of our body politic. So we have to deal with this problem in an effective political as well as legal manner. Therefore, I am one of the very strong supporters of dealing with this problem in an effective, both political and legal, manner. In this connection I will make two or three suggestions. It requires more stringent measures and these should have been contemplated in a complex situation like this. Sections 3 and 4 of the Bill have still escaped your notice. Before I make suggestion, I will come to the point as to how to deal with terrorism and disruptive activities.

Now, there are four objections raised from the other side. One is about the identification of photo copies. I think, our learned able Home Minister will be able to explain it. To my mind, it is the only reason these proclaimed offenders are absconding. That is why this device has been resorted to. 1 am very clear in my mind. Mr. Sukomal Sen is not here but I was listening to him. I was also listening to the argument right from Mr. A. K. Gopalan's case and Mr. Ramesh Thapar's case to this present day that preventive detention should not be resorted to in this country because it is violative of Fundamental Rights of a citizen. The fallacy of the argument to my mind, is at that time the argument pronounced in Gopalan's case was that the Supreme Court has given precedence to the Code of Criminal Procedure over the Fundamental Rights. Therefore, the Fundamental Rights have been made subservient to the Code of Criminal Procedure. But all those arguments that civil liberties should not be curbed and Fundamental Rights should be preserved or that the Code of Criminal Procedure should not have precedence over Fundamental Rights or a Central law should not have , precedence over the Fundamental Rights hold good in the case of those criminals or worse than criminals, that is, terrorists, because neither they believe in the Constitution nor they believe in Funda--menal Rights. The question is, whether such an argument can be extended to' those who do not believe in the Constitutional fabric or framework or those who do not care for other Fundamental Rights. The argument is that to give Fundamental Rights to these terrorists is not correct. But nobody convinces those terrorists that they must respect Fundamental Rights of other citizens also: instead they kill them.

Now. the third objection was raised by my learned friend, Shri Jaswant Singh, whom I requested to be present here. He spoke about the presumption given to an authorised court in section 21 of the Bill. I think he used the specific word 'new judicial philosophy' which has been introduced now. I want *to* show him section 4 of the Indian Evidence Act which was much older, a statute of the British period. In that it is said that wherever it is directed by this Act, the court shall presume a fact, it shall regard such a fact as a proof unless and until it is proved otherwise. So my learned friend is not conect when he says that this legislation has introduced a 'now judicial philosophy' in our statute. The philosophy is as old as the Indian Evidence Act itself. Now, I come to the other objection which is about Section 15 itself. The hon. Minister is very learned and he will explain it further. I want to supplement him. He said, Section 25 of Indian Evidence Act discarding the right of a police officer to record confession is a code framed by Britishers. I say no. There are still better safeguards in the present Act and I think, he should have pleaded those better safeguards because the object is to deal with terrorists. First safeguard that he would be telling to the accused he purport of his statement which he is going to make. The second safeguard is that it shall be in writing. The third safeguard is if the confession is recorded by any other mode, supposing if it is by tape, you will remember, Mr. Vice-Chairman. Sir that in Pratap Singh's case, in Supreme Court, there was a great discussion, when there was some taperecorded confession made in some Statement, now this Act has made that an; admissible evidence. So, I think, section 15 itself has provided safeguards. I have practised in the lower courts for a long time. I can cite examples in 109 and 110 cases, accused were produced or persons who were required to be bound down were produced before a court. That was recorded in a confession. The man was bound down. It is the actual state of affairs about the confession made before the Magistrate. So, you cannot say whether the magistrate records the confession or the police officer records the confession. That is not the material thing. The material thing is the circumstances under which it is recorded and the protections with which it is recorded and the credence which

[Shri Bir Bhadra Pratap Singh]

the court gives to it at the time of assessment of the evidence. Now I wanted to make three suggestions to the hon. Minister.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA; Please be brief.

SHRI BIR BHADRA PRATAP SINGH: In this Session, this is the only time that I am speaking. So, please allow me to make three suggestions. In those cases, where no death is caused, you have made provisions for abetment to be punished. But what about attempt because from the language of Sections 3 and 4, there is nothing like Section 307. For instance, in Section 302 case, a person is convicted for murder. In section 307, attempt is to be punished. It is not so clearly indicated in Section 3, you may be having your own interpretation, but I am differing from you, but I want to add one thing to this. Event an attempt should be euated wih treason against the State. *(Interruptions).*

SHRI P. CHIDAMBARAM: Attempt is there in clause 3(3),

SHRI BIR BHADRA PRATAP SINGH: It must be equated with treason against the State. Otherwise, I tell you, with all this, probably, you may not be able to get the objective in an attempt. That may be your practical difficulty. Anyway, it is my suggestion. You may consider it. My second suggestion is there should a special cell or section or department seeking bilateral treaties for arrest, repatriation or extradition of such people who have migrated from this country to other countries. I know the difficulties. He cannot be subjected to a national law but I am suggesting to you that the moment, he runs away either to America or to other foreign countries, of course, nobody runs to Soviet Russia or to a communist country. I think there will be no difficulty in repatriation if somebody happens to be there. But you are having a lot of difficulties in repatriation. Whenever there is pressure, they have run to Canada ,to the USA. There is evidence. If you do not take any effective step to get them repatriated to this country, then I think the difficulty would remain.

The third suggestion is that rumour-mongering which is affecting the nation should also be covered under this Act. I am an extremist so far as dealing with terrorists is concerned. I do not want soft handling in the case of terrorists. Those who want to establish fundamental rights, liberty and freedom, let them give. lt is my belief that rumour-monger-ing sometimes vitally affects our nation. So, in both the case such rumours of serious nature should also be included in some form. There learned hon. Minister, if it is possible for him, may put it in some form. They have also sometimes contributed a good deal for peace and harmony.

SARDAR JAGIIT SINGH AURORA (Punjab): Mr. Vice-Chairman, Sir, I rise to oppose both the Bills. I also realise that anything I may say will have little effect about the adoption of these Bills. I say that in sorrow and not in anger. I think it is my conscientious duty that I must object to these Bills as they are totally against democratic norms and human rights. I realise that the situation in the country generally and in Punjab has taken on very dagerous dimensions. But I must also say that it is necessary for the Government, the Central Government, to try and do a bit of introspection to see why It has so happened. To think that your Internal Security Act imposed only one year's detention is the reason; the fact that the previous law known as the anti-terrorist law, was not sufficiently deterrent is not the factor. The factor is that the Government here has been guilty of its inability to appreciate the situation correctly, to realise what has turned the people in Punjab totally against the Government. Why the people in Punjab generally and the Sikhs particularly have lost confidence? The Government has lost its credibility with them. That is the reason. It has lost its credibility because the Government has not been able to take action against those who were guility of crimes, very unspeakable

crimes, in the month of November 1984. A charde was created by having the Mishra Commission. Another charade is being created by having these two panels. Nobody knows what is happening. I can assure you that till such time that the Government is able to give equal justice, till it is impartial in treating the guilty wherever they are, this aspect of Punjab this situation in Punjab, will not improve. And it does not need the National Security Act to be strengthened and it does not need even the Anti-Terrorist Act to be recurrected. I would like to mention here something which has really upset me. Under the National Security Act I would quote two cases. One is about Sardar Badal about which I have already made a mention in the House. When you put a person away in jail under the NSA, he is not a criminal and he must not be treated as such. There is another case which is even more reprehensible. The police could not find anything really criminal against the parson. He was an employee of the Reserve Bank of India and they sent him away for one year under the National Security Act. He came back and he was given a show-cause-notice and dismissed from service. Because be had been put away under the Naional Security Act for a year, which is not supposed to be a punishment. If you are going to use the National Secu-ity Act in this manner, obviously people cannot have confidence in you. As far as putting people away is concerned, think the case of Jodhpur detenus is in outstanding example. I say this because I asked a question a few days go as to what has happening about the rial of Jodhpur detenus as the honour-ble Home Minister had mentioned that hese people had been charged under a ertain section and their trial was in rogress. The answer I have got in Reply to my uestion, which arrived yes-erday, was that the Supreme Court had ;sued a stay order. Incidentally, they 'ere charged in January 198, six months fter they were imprisoned and then in July 1985 the Supreme Court gave a stay order and no progress has been made ince them. This means that the Gov-rnment of India is not really wanting to see whether these people are really guilty or not. They are more interested in keeping them as detenus. And why? I have read an article in the *Times of India* written by an eminent editor him-himself to says—

> "The Prime Minister does not want to release these detenus because he would like to use them as a bargaining counter for any decision or any discussions that may arise the future."

Now, is that moral? Or is that immoral? When a Government loses its moral authority, it is very difficult for that Government to be able to govern efficiently and effectively.

Now, I would like to say a few things about the Terrorist and Disruptive Activities (Prevention) Bill. Here again I feel that the first Bill itself, instead of serving its purpose of being a deterrent, had really made people angry, made people upset and made them realise that they were being discriminated because many cases have occurred where people have been arrested under a trumped up charge, such as a person at such and such a place was shouting Khalistani slogans. This was enough to put him away in jail. I give you a case which I know through personal knowledge. One of my employees, whom I know, got permission to go to Pakistan to see his younger brother; he got permission; he got foreign exchange. He went to Wagha border with his mother and his younger brother. He was stopped there for one day saying, "We want to make further inquiries." When he was again stopped for one more day. They said, "We still want one more day to make further inquiries." On the third day, he was charged with having shouted Khalistani slogans at one of the bus stands and having said that the Hindus must be killed. All this time he was in police custody. When I came to know about it, I did try to find out what it was because the concerned gentleman, Mr. Sharma, range me up to tell me how our employees had been nabbed. It took me 53 days to get him out and, eventually, there was no case against him.

[Sardar Jagjit Singh Aurora]

I would give you another case when you say that the police these days is more trustworthy and the police people are going to abide by the law. I think you must have heard about this case.

In Jammu, one Mr. Gurdev Singh— I think that is the name of this gentleman—was kept in police custoday for 19 months. Incidentally, he is a British subject and the Designated Court found that the entire case against him was totally fabricated. And what was the charge against him? It was that in co-operation with two others, he was going to blow up the Parliament House, and going to murder the various VVIPs. The whole thing was concocted. Not only, that. There is another adjunct to it. The lady who had come from England and made the mistake of going and seeing him because her mother had said, "Please go and see him and give him some clothes." was kept in custody for eight months and later on, the Prime Minister's good offices were utilized to get her released. She had to make a statement thanking the Prime Minister! there are so many other stories like this.

SHRI P. CHIDAMBARAM: Do you know what she is going now in England?

SARDAR JAGJIT SINGH AURORA: I do not know what she is going in England. But only her husband... *(Interruptions).*

SHRI P. CHIDAMBARAM: You should know what she is doing in England now.

SARDAR JAGJIT SINGH AURORA: j If she is doing something wrong there, tell me later. But the point is, the point that I was going to make is, when | these stories go back to England and j other places, what do you think the feeling of the Sixth community there is? That is one thing. I have been recently there for about two months, I have been to England and America, and it is a job for an Indian to try and bring them on to a rational level because of these things happening and because of various other things happening into which I

THE VICE-CHAIRMAN SHRI H. HANUMANTHAPPA): Please conclude now.

SARDAR JAGJIT SINGH AURORA: 1 think I will take two or three more minutes.

One of the things which 1 think is important is about the operations being conducted by the police in Punjab these days. The number of people who take about innocent people being killed is endless. I have, at this juncture, no particular case that I can cite.

SHRI PAWAN KUMAR BANSAL: (Punjab); No body cites a particular case that is the problem. It is unfortunate that we let ourselves be fed on numours.

SARDAR JAGJIT SINGH AURORA: Well, the point is that in order to make people believe that there are no innocent people being killed I have a suggestion to make: It would be worthwhile to send a committee—I do not want to go there myself—of Members of Parliament who could go and talk to the individuals without the police and satisfy themselves? I am not wanting to blame really anybody for it, but these storics of inno-' cent billings are going from mouth *to* mouth and it is causing a tremendous amount of resentment and bitterness without the police and satisfy themselves? not talking about the terrorists now. This, I feel, may be able to give the police a better image than what they have at the moment.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude.

SARDAR JAGJIT SINGH AURORA: I am going to conclude. I would like to finish up by saying that paying lip service to good intentions does not solve the problem, making tall claims does not prove performance. If more efforts are made to give a fair and equitable treatment to all segments of the society and if promises once made are implemented sincerely and honestly, it will give confidence to the people and win the cooperation of the public at large. No

What is required is a bit of heart starching to find out where you have failed and why you have brought the country to such a pass. Thank you very much.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Jamir. Last speaker.

SHRI S. C. JAMIR (Nagaland): Mr. Vice-Chairman, Sir, I rise to support the National Security (Amendment) Bill, 1987, and the Terrorist and Disruptive Activities (Prevention) Bill, 1987. But I oppose the Resolutions moved by the Opposition.

Sir, in a free and democratic society the present Bill is a paradox. But since we have to face the reality and we have no face the situation as it exists today, I am supporting these Bills in that context. It is very easy to suggest. It is very easy to criticise. But as the Government has the responsibility to maintain law and order and to provide protection and security of life and property to all the citizens, it has to be fully equipped legally and otherwise. I do not find any dispute between the ruling party and the Opposition as far as maintenance of national unity and integrity is concerned. I don't find any two opinions as far as curbing terrorism in Punjabi is concerned. Various expressions have been made as to why this Act should be extended and why this Amendment should be brought about. It is only an academic exercise. But the real thing which I would like to point out to the Government, through you, is that if you want your soldiers to win the battle, provide them good weapons and equip them properly and if they fail, then only you can blame your soldiers or Army. But without providing any weapons if they fail, don't blame them. That is one point which I would like to bring to the notice of this august House.

Secondly, as a Government you cannot just let people being killed daily in hundreds. Many of the opposition leaders might be criticising as to why the Gov" eminent is failing. Yes, whether it was under the Chief Minister, Barnala, or under the presidential rule, killings continue and I believe that they will continue for some time. Mere enactment of these Acts will not bring a solution. Don't think that this is the only way. But we want to equip the law enforcing agencies &with sui.able powers to "deal with terrorism. I think no one will differ with the Government that terrorism has to be curbed, has to be eliminated' from Punjab and other parts of the country. Sir, as a Chief Minister, when I was in Nagaland, I had been dealing with the same problem. The Opposition leaders used to criticise me as to why I am arresting. Whenever you arrest any hostile after a lot of efforts, the lawyers will rush to the court and release him on bail. Where is your effort? All your efforts and energies devoted in arresting one criminal or one hostile are lost because the law is such that he has to be released on bail. Then he will go back again to the same activity. So, Sir, in Punjab, unless you fully equip your law enforcing agencies legally, the normal law alone will not be able to deal with such an extraordinary situation obtaining in Punjab. I am speaking from experience. I am not conversant with the constitutional laws. But I am conversant with my own experience of dealing with this kind of insurgency. And terrorism in Punjab has a very peculiar insurgent element because it is not confined to the State. They are trained outside the State and they are being harboured not by our own local people alone but by people or by persons across the border. So, it is a very peculiar situation. Under these circumstances, I personally feel that the Government has got a right to make them feel that we have been properly equipped to deal with them because a sense of fear psychosis has to be created. I am very sorry to say why are our Sikh brethren, who are fighters, who have got the martial spirit in them, killing children. Why are they killing passengers in the buses? Why are they killing Innocent people? According to the Naga tradition, when we indulged in head-hunting, even at that

[Shri S. C. Jamir] time we never killed innocent people. We did not kill innocent people or people while sleeping even in those savage days. But in a civilized society like ours our Sikh brethren who are so enlightened, who are so prosperous, why should they kill innocent people? It is unbecoming of a martial race like our Sikh brethren. It is my sincere appeal to our Sikh brethren not to be allowed to be used as an instrument by agencies who are not friendly to India. This will not bring any dignity to the people of Punjab. Don't allow yourself to be used by others. I know the maturity of the Sikh people. They are for unity and integrity of the country. That I know But in a situation like this when you are trying to catch one terrorist, you harm many. And it is quite natural that when you have to remove a thorn from your body, there will be pain in your body. But once you remove the thorn, then that pain will be only momentary. But if you leave the thorn without removing it, then the whole body will be affected. So also, unless you root out this terrorism from there, this will affect very deeply the emotional oneness of the community with the rest of the country. Sir, I was also a victim of this kind of security when there were two regional parties in Nagaland. My party was coming up. The then Government arrested me and other ex-Ministers and an ex-Chief Minister along with me and incarcerated us . One young ex-Minister was with me. He died because it was a new thing for him to be in jail. So, there are chances of misuse of this power. Why? It is because there are some unscrupulous officers, even politicians also. Under the cover of this kind of Security Act, they used to take vengeance. Another thing which I would like to point out to the Hon. Minister is that there are likely to be individual feuds and many a time not only in a tribal society but even in the plains, even I should say in a society in Bihar or even in Punjab people will resort to using this as a cover to take personal vengeance. So you have to be very careful. *(Time Bell).* Sir, I will take another two or three minutes. Another danger is from where are you j going to get information about terrorists. Do you have to rely only on yur agencies or who are those people on whom you rely to get this information? According to my experience those informers whom we engage, they are not good people. A man can be an informer only when his character is not so strong. And if, you nave to rely only on the information of these informers kept either by the Government or by other police agencies or army agencies, then do not take for granted that all the information that they are giving is correct because they are mercenaries and to rely on them is pretty difficult. If we have to continue to rely only on this kind of information, you will be antagonising innocent people and nationalist people and they will turn against you and the country. Therefore, we have to be very careful in evolving this kind of a thing.

Now I come to the question of mistaken identity. I will give you one example. I am sorry that General Auro-ra is not here. When he was in the Eastern Command, I know him from the beginning, the army was looking tor some underground people. Since my village is very close to the town, our village council members they went to the Deputy Commissioner for some development works. Among them was one who resembled one of the majors of the underground people. The Assam Rifles people arrested him. Our villagers said, no he is not the underground man. The army said no, he is the one. In spite of the protests made by the village people he was arrested and taken in the custody of the army. In this way, I hope this kind of incidents will not take place in Punjab.

SHRI RAM AWADHESH SINGH : They will take place.

SHRI S. C. JAMIR; Because all of them have got beard, it is very difficult to make out who is who. It will be more difficult in their case. It is not a joke. It is more difficult from photograph to make on one sardarji from another. So, you have to be very careful in verifying who is who. That is one of the things which I would like to mention here.

Lastly, Sir, a-society cannot be reformed unless it is first informed of what is wrong with it, what is right and how to get it. Similarly, in punjab, apart from this.legislaion, whe have to go very deep why is this insurgency, why is this terrorism? For political settlement also we have to work and I would suggest one thing, which- I know the Government will not agree to. , If you can declare amnesty to all the political prisoners, release them and let them initiate, I do not think, it can perform a miracle, but there could be some political force to start working. At the same time, we could try to curb this terrorism. But force alone will not be able to solve this problem. 1, therefore, plead with the Government for unilateral amnesty. This will, I think, be a good beginning in this political exercise so that we shall be able to contain terrorism, as well as explore a Way of solving this problem. With these few[1] words, Sir I conclude. Thank you.

श्री अटल बिहारी वाजपेयी : उसभाध्यक्ष महोदय, मेरे प्रस्ताव पर चर्चा समाप्त हो रही है । मैंने जो आपत्तियां की थीं उनका सत्ता पक्ष की ओर से कोई संतोषजनक उत्तर नहीं मिला है । शायद मंत्री महोदय पूरी बहस का जो उत्तर देने वाले हैं उस में उन मुद्दों पर थोडा सा प्रकाश डालें । मैंने एक सीधा प्रश्न पूछा था कि अप्रेल, 1986 से लेकर 9 जून 1987 के बीच में जब 14(ए) नहीं था क्या उसके कारण पंजाब की स्थिति और बिगडी, इसे लाने की आवश्यकता क्यों पड़ी ? दूसरी बात जिस तरह अवधि बढाई जा रही है 5 से 10 दिन, 10 से 15 दिन, यह पुलिस को अधिक समय देने के लिए प्रशासन की सुविधा के लिए है लेकिन अगर यह सच है कि प्रशासन पंजाब में चुस्त किया गया है पुलिस में फुर्ती आई है प्रशासन की और पुलिस की गतिमयता बढी है तो फिर समय बढाने के बजाय सचमुच में समय कम किया जाना चाहिए था । कहीं ऐसा तो नहीं है, कुछ सदस्यों ने इस बात पर प्रकाश डाला है कि कहीं हम परप्रशासन और पुलिस की इनएफिसियेन्सी को तो कहीं और मौका देने नहीं जा रहे हैं । मंत्री महोदय ने उत्तर दिया कि एडवाइजरी बोर्ड काम कर रहा है । उस ने बहुत से लोगों को पंजाब में छोड दिया मगर उन्हें तीन महीने जेल में रखने के बाद छोडा गया । अब उन्हें 6 महीने जेल में रखा जाएगा । प्रदेश की सरकार अन्धाधुन्ध लोगों को पकड़ ले और वह जेल में पड़े रहें और जेल में पड़े-पड़े ऐसे लोगो के सम्पर्क में आएं ऐसे तत्वों के सम्पर्क में आएं अगर वह बाहर रह कर अपराध नहीं करते थे तो निकलने के बाद अपराध करने लगें तो यह कोई बहुत अच्छी बात नहीं होगी । क्या तीन महीनों के लिए किसी व्यक्ति की स्वाधीनता का अपहरण करना यह हमारे लिए चिन्ता का विषय नहीं होना चाहिये ? अब उस अवधि को 6 महीने बढ़ाया जा रहा है । उपसभाध्यक्ष महोदय, मेरा आपसे एक ही निवेदन है कि कठोर से कठोर कदम उठाएं मगर ऐसे तौर तरीके न अपनाएं जिससे नये आतंकवादी पैदा हों । डायरेक्टर जनरल रेबेरो से मेरी बात हुई । जब मैंने उन से कहा कि क्या आप पंजाब में राष्ट्रपति शासन लम्बे समय तक लागू करने का समर्थन करेंगे तो रेबेरो ने कहा कि नहीं क्योंकि मैं जानता हूं कि नीचे के स्तर पर अगर जनता के प्रतिनिधि नहीं होते तो ज्यादतियों के विरुद्ध आवाज नहीं उठा सकते तो वहां पुलिस दल भी गलत रास्ते पर जा सकता है क्योंकि हम उनको और अधिक अधिकार देने जा रहे हैं । क्या सचमुच में नये अधिकारों की जरूरत है ? अच्छा हुआ सरदार बूटा सिंह जी यहां पर आ गये हैं । जगदेव कलां में 6–7 अगस्त को एक सामूहिक हत्याकांड हुआ । 4 परिवारों के 12 व्यक्ति कत्ल कर दिये गये । वे एक ही सम्प्रदाय के थे । जहां तक हत्या का सवाल है आतंकवादी सम्प्रदाय का कोई अन्तर नहीं कर रहे हैं । उस दिन हम सब लोगों ने गृह मंत्री के साथ अपनी संवेदना प्रकट की थी । उनके परिवार को हत्या का निशाना बनना पड़ा है । लेकिन जगदेव कलां के बारे में मुझे एक बात पता लगी है कि वहां पुलिस पोस्ट थी । 25 जुलाई को वहां के नागरिकों ने पुलिस पोस्ट हटाने का विरोध किया । 27 जुलाई को पुलिस पोस्ट हटा दी गयी । 6–7 अगस्त को सामूहिक हत्या की गयी । यह किस कानून से कमी

[श्री अटल विहारी वाजपेयी]

दूर होगी ? यह समस्या आप कैसे हल करेंगे ? जगदेवकलां के दो व्यक्ति उस हत्याकांड में शामिल थे ऐसा शक किया जाता है । वे गिरफ्तार नहीं किये गये मैं नहीं जानता था कि अब शायद गिरफ्तार हो गये हों । हमारी पार्टी के जनरल सेक्रटी अमृतसर से जगदेव कलां गये । पंजाब में रेड एलर्ट था, रास्ते में कहीं पुलिस का पैट्रोल नहीं मिला । आतंकवादी उस गांव में 45 मिनट घूमते रहे नारे लगाते रहे और थोड़ी ही दूर पर जो पुलिस की चौकी थी वह उस गांव से हटा ली गयी थी । कहा था हम थोड़ी दूर पर ही हैं, जरूरत हो तो बुला लेना । पुलिस नहीं आई । यह विधेयक किस तरह से इन समस्याओं का समाधान करेंगे ? उपसभापक्ष महोदय, मैं फिर उस बात को दोहराना चाहता हूं कि आतंकवाद का उन्मूलन आवश्यक है, उसमें सारे सदन का सहयोग आपको मिलेगा और मिलता है । लेकिन जिस तरह से आप आतंकवाद का उन्मूलन कर रहे हैं कहीं उससे नये आतंकवादी तो तैयार नहीं हो रहे हैं ? अगर लोगों के मन में यह भाव पैदा होगा और पलेगा कि उनके साथ ज्यादती हो रही है, कि उन्हें पुलिस को दया पर छोड़ दिया गया है, कि वे निर्दोष हैं या दोषी हैं इसकी चिंता किये बिना उन्हें कठघरे में खड़ा किया जाता है कि उन्हें संदेह की नजर से देखा जाता है तो आतंकवाद को अलग थलग करने और आतंकवादियों के खिलाफ बाकी के शेष समाज का सहयोग प्राप्त करने का आपका उद्देश्य कैसे प्राप्त होगा । मैं आशा करता हूं कि मंत्री महोदय जवाब देते हुए इस मुद्दों पर थोड़ा प्रकाश डालेंगे ।

गृह मंत्री (श्री बूटा सिंह) : मैं बहुत संक्षेप में वाजपेयी जी ने बाद में जो बात कही उसका स्पष्टीकरण करना चाहूंगा । आतंकवाद अपने आप में एक फिनामिना है उसके लिए सहानुभूति कैसे पैदा हो और उसका प्रचार कैसे हो, यह उसमें एक बहुत महत्वपूर्ण मुद्दा है । जहां कहीं भी आतंकवाद हुआ है, उन्होंने अपनी सहानुभूति हासिल करने के लिए, हमदर्दी पैदा करने के लिए कुछ सेंटीमेंट्स का एक्सप्लायट किया है और जो सबसे बड़ा सेंटीमेंट आज एक्सप्लायट किया जा रहा है जिसकी ओर अभी वाजपेयी जी ने कहा कि कहीं हमारे आतंकवाद का हैंडल करते वक्त, इस रवैये से आतंकवाद तो पैदा नहीं होता है । मैं एक बात स्पष्ट करना चाहता हूं इस सदन में कल ही माननीय सदस्यों ने पढ़ा होगा, रिबेरो का स्टेटमेंट भी और यह फैक्ट है कि आतंकवादियों को बढ़ावा देने वाली शक्तियां इस प्रकार का प्रचार पंजाब में कर रही हैं, प्रश्न उठा था कि फेक इन्काउंटर्स में मासूम लोग मारे जाते हैं, रिबेरो ने और राज्यपाल महोदय ने स्पष्ट किया है और केवल यह नहीं कि प्रस कांफ्रेंस में स्पष्ट किया है, उन्होंने पूरे प्रदेश का भ्रमण किया है और तथ्य पेश कर करके, स्टेटसटिक्स दे देकर साबित किया है कि यदि कहीं भी यह तो हम नहीं कहते हैं कि कहीं भी मासूम व्यक्ति नहीं मारा जाता है अगर यह माना जाये कि आतंकवादी जिसको मारते हैं वह कोई पंथ विरोधी हैं, सिख कौम का विरोध करता है, मैं ऐसा नहीं मानता हूं, वे जो उनके शिकार हुए हैं जगदेवकलां के लोग, मैंने देखा कि बहुत मेहनत करके, बहुत मजदूरी करके—बहुत गरीब लोग हैं जिनका कोई राजनीति से संबंध नहीं है जिनका किसी सम्प्रदाय से कभी संबंध नहीं रहा ऐसे मासूम और ऐसे अबोध व्यक्तियों को मारते हैं जिससे कि विनौनापन पैदा हो डर पैदा हो यही उनका लक्ष्य है । ऐसी बातें कहकर जब हम उन कर्मचारियों को और खास करके पंजाब पुलिस या दूसरे जो हमारे केन्द्रीय बल इस वक्त काम कर रहे हैं—मैं अकेला नहीं हूं ऐसे दर्जनों पुलिसअफसर हैं जिनके बच्चों को स्कूल से उठाकर, कालेज से उठाकर मार दिया गया । ऐसे 7.00 Pm. आफिसर्ज हमारे जो केन्द्रीय बल हैं या पंजाब पुलिस है, उनको यदि हम इस तरह से कहेंगे कि उनके अपरेशन से आतंकवाद बढ़ता है, तो बल किसको मिलेगा ।

बल मिलेगा राष्ट्र के उन शत्रुओं को, देश के उन दुश्मनों को जो मासूम लोगों का नरसंहार कर रहे हैं पंजाब में । इसलिए मैं स्पष्टीकरण देना चाहता था कि पंजाब में हमने, स्वयं राज्यपाल

महोदय ने और जो हमारे डाइरेक्टर जनरल हैं, उन्होंने ऐसी इंस्ट्रक्शंस दे रखी हैं कि जहां तक हो सके, जो एनकाउंटर्ज होते हैं, उन एनकाउंटर्ज में बकायादा दोनों तरफ से हत्यायें होती हैं, पुलिस के लोग मारे जाते हैं, आतंकवादी मारे जाते हैं, हथियार पकड़े जाते हैं। उनको हम इस तरह से कहें—इस प्रकार का एक भ्रम और प्रापेगेंडा पैदा किया गया है। इसका दूसरा चरण यह है कि एक बड़े सटल ढंग से प्रोपेगेंडा हो रहा है कि हम जब आतंकवादियों का मुकाबला करते हैं, तो हम ज्यादा आतंकवादी पैदा करते हैं।

मैं नहीं, उलटा यह है कि कुछ ऐसे असर हैं, जो आतंकवाद को शह देते हैं, जो असामाजिक तत्व हैं जिनमें बहुत से, ज्यादा स्मगलर्ज हैं, डकैत हैं और ड्रग पैडलर्ज हैं, वह लोग हैं जोकि इस प्रकार का प्रचार कर रहे हैं।

मैं श्री वाजपेयी जी का बहुत आभारी हूं कि जो उन्होंने एक बड़ा महत्वपूर्ण मुद्दा उठाया, मगर सही बात यह कि इस प्रकार का सटल प्रोपेगेंडा पंजाब में यह वैस्टड इंट्रेस्ट और यह आतंकवादियों के साथी कर रहे हैं। इससे हमें मिसलीड नहीं होना चाहिए।

SHRI JASWANT SINGH: Mr. Vice-Chairman, Sir, I would like (o take up from where the hon. the Home Minister left off. Whereas I do not want to prolong the controversy as to what really gives rise to terrorism or what nurtures terrorist, if a complaint is made about the means being adopted :o combat terrorism, in their wake giving rise to further terrorism, then this is not on account of being susceptible to what you call subtle propaganda'. It is on account of the fact that there is a dissatisfaction that terrorism as such is benig combated only at the level of police as a law and order phenomenon ,and what else needs to be done to stop the roots of terrorism being fed with nutrients, that is perhaps not being done and it is an outcome of that dissatisfaction.

Sir, we have had a day-long discussion. I do not wish to test the patience of the House. I am nevertheless obliged to reply to the points made by some of the speakers and if I do not choose to reply to the points made by all the speakers, it is not that I do not value their contribution, it is because it would tentamount to being repetitions.

The hon. the Home Minister of State amongst many things said that it would have been unwise or impruden to have left this gap, as he explained the movement from the Act of 1985 to the Act of 1987. He talked about the infirmities in previous Act, explained in brief the power of the judiciary. He talked about his review of the Act, by which I presume, he mean' review of the Government of India. He talked of the will of this Government being demonstrated by the promulgation of laws, granting power to police. He specifically mentioned about a comment by some British official, about the quality of Indian police in 1825 which is a slur and the Government of India having suddenly woken up to this slur in 1987 nearly 160 years after that slur was cast; therefore we feel compelled to set that right. It is a feeble argument coming from the Treasury Benches. Surely, that is not the motivation behind this Bill. He was also good enough to refer to a remark that I had made about the loss of moral authority of this Government which he equated to my foreign visit, by which I suppose, he was referring to my visit to Sweden. If my visit to Sweden has anything to do with the loss of moral authority of this Government, it only speaks of the fragility of that moral authority.

The hon. Minister of State also was candid enough to say that "criminal justice system has been paralysed." This is the sentence that he used, and I think that is the essence—that criminal justice system has been paralysed. And if it stands paralysed, I think the Government must reflect on it deeply. We have not used that sentence; you have used it. And in the sentence is implicit an admission of loss of moral authority. I submit to you Sir that a sense of law and order is inherent in society and once that sense of law and order is broken within society, because the moral authority of governance

[Shri Jaswant Singh]

is absent, you will never be able to reim-pose it externally, by force, through police, from outside, and if the Government is putting across a thesis that because the criminal justice system stood paralysed, therefore they had taken recourse to the Terrorist and Disruptive Activities (Prevention) Bill, I remain unconvinced.

Sardar Darbara Singh has been the Chief Minister of Punjab. Most of his intervention was related to the Punjab Accord. But he did ask a very pertinent question. He said:

"किस तरह से टेरोरिज्म खत्म हो।"

It is a pertinent question because if there is the suggestion that this Ordinance is a means of eradicating terrorism, then there again I disagree and differ and therefore I oppose it.

Hon'ble Shri Sukul, as he is given to, spoke vehemently and spoke of extreme steps like attacking Pakistan.

SHRI P. N. SUKUL; If necessary, as a last resort.

SHRI JASWANT SINGH: He also, like various other speakers spoke about foreign hand. Mr. Vice-Chairman, would like to take this opportunity to expand very briefly on this thesis of dest-abilisation and foreign hand. The day we accept and thereafter repeatedly pro-nounce this thesis about foreign hand, destabilisation etc., we are, in fact, pro-nouncing on our own country, our people and our Government. We are not a banana republic. Don't please, by such repetitions, equate us with them.

I would refer now to the intervention of hon'ble Shri S. C. Jamir. I must admit that I was very moved by his intervention. I agree with him unreservedly when he deplores the killing of the innocent. Without any doubt, such act are not the acts of the brave. They are the very anti-thesis of martial spirit and tradition. I found his intervention moving because he spoke from personal experience and a sense of personal responsibility. I would, therefore, in all sincerity commend to the hon. Minister of State the great many- cautions that he placed on he exercise of powers which the Government now wishes to acquire.

I need not go into all the aspects because that would be repetition. An hon. speaker with a great deal of legal experience found fault with my understanding of Indian law. I accept those faults. I have not got an understanding of Indian law. But I do have one submission to make to him, which is that he put across the thesis that there are those who . do not believe in the Constitution and those who do not subscribe to the noble principles of Fundamental rights, why, there-fore are we to give them constitutional rights or Fundamental Rights?

For one very simple reason, which is that a State must not advocate the adoption of unconstitutionality to cambat crime or unconstitutionality. Our Indian State must reflect, in its laws, the excellence of its civilization, not its excrescence.

Sir, 1 have some specific difficulties and I will come to those specific difficulties now, because the previous speakers did not refer to them and I consider it my obligation. In this measure, firstly, I would request the honourable Minister to clarify some aspects of the Bill itself. One is "definitions" and, "Definitions" starts by saying 'terrorist act' has the meaning assignedi to it in sub-section (1) of section 3..." Then there is a definition of "terrorist act" by which, I suppose, the Government implies terrorism as such. I am sure the Ministry of Law and the Ministry of Home Affairs have spent long hours devising this phraseology. . . *(Interruptions).* . . My ob-jection is, you start by saying "Whoever with intent to overawe the Government." Now I have some difficulty with this word "overawe" because you have gone ahead and explained, if I am aright, what will constitute "overawing" and you go on to describe "bombs..." But I feel that in the drafting as it is now, the choice of the word "overawe" and relating it subsequently to all the various three or four or five acts that you have defined, is not very happily done and it is likely to cause a great deal of diffi-

culty in the implementation of this Bill proper.

I have a second difficulty with the definitions. It goes on and there is a final sentence "...or any other person to do or abstain from doing any act, commits a terrorist act." I have tried to understand this and I am left with an impression that "any act" is going to become a terrorist act. If that is so, then it is very difficult.

I then go on, Sir to Designated Courts on page 7, and who can head a Designated Court is clarified as being the equivalent of a Sessions Judge, So, whatever comments I have to make are about the actual functioning, the procedure and powers of the Designated Courts because I am now referring to clause 14— 14(1) and 14(5). Sir, I beg your indulgence because we are now propounding something that deeply disturbs me, and I request th© honourable Minister of State to clarify this. Section 14(1) says, "A Designated Court may take cognizance of any offence, without the accused being committed to it for trial..." This is only the beginners,, the starters, and then it goes on to say, "... notwithstanding anything contained..." and there are specific sections which qiralify "notwithstanding anything contained in the Code"—the Code meaning the Criminal Procedure Code. Subsection 14(5) says, "Notwithstanding anything contained in the Code, a Designated Court may, if it thinks fit and for reasons to be recorded by it. proceed with the trial in the absence of the accused or his pleader and record the evidence of any witness, subject to the right of the accused to recall the witness for cross-examination." I have some difficulties here. You are actually proceeding with a case where the accused may not be present, his lawyers may not be present. You will, in their absence, call witnesses. The witnesses may not be cross-examined either by the accused or by their lawyer.

SHRI P. CHIDAMBARAM: It is written than. SHRI JASWANT SINGH: I know it is written there. It is smart of you to point out, hon. Minister of State, that it is written there. But smartness does not impress me here.

It doubly depresses me that you are putting forward a thesis that you will try an Indian in his absence in a court of law when be or his lawyer may not be present and he might not have got a chance even to cross-examine the witnesses.

Then, there is clause 15(1) about confessions made to police. we have spoken about it earlier. I will not take much time of the House.

I have a specific recommendation to make to the Government for its consideration. I was very disturbed also by section 16(1) which says:

> .. all proceedings before a Designated Court shall be conducted in *camera:"*

We have had an occasion to object about this when the earlier Bill was being considered. But what has been subsequently added is even more dis turbins.

"A Designated Court may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of any witness secret."

It is the Session Court Judge who will decide it, and he can hold the court, its proceedings at any place to be decided by him. Thereafter, the names of the witness in its order of judgement or in any records of the judgement, will not made public. Then any directions issued by that court for securing the identity of the witnesses will not be disclosed. Any of the proceedings of such a court shall not be published at all. Thereafter, section 16(4) says;

"Any person who contravenes any direction issued under sub-section (3) shall be punishable...."

[Shri Jaswant Singh J

ft is not "tansy be punishable," "might be punishable," but "shall be punishable."

Thereafter, what is even more disturbing, Sir, is that an appeal against this judgement will not, however, or the findings of such a court will not, how-ever be available on interlocutory orders. It is entirely possible that by an interlocutory order you sentence a man to two years, one year. He is in prison. But he cannot appeal against his imprisonment,

SHRI P. CHIDAMBARAM. By an interlocutory order you cannot sentence anyone. "Interlocutory order' has a particular meaning in law. Anyway, I would not say anything more.

SHRI JASWANT SINGH: Sir, the hon. Minister stopped short when he was explaining "interlocutory order." But, his intervention, I thought, was to explain.

SHRI P. CHIDAMBARAM: I explained to the extent it was necessary to explain at this stage. I will explain it in greater detail in reply. I only want to say, it is wrong to give an impression that anyone can be sentenced by an interlocutory order. "Interlocutory order" is very well known to the legal system. No final sentence can be passed by an interlocutory order.

SHRI JASWANT SINGH: You are taking away the right. I am glad that the Minister has said that no imprisonment shall take place through an interlocutory order.

SHRI P. CHIDAMBARAM: It is well known

SHRI PUTTAPAGA RADHAKRISHNA: Imprisonment can be suspended by an interlocutory order.

SHRI JASWANT SINGH: Sir, I am coming to my suggestions now. I am concluding.

What in effect is being done at the level of district which, for maintenance of law and order, is a crucial level, is, that you are legislating, in fact introducing a measure virtually of police raj. Sir, when it comes to an actual examination of this which I sad in my opening presentation, if the Police Superintendent of the District is the authority who can obtain confession from whom-ever he thinks is guilty, and as I said earlier that guilty is to be on the basis of photograph, supposed guilt and such provisions can be contained in the Bill, then, in fact, you are handing over to the District Superintendent of Police powers which will be misused.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I request you to conclude.

SHRI JASWANT SINGH: I am conchiding with three suggestions.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please be brief.

SHRI JASWANT SINGH: Firstly, li would request the Government to reexamine the whole question of photograph as evidence of identity. I lend support to what hon. Shri Jamir has said that it might be a temporary convenience but it will not, in fact, serve the purpose of justice.

Sir, I come to the question which made me say that you are introducing a police raj at the district level and I submit to the Government for its consideration. As against the provisions that they have incorporated now in the Bill, would they consider that whenever such evidence is to be taken from an accused or whoever is charged whenever you are making an evidence admissible, it shall not be a confession made in the presence of a Superintendent of Police of the same district? I submit for the Government's consideration. Now, you will not alter the fundamental thesis of your Bill. Therefore, at least make this amendment that when such evidence is taken, it shall be in the presence of a Superintendent of Police of at least another district.

Secondly, that it shall be in the presence of the accused's attorney or lawyer or 6omebody.

Thirdly, that it shall be in [he presence of a civil officer not lower than the rank of a District Magistrate and if necessary create a pool of Special District Magistrates for this purpose. ,

Sir, I had asked the hon. Minister of State in my opening presentation to clarify about the arrests that have already been made in Gujarat under anti-terro rist Act.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You have already taken more time than your original time.

SHRI JASWANT SINGH; I conclude by saying that I do not doubt the sincerity with which the Government is approaching this task. I do, however, doubt their judgement, I do doubt their discrimination. I do not believe that this Bill will eliminate terrorism. I do not believe that this Bill will help us in our fight against terrorism and because I do not believe, that, therefore, I oppose it.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA); Mr. Minister.

SHRI P. CHIDAMBARAM; Mr. Vice-Chairman, Sir, I am grateful to the hon. Members who have participated in the debate on the two Bills and for their valuable comments and cricitism and for the suggestions they have made.

Sir, may I briefly deal with the National Security (Amendment) Bill of} 1987? Sir, the principle of preventive detention is an exception to the right of personal liberty and freedom. One is never happy when one has to make or invoke a law of preventive detention. In fact, the law was first made in 1950 and in the last 37 years, time and again, we have asked ourselves as a nation, whether we can live without a law of preventive detention. Sir, may I recall to the hon. House that even the Janata Government which made the 44th Amendment bill did not consider it possible to repeal Article 22 of the Constitution. I am glad that hon. Mr. Vajpayee has quotem *me* on this. I hope there will be a day when we can do without a law of preventive detention. But please tell me truthfully sincerely, do we live in tmies when we can do without such a law? Those who oppose preventive detention on philosophical, ideological grounds, it is very difficult to argue with that position. But even to those, I will ask, do you or do you not support the COFEPOSA? *(Interruption).*

SHRI NIRMAL CHATTERJEE: May I just intervene to say, we firmly believe that is not necessary and in West Bengal, we don't.. *.(l"le,rnption)_*

SHRI P. CHIDAMBARAM: COFEPOSA is also a law of preventive detention.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please don't convert this debate into argument.

SHRI P. CHIDAMBARAM: COFEPOSA is also a law of preventive deten-ion. Logically, if you oppose any law of preventive detention, you must also oppose invoking such laws against smug-rs, against foreign exchange manipulators and perhaps that is why, there is a certain amount of lack of interest and awareness in dealing with these kinds of people. But if we need a law of pre-ventive detention, then one has to make a law to meet the needs of the situation. I do not want to take too much time on this Bill. As I have said earlier, we are not asking for any power which is greater than the power granted to us by Parliament in 1984. On the contrary, the Bill as passed by the Lok Sabha, if you will closely read it, has a scope which is narrower than the Bill which was passed in 1984. In 1984, section 14(A) enabled detention for a period longer than the normal period provided in Section 3, where any one of the five circumstances is satisfied. The Punjab and Haryana High Court struck down that section on the ground that while Section 14(A) could be taken to deal with circumstances, it can to be taken to deal with class or classes of persons. They said, one part of Article

[Shri P. Chidambaram] 22(7) (a) is satisfied but another part of Article 22(7)(a) is not satisfied. We have filed an appeal in the Supreme Court. We have made out a *prima facie* cases and the superme Court has stayed the operation of the judgement. But as I said, in deference to the Punjab and Haryana High Court judgment, we have, now introduced yet another condition which must be satisfied to invoke section 14(A) and this is not disjunctive. I think, if I am not wrong one of the hon. Members tried to read the two conditions as disjunctive. It is not so. It is conjunctive. Firstly, the person must be detained because of an attempt on his part to prevent the efforts of the Government to cope with terrorist activity and he must be detained because he is acting in a manner prejudicial to either the defence of India or the security of India or the security of the State or the maintenance of public order or the maintenance of supplies and services essential to the community. So, we have, now, narrowed the scope of Section 14(A) and in this very small class of cases, we think that the situation in Punjab and Chandigarh requires that a person detained should be detained for a period of two years and in these cases, we think, that the Government of Punjab, the administration, must be given some j more time than the normal period to satisfy the procedural requirements. Sir, hon. member Mr. Atal Bihari Vajpayee very eloquently argued that T was playing a game with numbers, playing a game with days; it is not so. Kindly look into the National Security Act For every procedural step, a certain period is prescribed. There are four-or-five procedural steps which are to be taken. The grounds of detention have to be recorded En Writing, they have to be communicated to the detenu, a report has to be submitted to the State Government, a further report has to be submitted to the Central Government and a reference has to be made to the Advisory Board. All that we have done is, just like we asked and obtained powers in 1984 from Parliament we seek the same powers namely, that the periods may he extended slightly. And why do we ! want these extensions? Because of the pressure on the Punjab administration, the Chandigarh administration. They are under tremendous pressure. If the State passes one or two detention orders, perhaps, it is possible to comply with, these time limits which are prescribed in the Act but when the situation is quite grave and quite grim and a large number of detention orders are being passed and the civil administration is quite strained and stretched, we think that it is only fair that they be given a few more days to comply with these procedural requirements. We are not playing the game of numbers. We are not playing with days. What we are trying to ensure is this. Since the law has to be strictly complied with and even a minor technical violation will render the detention order invalid before the Advisory Board or before the Court, we are giving a little more time to the Punjab Administration and the Chandigarh Administration to comply with the procedural steps. There is nothing unusual about these provisions. These very provisions were made in 1984 and these provisions are again sought to be made through this Bill.

Sir, Mr. Sukomal Sen was good enough, to read some of the figures which I have read in the other House. Now, what does that show? That shows that there is justification initially for passing an order of detention. But when the matter is reviewed by the State Government, when the matter is reviewed by the Advisory Bord or when the matter goes to Court, at any stage, when it is found that there is no justification for the continued detention of a person, the authorities have always acted and released the person. The error into which the hon. Member Mr. Sukomal Sen fell was in attributing to these exercises the quality either of innocence or of guilt. There is neither guilt nor innocence in a detention. What we are trying to do is to prevent certain activities which are prejudicial tot the interests of the State. Initially there may be justification to detain a man. But the State Government, on a review, can say, "Very well, there might have been, initially, justification to detain him.

Now he has been detained for a month or two months. We think there is no justification to continue his detention." The Advisory Board may say so. The Court may say so and this is precisely what has happened in Punjab. You were kind enough to read figures. I will not repeat the figures again. We find that not all the authorities are simply following the order passed by the detaining authority. On the contrary, the figures placed before this House will conclusively show that every authority is acting independently. The State Government is acting independently; the Advisory Board is acting independently- and, needless to say, the Courts are acting independently; and wherever they have felt that the continued detention of a person is not justified, whatever might have been the justification for the initial detention, they have rightly released the detenu. I think the system is working. It is not as if indiscriminately orders of detention are being passed and indiscriminately they are ratified by the authorities. The system is working and I think we should allow the system to work. As I said earlier we are asking for the same power which Parliament granted to us in 1984. In fact, we have gone a step further. We have restricted the scope of section 14A. Sir, I most humbly urge this House to support the National Security (Amendment) Bill, 1987.

Sir, the hon. Member Mr. Jaswant Singh asked for some figures, about Gujarat. I am not in a position to answer about any specific case. But since II made a note of the particular case you have referred to, I will write to you. As far as Gujarat is concerned, under the National Security Act. 1980, upto 31st of May 1987, they passed orders of detention for 556 cases. 150 were released by the State Government; 208 by the Advisory Board; and 181 by Courts. One detenu, one proposed detenu, is absconding and only 16 persons were under detention under the National Security Act as on 31st of May, 1987. I do not have the figures for the subsequent period.

SHRI NIRMAL CHATTERJEE: They were released on the ground that continued detention is no longer necessary?

SHRI P. CHIDAMBARAM: Yes. That is how NSA is worked. The Court may have struck down the detention on the ground of technicalities. The State Government or the Advisory Board might have released either on the ground that a technical error had been committed or on the ground that the continued detention is no longer justified.

SHRI JASWANT SINGH; With your permission Sir I would like to say this. Actually the figures which I re-uired in respect of Gujarat were regarding some people arrested recently under the Terrorist and Disruptivie Activities (Prevention) Act.

SHRI P. CHIDAMBARAM: I will answer that. So, Sir, I most humbly request the House to support the Bill and give to the Punjab and Chandigarh Administrations the necessary tools by which they can maintain law and order and public order in Punjab.

As far as the Terrorist and Disruptive Activities (Prevention) Bill is concerned, we have had a wide-ranging debate. I do not know how long I can enjoy the patience of the Members, but I will try to be very, very brief — perhaps about seven to ten minutes. I have to thank the honourable member Shri Jaswant Singh for taking the time which I thought belonged to me. So I can be brief. ..

SHRI JASWANT SINGH; This is one of those misconceptions. I moved the Motion of Disapproval and the time belonged to me. The m'sconception of the Treasury Benches is that all time always belongs to them.

SHRI P. CHIDAMBARAM: I admit that there are some unusual provisions in this Bill, unusual if you go by the normal provisions to which we are accustomed in our penal laws. It might appear to the House that I stand here piloting the Bill. But when this Bill was drafted and even now I am very very conscious that the hand should not be only

[Shri p. Chidambaram] on the joy stick, we should also have our hand on the brake. I am in entire agreement with the honourable Member that these provisions, which are indeed unusual, must be invoked rarely and under very regulated conditions. That is why I made a blanket offer, I am open to suggestions to ensure that these provisions are not indiscriminately invoked nor are they misused. In fact, I had received one valuable suggestion from the Lok Sabha and I have just received another valuable suggestion from the honourable Shri Jaswant Singh regarding confessions. I have some thoughts of my own and, when we make the rule we will ensure that these safeguards are written in. Let me go back a little and ask some questions. ..

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA)-. Please don't ask questions; otherwise, they will be provoked.

SHRI P. CHIDAMBARAM: Not of them! I hope they don't answer. How do we fight terrorism in Punjab? There was no answer to the question that I raised earlier. How does the honourable Shri Vajpayee say, "Send the army"? How does the honourable Shri Jaswant Singh say, "Deny powers to the police"? How" are these two positions reconcilable? Today we are not fighting terrorism in Punjab alone. Mr. Jamir said we are fighting terrorism in the North-East. Does the country, does this House, comprehend fully the new dimensions of terrorism Terrorism is not aggravated murder. Terrorism is not aggavated da-coity. Terrorism is not aggravated form of burglary. Terrorism today is an instrument, of politics. Terrorism is a new instrument fashioned by some mis-guided youth prompted by a philosophy of fundamentalism which will destabilise the polity of this country, which will wreck the unity and integrity of this country and which will eventually break up this country. . .

SHRI NIRMAL CHATTERJEE: Never associated with imperialism!

SHRI P. CHIDAMBARAM: To fight this, we must assume extraordinary po-wers. We cannot fight this with faint hear.s nor can we fight this with feeble weapons. We must give to our police the powers that are necessary to fight terrorism. I was rather dismayed that remarks were made in this honourable House which, I think, may demoralise the people who are fighting terrorism in Punjab. Twentyone policemen have laid down their lives since President's ru'e was imposed on 12th May 1987. These men have laid down their lives in order to protect you and me, they have laid down their lives to protect the integrity of this country. Let us not belittle those policemen there. The Superintendent of Police, the DIG, the IG, are fighting a war for the whole nation. If the army fights on our borders, if the navy fights on our seas, we praise them as we should. Why are we denying to our police force in Punjab the necessary tools to fight terrorism? Today we have made some provisions and I will very, very briefly explain them. Yes. we have made clause 7. What does clause 7 say? Please recall the debate that was there in this House on section 18 of the old TADA (P) Act immediately after the Muktsar bus tragedy. The Opposition Members criticised and pilloried the Government for not acting under section 18. We said, "No. Your interpretation of section 18 is wrong. Section 18; of the old Act does not confer the power upon the Central Government to act directly, but upon the State Governments only to act under those powers. Today, I come forward with a straightforward provision under clause 7 taking power to the Central Government to act through its officer in preventing and coping with the terrorist activities and including the power of registration, investigation and prosecution of a terrorist offence. When I come forward with a straightforward provision, we are criti-cised. We have the power, and one of « the honourable Members asked me: "What is the power?". The power is under Article 246(1) and Article 246(2) of the Constitution read with Entry 1 and Entry 2 of the Concurrent List. We have the power to make a law which is a criminal law and we have the power to define the procedure which is a cri-

minal procedure and all those powers of criminal procedure which were there on the date of commencement of the Constitution and included in the Criminal Procedure Code are available to the Centre under Entries 1 and 2 of List III in the Seventh Schedule of the Constitution. We have legal advice that clause 7 is valid and we hope we can sustain it if it is challenged in a court of law.

Then, clause 15. Yes clause 15 makes a confession before an officer of a certain rank under certain circumstances admissible in a court. But you read only clause 15(1). You should also read clause 15(2). Clause 15(2) enjoins upon the police officer to read out to the accused what are known as the traditional rights of the accused and, after that, the police officer shall record the confession and we have said that such a record shall be made either in writing or on an audio cassette or on a video cassette.

Now, admission is well known in the Evidence Act. Admission to a police officer is inadmissible only in India and I am not saying that this provision we covet merely because it is there in the English law or in the American law. The point that I was making is that it is only in India that an admission to a police officer is inadmissible and this was made in 1872. But admission to a bobby in England, a constable in Eng land, is admissible and confession to a constable in America is admissible and in the Indian law certain kinds of ad missions are admissible. A letter to a police officer is admissible even if it admits an offence; an admission of an incriminating fact not amounting to the whole offence is admissible; under sec tion 26, a judicial confession is admis sible; under section 27, a confession leading to a discovery is ad- missible; under section 30, a confession of a co-accused is admissible; and an extrajudicial confesion is admissible. So, it is not as though every confession is inadmissible. There are certain kinds of confession which are admissible even under the Indian law. All that we are saying is that for a period of two years, in respect of one kind of offence, namely, terrorist offence, let us make a confession to a police officer of a certain rank, under very carefully *restricted* conditions, admissible in evidence. That does not mean that the confession cannot be retracted nor does it mean that the conviction will be based solely upon the confession. I read out to you the section which says that the presiding officer shall be a judge chosen, not in consultation with, but with the concurrence of , the Chief Justice of the High Court and I am sure that the Chief Justice of the High Court will recommend only an officer with vast experience in criminal trials. I read out to you the provision which says that an appeal lies on facts and on law to the Supreme Court where very learned and experienced Judges will sit in judgment over the appeal. It will be well-nigh impossible to convict a person solely on a confession made to a police officer. But let us make the confession admissible. I take the point very well that some more safeguards have to be built in. I accept the suggestion made by the honourable Member and while making rules we will build in these safeguards. But let us not cast a slur on our police force, on our IPS officers of the rank of Superintendent of Police, of the rank of DIG, and say that everyone of them is untrustworthy and that they will record false confessions, will extract a confession which was never made. I think we should give this provision a fair trial and let us see. If more safeguards are to be built in, we will build those safeguards. Section 21 deals with presumption. I do not wish to take a lot of time. The shifting of onus is a principle which is very well known in law even in India. Under Section 113A of the Indian Evidence Act which was made in 1983—the provision was introduced in 1983 we have shifted the onus in the case of suicide by a married woman. Presumption as to dowry deaths — this Parliament in 1987 made a law shifting the onus under Section 113B of the Indian Evidence Act**.** Under Section 114A, there is presumption as to absence of consent in certain pro-sections. In 1955 we made Section IOC of the Essential Commodities Act — presumption of culpable mental state; then

[Shri P. Chidambaram]

there are Section 123 of the Customs Act; Section 138A ot' the Customs Act. There are all provisions which are in the Indian laws. After the initial onus is discharged, the onus will shift to the accused. We have identified four cases where, after the prosecution discharges the initial onus the burden will shift to the accused. I have not heard any serious argument about the validity of the four situations that we have chosen. One of them deal with a case where arms are recovered from a person. The other is where finger prints are found at the scene of the crime. For example, in the Greater Kailash tragedy, we found the finger prints of one of the accused on the car and that led us to the arrest of one of the persons who we think took part in the crime. In those two cases, I think it is for the accused to come and explain how his finger prints were found at the scene of the crime and it is for the accused to come and explain how the arms and am-muni ion or the explosives which were used in the crime were found in his possession. The other two cases where the presumption will shift are if there is a confession of a co-accused which is otherwise admissible under today's law or an extra-judicial confession which is otherwise admissible under today's law. Therefore, I say that the four circumstances that we have chosen to shift the onus to the accused are not unusual circumstances. They are circumstances which have been carefully chosen. I think in these four cases the accused has a duty to come and explain to the court how he is not connected with the crime. There were some comments about clause 22. I think I don't have to go into the technicalities. Clause 22 — identification through photographs — will apply only in the case of a proclaimed offender. It will not apply in the case of any accused. If the accused has been apprehended, clause 22 will not apply. Clause 22 will apply only when a person is absconding and has been declared as a proclaimed offender. We cannot find him and in that case his identity can be established by photo identification rather than an identification parade. I think it is a very simple provision. Too much has been read into that provision.

Sir, I do not know whether I have to answer some of the fine technical points raised by the hon. Member, Mr. Jaswant Singh. I did intercede to say that nobody can be punished on an interlocutory order. Hon. Member asked me about overawe.

SHRI PUTTAPAGA RADHAKRISHNA; The hon. Minister says there can be no punishment by an interlocutory order. *(Interruptions).*

How can it be?

THE VICE-CHAIRMAN (SHRl H. HANUMANTHAPPA): It is not a point of order. Please sit down.

SHRI PUTTAPAGA RADHAKRISHNA: If it is not a point of order, it is a point of clarification. The Minister says that there can be no punishment on an interlocutory order. He should know that the interlocutory order is to provide some relief to the victim.

SHRI P. CHIDAMBARAM: Sir, I think it is a self-evident truth which does not have to be explained. No criminal court will convict any person on an interlocutory order, unless after I left the bar, somebody has invented this prin ciple. *(Interruptions).* The word 'overawe' is not a word which I have in vented. It is already there in Section 121A of the Indian Penal Code. It has been interpreted by the courts. So, the word 'overawe' is not a new word that we have coined.

As far as the accused or his pleader not being present and the witness being examined is concerned, this is the need of the times. We know case after case in Punjab where the accused is present and his pleader is not present or where the pleader comes and says that the accused is ill today and he cannot appear before the court. The witnesses come. The witnesses come six times, the witnesses come seven times. The witness is already a terrified witness. So,

we say, his evidence can be recorded. lf the accused wants to recall him for gss-examination, the provision is there, can always recall him for cross-ex- lination. These provisions have been looked into. I am not saying that I know all about these provisions. If there are any errors, we will correct them. If somebody points out an error, we will correct it. But these provisions have been looked into by the Law Ministry. And I would accept the judgment of the Law Ministry.

Sir, I do not want to get into a political debate about the Punjab policy. The Home Minister intervened to reply briefly *to* Mr. Vajpayee and some other Members. All that I wish to say is that we must understand the dimensions of terrorism. The August 4 convention added a totally new dimension. In fact, Mr. Darshan Singh Ragi had to put forward a compromise resolution. But what happened thereafter? What happened on August 4? A statement was read out on behalf of the Panthic Committee; a statement was read out on behalf of the self-styled leaders of the liberation forces. Why did I not hear any Member of the Opposition even mention the fact that on August 4, on August 6 and on August 8 they have categorically declared that they owe no allegiance to the Constitution of India and their foul is Khalistan? At the end of ii, all the moderates had to re-retremt. Prof. Darshan Singh Ragi had to retreat. Yes, let us withdraw the President's Rule. We will withdraw TADA, we will withdraw NSA. But who among you is willing to deliver peace in Punjab? Who do we talk to in Punjab today? We have heard words like political initiatives, political solution. I started by saying that we uie not opposed to a political solution. On the contrary, we are firmly of the opinion that the policeman is not going to bring back peace and normalcy in Punjab. It is only a political solution, new political initiatives which would bring peace and normalcy in Punjab. But in today's situation who do we talk to? Who is the moderate there? Who, today, can speak on behalf of the vast majority of the Punjabi people? Who can say that the terrorists will lay down arms? Who can say that the terrorists will abjure terrorism. In the face of what happened on 4th of August, in the face of the open declaration made by the Panthic Committee on the 6th and 8th of August. I think, it is pathetic to believe that the terrorists today are willing to engage in a dialogue with the Government and settle for peace. Sir, I stand by the last paragraph of Mr. Satpal Dang'g article which was published day before yesterday. I want to know how many in the Opposition stand by the last paragraph of that article. I would read only the last paragraph of bis article. He said: "The warning needs to be sounded again. Talks with terrorists while they keep on killing people and demand Khalistan will prove counter-productive. Appeasement on questions of principles will prove disastrous." We stand by that. We think that we must give the police the tools to fight terrorism. The back of terrorism must be broken. We must at the same time explore political initiatives. We must look for a political solution. We are always willing for a political solution. We are open to suggestion. We are open to ideas. We seek the co-operation of the whole country. We seek the co-operation of the Opposition. But let us pass these Bills and give the necessary tools to our brave policemen who are fighting terrorism today in Punjab.

Sir, I commend the Bills.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up the National Security (Amendment) Bill, 1987, first. I shall first put the Resolution moved by Shri Atal Bihari Vajpayee to vote.

The question is;

"That this House disapproves of the National Security (Amendment) Ordinance, 1987 (No. 3 of 1987) promulgated by the President on the 9th June, 1987."

***The** motion was negatived.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I shall now put the Motion moved by Shri P. Chidambaram to vote.

The question is:

"That the Bill further to amend the National Security Act, 1980, in its application to the State of punjab and the Union Territory of Chandigarh, as passed by the Lok Sabha, be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 5 *were added to the Bill.*

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

SHRI P. CHIDAMBARAM: Sir, I beg to move:

"That the Bill be passed."

*The question was put and the motion was **adopted.***

THE VICE-CHAIRMAN (SHRl H. HANUMANTHAPPA): We shall now take up the Terrorist and Disruptive Activities (Prevention) Bill, 1987.

I shall first put the Resolution moved by Shri Jaswant Singh to vote. The question . is:

"That this House disapproves of the Terrorist and Disruptive Activities (Prevention) Ordinance, 1987 (No. 2 of 1987) promulgated by the President on the 23rd May, 1987."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I shall now put the motion moved by Shri P. Chidambaram to vote. The question is:

"That the Bill to make special provisions for the prevention of, and for coping with, terrorist and disruptive activities and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into •-consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now taken up clause-by-clause consideration of the Bill.

Clauses 2 to 14 *were added to the Bill.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Clause 15. There is one amendment by Shri S. P. Malaviya — not moved.

Clause 15 *was added to the BilI.*

Clauses 16 *to* 30 *were added to the Bill.*

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

SHRI P. CHIDAMBARAM: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted,

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is one small Bill and we can complete this also now. (*In terruptions).*

SOME HON. MEMBERS: No, no, it is already 8 p.m. We will do it tomorrow.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): All right. Now, the Messages from the Lok Sabha.

MESSAGES FROM THE LOK SABHA—Contd.

II. The National Dairy Development Board Bill, 1987-