

[Shri Buta Singh]

miscreants are believed to have fired eight to nine rounds. The motor cycle used by the miscreants was reportedly stolen from a place in Deccan Gymkhana Police station limits at about 10.30 hrs on 10th August, 1986, and was subsequently found abandoned by the Police on the same day in the Deccan Gymkhana area.

3. Immediately after the incident the Police started operation to apprehend the assailants. The concerned authorities in the State have been alerted and all out efforts are being made to nab the culprits.

4. Security was provided to General Vaidya since 16th April, 1986. Three gunmen were attached to General Vaidya. One gunman was provided to the General during the day and two gunmen were on duty during the night. The gunmen were directed to accompany the General whenever he went out. General Vaidya wrote to the Commissioner of Police, Pune, on 15th July, 1986, forwarding copies of threatening letters received by him after which the Deputy Commissioner of Police (Special Branch) met General Vaidya on 16th July, 1986 and reviewed the existing security arrangements with him. The security of General Vaidya was placed under the overall charge of a Sub-Inspector of Police. The security staff posted with the General was alerted and rotated. The Commissioner of Police, Pune, met the General on several occasions and reviewed the security arrangements with him. He last met the General on the 8th of August, 1986. It is unfortunate that despite these arrangements the incident occurred.

5. General Vaidya was a gallant and distinguished soldier who served India with devotion. His loss would be mourned by one and all. Words fail me to condemn this dastardly deed which cut short the life of a dedicated soldier. I would appeal to the House to join me in conveying our heart-felt sympathies to the bereaved family.

6.00 P.M.

SHRI DIPEN GHOSH (West Bengal): What about seeking clarifications?

MR. DEPUTY CHAIRMAN: Tomorrow after the voting.

STATUTORY RESOLUTION—

IN PURSUANCE OF ARTICLE 249 OF THE CONSTITUTION—Contd.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Mr. Deputy Chairman, Sir, I rise to oppose the Resolution tabled by the hon. Home Minister. Sir, I do not accuse the Government of not trying for a consensus. The Government did try to arrive at a consensus on this Resolution. But I am sorry to say that neither the charm of the Prime Minister nor the persuasive powers of the Home Minister could convince us of the need for such a Resolution.

Sir, while opposing the Resolution, I made it clear that our party upholds the nation's unity and integrity. We are second to none in helping the Government in dealing with the current situation in Punjab and elsewhere and in our keenness for re-establishment of peace in this area.

Sir, I oppose the Resolution on various grounds:

Firstly, the Resolution does not offer a real solution to the problem.

Secondly, we are against the Article 249 itself and we wanted its deletion from the Constitution, because it erodes the powers of the States and encroaches upon the powers of the States.

Thirdly, we feel the Centre has already got enough powers and it does not need any more powers.

Fourthly, the minimum courtesy which the Government of India should observe while taking recourse to such Resolution, that is, consulting the State Government

concerned has not extended to the Punjab Government in this case. Fifthly, this is an omnibus resolution which is capable of being misused and in spite of the claims of the Government, we are convinced that this will be misused because of our experience in the past. Our talks with the Attorney General this afternoon convinced us that this resolution is likely to be misused or can be misused.

Sixthly, the adoption of this resolution and the Bill consequently to be placed before the House will only complicate matters further in Punjab and there will be political complications arising out of this resolution.

Sir, one by one, I want to elaborate on these points. As I said, we are against Article 249 itself. My friend, Mr. Bhandare and others also quoted Dr. Ambedkar in this respect. I do not want to go into all the details of the debate in the Constituent Assembly on this Article but I will only quote two eminent people who participated in the debate on the 13th June, 1949 when this Article was adopted. Sir, Shri H. V. Pataskar said and I quote:—

"The main ground on which this power is proposed to be given is that in the national interest, the Parliament should make laws for the State. If it is really a matter of national interest I do not understand why the State itself will not either pass the legislation itself or Parliament. Why should we presume Parliament. Why should we presume that the State will assume such an anti-national attitude?"

This is what Mr. H. V. Pataskar had said. Commenting on this article, Shri. O. V. Alagesan, who became a Minister later, had said and I quote:

"Now I should like to put a pointed question to Dr. Ambedkar. For instance, now there is a situation prevailing in the State of Hyderabad and in Madras Presidency. In some of the border areas in these two States there is disturbance of public peace. Now I would like to ask

whether it will be proper, under similar circumstances for the Centre to intervene and take over the entire portfolio of law and order from the two States concerned and step in. Sir, I am sure that it will be a mockery of provincial autonomy if such a thing happens. So, my point is that this article, if it is only an extended version of article 229, is superfluous but if there is something behind it, if it is intended that the Centre should go beyond what is contained in article 229, then it is surely mischievous and need not find a place here."

Sir, it is surely mischievous and the intentions of the Government are mischievous and that is why article was sought to be deleted from the Constitution itself. We passed a resolution also at the meeting of the non-Congress(I) parties held at Srinagar sometime ago. Not only that, even the Rajamannar Committee, which dealt with Centre-State relations, recommended its deletion from the Constitution itself. On these grounds we are against this article itself.

[The Vice-Chairman (Shri Pawa Kumar Bansal) in the Chair]

The Centre wants more powers. Sometimes, I wonder it is like an impotent man running after the aphrodisiacs and a weakling going for tonnes of vitamins. This Government wants only more power which it cannot use. Sir, it has enough powers already. For example, the fifteen Acts which my friend, Mr. Jaswant Singh, quoted. There are enough provisions in the Constitution itself to deal with such a situation without taking recourse to this article. Sir, Articles 256 and 257 could have been used according to which the Centre can give directives to the States in a particular situation and ask them to implement these directives or instructions and if the States refuse to implement these directives or instructions, there is a provision in the Constitution—of Article 365 which can take care of that situation. The Government has never thought of these measures. It only wants more powers and more Central Acts, which it has not used so far. There is this Terrorist and Disruptive Activities

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(Prevention) Act which was passed by this Parliament last year. In that all the situations which are obtaining in Punjab and elsewhere were detailed elaborately in the list of activities or list of situations in which the State Government and the Central Government can act. In section 18(4), it is clearly stated:

"Any power exercisable by a State Government under this Act may, after consultation with the State Government, be exercised by the Central Government with the same effect as if such power had been conferred directly on the Central Government and had been delegated by that Government to such State Government."

This is clear. This Act itself gives you all the power to deal with the situation in Punjab. This also has not been tried. No only that, I am told that even the rules have not been framed under this Act. And you want more powers and more Central Acts on the statute-book to deal with such situations!

Sir, there is another lacuna in this. This resolution empowers Parliament to pass legislation on a State subject. But it is silent as to who is the executing authority. For example, in a situation where article 356 is invoked, you have President's rule. All right, the Central Government or its agent, the Governor or the Central officers can exercise the powers there directly. But in this situation where the State Government already exists and where you are going to legislate for a portion of that State, who is the executing authority in that particular area? You have no executive authority there. You have got executive authority only under article 258A which says:

"Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends."

Only under this article, the Centre can exercise executive power in the State. You are not invoking that. Even if you pass laws under this resolution, who is going to execute those laws in Punjab? Therefore, that lacuna will remain. The Government is silent on this aspect also.

There is another danger in this. We have pointedly asked the Home Minister about this in our meeting! Assuming that all of us agree to this power being given to you, all of us agree to this resolution, what is it that you are going to do which is not being done today? What is it that you are going to do which you cannot get done through the Barnala Government or the Punjab Government? There was no answer. What more steps do you want to take there? You have sent para-military forces there. Several companies of para-military forces are there already. Already there are 120 platoons of CRPF and 28 platoons of BSF, apart from the army. You have enough powers to deploy the army on the border. And the DGP, Punjab, coordinates the activities of the State Police, the BSF and the CRPF. The Governor is taking an active interest daily in the law and order situation, which is not objected to by the State Government. Apart from these, what is it that you are going to do more in Punjab through this resolution, through this legislation? You only want to arm yourself with powers without knowing what to do with it, to use it where and to use it through whom. Therefore, it is clearly a misconceived resolution and ill-advised act. It will lead to diarchy. The State Government is there already, and you are making laws for a part of the State. Two sets of officers will be there, two sets of courts will be there; two sets of Police stations will be there. How will this work? Virtually you are introducing President's rule or emergency in a part of the State without calling it so. This is a very objectionable procedure which the Central Government is adopting.

Sir, they also say that unless the Central Government takes over charge there, the situation cannot be controlled. Mr. Dipen Ghosh has already referred to this. You are in charge of law and order in Delhi. What is your track record? How are you controlling the situation here? I will only

quote from the Home Minister's reply to a parliamentary question—

"During the three months from April to June 1986 there were 4 decoities, 74 murders, 72 attempted murders, 44 robberies, 34 riots, 39 cases of snatching, 532 cases of hurt, 417 burglaries, 2867 thefts and miscellaneous IPC cases 3243; total 7316 incidents in the Union Territory of Delhi in three months."

This is your track record. And you want to save Punjab through this Act by intervening there! It is a shame on you-- a Government which could not protect its own Prime Minister in the capital. Lalit Maken's murder has not been solved so far. You are not able to apprehend the culprits till today in so many cases. A murder takes place far away in Pune where a Congress Government is ruling and in spite of sufficient warning given: And you want to blame the Punjab Government and say "they are incapable, I will do this thing". It is a shame. Your track record does not prove that you are capable of dealing with the situation. You will only complicate the matters. You have bungled the Punjab situation from the beginning. This is one more case of bungling. I must warn you on this point.

Then, what is the political fall-out from this step which you are taking? There is some modicum of coordination today between the Central Government and the Punjab Government. The DGP, Mr. Rebeiro, is on record saying that there is perfect coordination between him and the Central forces. In fact, he is the coordinating authority for para-military forces also. There is coordination between the army and the Punjab Government. And you want to destroy even this much by taking a measure without the consent of the State Government, without their wish? Do you expect cooperation from the State Government for what you do in a part of that State? How can you expect cooperation from them? How can you expect cooperation from the local population? They will all be annoyed when you say the Centre is going to rule in the State. Definitely you will not get the cooperation which you are getting today from them. You are

getting some information on terrorists today. That also you will not get tomorrow. What are you going to do? By taking forces from south, from Bengal and Maharashtra, without the cooperation of the local population and the local Government, you cannot deal with the situation. How ridiculous it is! This will also further weaken Mr. Barnala. You have been repeatedly saying, "we are strengthening the hands of Barnala" and he is a buffer for you. You are tolerating him only in your own interest. Today if you impose President's rule there, you know what will happen. You had President's rule there earlier you had Congress rule there and you know what happened. You cannot face the situation there. Therefore, you wanted somebody there on whose shoulders you can put your bayonet. And he is taking all the blame. He is a buffer there for you. And you want to lose that! After this step, can he show his face to his people, by surrendering part of the State to the Central administration? Do you think you are strengthening his hands? You are only weakening him, it is very unfortunate, for a short-term gain I do not know who are advising the Prime Minister like this and who are drafting a resolution like this which will complicate matters further. I am giving this warning for record. When the Blue Star Operation came, we warned that that would only complicate the Punjab situation. You did not listen. And you know how you complicated the situation in Punjab. Today the entire population there has been alienated. By the measure you are taking now, I do not know what further complications you are going to create. I warn you again and again, after six months you will realise that this is another blunder you have committed.

Now, there will be another danger. You will directly come into the picture there. You will have a direct conflict with the extremists, you will have a direct conflict with the population. It is not in the interests of the Central Government. And then, if you want to create a security belt, where is the intention reflected here? You have cited six or seven items which you want to legislate upon and you say you want to create a security zone there. If

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you want to remove population from there, you need to include land in the list of subjects. Land acquisition has to be there. But you did not mention that at all. If your intention is to create a security zone there, probably you may have to evict the population from there in order to keep your armed forces there. Don't you require power to acquire land? Where is it? You only mentioned courts, prisons, stamp duties, fees and all that. But where is the provision for land acquisition? You have not mentioned that.

Finally, I say we are in favour of sealing the border. We have been demanding, the Punjab Government is also demanding, sealing of the border. And, Sir, that step should be taken. There is a suggestion—I do not know the practicability of that—that you can have a one kilometre area starting from Jammu and Kashmir and going right up to Gujarat and in that one kilometre area, you should vacate the population and you should put your military forces there and then seal the borders. But it can be done even without hurting the Punjab Government, the Barnala Government, without taking recourse to this Resolution. That can easily be done if at all your intention is to seal the border and prevent the extremists from coming and going. That you can do even without this resolution. You don't require three or four districts. But, if your intention is to interfere with the law and order situation in the districts of Punjab, what will happen in the interior districts of Punjab? Suppose you have three districts now and they go from these districts to the other districts. Will you also go on extending further your jurisdiction? Will you go on moving further inside in all the districts? Can you do that? Suppose you take three or four districts now and have this 5 kilometre belt. But if the extremists go beyond five kilometres inside, what will you do? Will you go on extending your territory there? It is completely a foolish thing which you are doing now. Therefore, Sir...

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Please conclude now.

SHRI PARVATHANENI UPENDRA:

Therefore, it is not a question of lack of powers and it is also not a question of lack of any Acts or lack of legislative powers which the Centre is suffering from. But it is a question of lack of political will and you do not know how you should deal with these things. You are simply treating this as a law and order problem and you think that by doing all these things you can solve the Punjab problem. By simply treating this a law and order problem, you have only complicated the matter and you are complicating it further. If at all you want to take any action, you should strengthen the Punjab Government. You should strengthen that Government, and ask them to whatever you want to do and we will support you. And if it fails, we will be with you and we are with the Government. If you feel that it cannot implement all your suggestions or it refuses to implement your suggestions then we are with you on any action that you want to take. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Now, Mr. Bhajan Lal. This is his maiden speech.

श्री भजन लाल (हरियाणा) :
उपमहाध्वज महोदय, आज सदन के सामने एक बहुत ही महत्वपूर्ण प्रस्ताव विचारणीय है। यह प्रस्ताव एक बहुत बड़ी निकट समस्या को सुलझाने के लिए लाया गया है। मैं इस प्रस्ताव को रखने के लिए माननीय गृह मंत्री जी को धन्यवाद देना चाहूंगा। बल्कि मैं तो यह कहूंगा कि यह प्रस्ताव कुछ दिन पहले आना चाहिये था। आप जानते हैं कि मुल्क के क्या हालात हैं, किन हालात में से आज मुल्क हमारा गुजर रहा है। आप जानते हैं कि आज देश की एकता और देश की अखंडता को कितना भयंकर खतरा है और खतरा ही नहीं कुछ विदेशी ताकतें इस मुल्क को कमजोर करने पर तुली हुई हैं। यह भारत जो आज से तकरीबन 40 साल पहले आजाद हुआ था इतने छोड़े समय में यह मुल्क इतनी तरक्की कैसे कर पाया,

इस मुल्क का नाम आज दुनिया के नक्शे पर इतना ऊँचा कैसे चला गया। इस ऊँचाई को कैसे खत्म किया जा सकता है, इस ऊँचाई को खत्म करने के लिए आज बाहर की ताकतें, दुनिया . . .
(व्यवधान)

श्री राम अवधेश सिंह : शर्म आनी चाहिये . . . (व्यवधान)

SHRI DEBA PRASAD RAY (West Bengal): Sir, there is a convention in this House that nobody should interrupt the maiden speech of a Member. But he is interrupting him. (Interruptions).

SHRI N. K. P. SALVE: Sir, no one should interrupt the maiden speech of any Member. (Interruptions).

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): All of you, please sit down. He is making a maiden speech and he should not be interrupted. Please sit down, Mr. Ram Awadesh Singh.

SHRI ATAL BIHARI VAJPAYEE: But I was interrupted on the first day! (Interruptions).

श्री भजन लाल : आप जरा सुनने की कृपा करें। माननीय लायक सदस्य बहुत काबिल होंगे लेकिन मैं समझ नहीं सका। यह सदन है, सारा देश इस सदन की तरफ देख रहा है, सदन की गरिमा का भी सवाल है। हमारा भी काफ़ी लंबा तजरूबा है। ठीक है यहाँ पर मेरी पहली स्पीच है लेकिन पोलिटिकली आप जानते हैं मैं 20 साल से लगातार मंत्री असेम्बली चला आ रहा हूँ। मैं भी कोई आप यह समझें कि हवा में उड़ाने की बात करत हूँ ऐसी बात नहीं है। आप सुनने की कृपा करें। मैंने कोई ऐसी बात नहीं की अभी तक जो ऐतराज के लायक हो . . . (व्यवधान) मैंने क्या कहा आपसे। आप सुनने की कृपा करें मेहरबानी करके या फिर आपको इस बात की पूरी जानकारी नहीं है कि जब दीपेन घोष साहब बोल रहे थे, बहुत गहराई से हमने सुना, शांति से सुना, डिस्टर्ब करने का सवाल नहीं है लेकिन सवाल इस बात का है कि अगर यह

मुल्क बचेगा तो आप और हम सभी बचेंगे वरना जवाहर लाल जी ने कहा था कि अगर मुल्क टूटता है तो हम सब टूटते हैं। मुल्क अगर नहीं बचता है तो हम कोई भी नहीं बचेंगे। हम भले ही चले जायें लेकिन मुल्क बचाना चाहिए। आज मुल्क में क्या हालात हैं आप जानते हैं। किस तरह के हालात बने हुए हैं? और यह मैं नहीं कहता, सारी ऑपोज़ीशन कहती है, यह मैं नहीं कहता, बरनाला साहब खुद कहते हैं कि बार्डर को सील किया जाये। बार्डर सील, कोई कागज का लिफाफा नहीं है कि इसके ऊपर सील लगा दो, सील हो गया . . . (व्यवधान) बार्डर सील तब होगा जब इसके लिए कानून बनेगा। बहुत से माननीय सदस्यों ने यह कहा, श्री दीपेन घोष ने, जो बड़े ही लायक हैं, ने कहा कि संविधान की 249 आर्टिकल में अम्बेडकर साहब ने यह कह दिया कि इसकी जरूरत नहीं या क्या नहीं है, यह आपने ज्यादा पढ़ा होगा, हमने इतना पढ़ा नहीं है लेकिन थोड़ी बहुत जानकारी मैं भी रखता हूँ। अगर ऐसी बात थी तो फिर 249 अनुच्छेद को डालने की क्या आवश्यकता थी, मैं आपसे पूछना चाहता हूँ। क्या जरूरत थी इसकी? इसलिए रखा इन्होंने संविधान में कि जब भी कभी मुल्क में ऐसे हालात हो जायें तो फिर मेजरिटी नहीं, जनता के चुने हुए नुमाइंदों का 2/3 बहुमत यह कहे कि मुल्क में हालात ठीक नहीं हैं और इस के द्वारा इस मुल्क को बचाया जाये ताकि बाहर की शक्तियाँ इस रास्ते से आकर मुल्क के अंदरूनी हालात नहीं बिगाड़ें। आप जानते हैं कि किस तरह के हालात हैं। आपने जिक्र किया इन्दिरा गांधी की हत्या का। इन्दिरा गांधी जी की हत्या कोई छोटी बात है क्या? इन्दिरा गांधी हिंदुस्तान की ही नेता नहीं थी, इन्दिरा गांधी सारे वर्ल्ड की नेता थीं। इन्दिरा गांधी की हत्या कोई छोटी बात नहीं थी। देश के ऊपर कितना कलंक लगा, काला धब्बा लगा हुआ है। इस बात को आप खुद महसूस करते हैं और परसों [नरस बब (व्यवधान)]

[श्री भजन लाल]

आप मुनने की रूपा काँजिए । मैं कोई ऐसी बात नहीं कहता हूँ, हकीकत आपके सामने कहता हूँ ।

श्री राम अवधेश सिंह : आप लोगों को शर्म आती चाहिए ।

श्री भजन लाल : उपसभाध्यक्ष महोदय, जिस तरह से जनरल बैद्य की हत्या हुई है उससे सारा नेशन कितना फिक्रमंद है, सारे नेशन को कितनी चिंता है कि इस नेशन का क्या बनेगा ? बहुत शानदार प्रस्ताव यह लाया गया है सदन में, ताकि किस तरह से इस मुल्क को टूटने से बचाया जा सके—कुछ शक्तियाँ इस मुल्क को तोड़ने के लिए लगी हुई हैं । इसलिए आज जरूरत इस बात की पड़ी और आज ज्यादा जरूरत है । कुछ माननीय सदस्य यह कहते हैं कि इससे बरनाला साहब के हाथ कमजोर होंगे, और ताकत लेना चाहते हैं । मैं इस बारे में माननीय सदस्यों से यह पृच्छना चाहता हूँ कि क्या इससे बरनाला साहब के हाथ मजबूत होंगे या कमजोर होंगे ? बरनाला साहब निहायत अच्छे इन्सान हैं वे चाहते हैं कि किसी तरह से प्रदेश के अंदर अमन हो और अमन तभी हो सकेगा जब बाहर से उग्रवादी पंजाब में दाखिल नहीं हो सकेंगे । उन्होंने खुद यह कहा कि आपने पढ़ा होगा उनका बयान अखबारों में, जब स्वर्ण मंदिर में खालिस्तान का झंडा लहराया गया था तो अखबार के लोगों ने उनसे सवाल किया कि बरनाला साहब यह खालिस्तान का झंडा कैसे लहराया ? आपको दो दिन, चार दिन, घंटा-दो घंटा पहले पता-लगना चाहिए था, और अगर लहर भी गया, तो वह फिर निकल कैसे गया यहां से ?

उन्होंने कहा कि उन्होंने जल्दी का फायदा उठा कर बार्डर साथ लगता है और पाकिस्तान में दाखिल हो गये होंगे । यह बरनाला साहब की स्टेटमेंट है । इसलिए मेरे कहने का भाव यह है कि

वहां की सरकार को मजबूत करने के लिए देश की एकता और अखंडता को कायम रखने के लिए यहां आज एक रेजोल्यूशन लाया गया है ।

इसमें हर देशवासी को, हर जो अच्छे महानुभाव हैं, उनका फर्ज बनता है कि डट कर इसको सपोर्ट करें और मुल्क को टूटने से बचायें । यह मुल्क को जो इधर बैठे हुए हैं अकेले उनका नहीं है, यह मुल्क आप सबका है । आप सबने इस मुल्क को बनाया है । चाहे आज कोई भाई किसी भी पार्टी में बैठे हैं, बहुत सारा योगदान सभी महानुभावों का इस मुल्क को बनाने में है ।

इसलिए आप और हम सब का यह कर्तव्य बनता है कि यह बड़ी अनमोल आजादी—इस देश को आजाद कराने के लिए अनेकों माताओं के सुपूतों ने फांसी के फन्दे की चूमा था और तब जाकर मुल्क आजाद हुआ है और आज कुछ शक्तियाँ इस मुल्क को तोड़ने के लिए लगी हुई हैं । इसलिए आज हमारा सब का कर्तव्य बनता है कि हम इस मुल्क को टूटने से बचायें । किस तरह के हालात बने हुए हैं, कितने रोजाना कतल होते हैं क्योंकि नजदीक का फायदा उठा कर के पाकिस्तान में भाग जाते हैं और बाकायदा इस बात के पक्के सबूत हैं भारत सरकार के पास भी और जहाँ तक हमारी नालेज है कि पाकिस्तान से ट्रेनिंग लेकर लोग यहां आते हैं । क्या उन ट्रेनीज को हिंदुस्तान में दाखिल होने दिया जाए ? अगर आज वह ट्रेनीज पंजाब के रास्ते से दाखिल होकर हिंदुस्तान में प्रवेश करते हैं, तो क्या वह बम्बई नहीं पहुंच जायेंगे, क्या हैदराबाद नहीं पहुंच जायेंगे, क्या वह कर्नाटक और कलकत्ता नहीं पहुंच जायेंगे ?

हर व्यक्ति को समझने की जरूरत है कि आज कुछ शक्तियाँ बाहर के मुल्कों के इशारे पर इस मुल्क को कमजोर करना चाहती हैं । इसलिए हम सब का यह कर्तव्य बनता है कि एक जुट होकर इस प्रस्ताव का समर्थन किया जाए ।

एक बात यहां पर उपेन्द्र जी ने कही कि राज्यों का मज्जाक उड़ाया जा रहा है, एक बात दीपेन घोष साहब ने भी कही और गुरुपादस्वामी जी ने भी कहा, जसवंत सिंह जी ने भी कहा कि सरकार फेल हो गई है। अगर सरकार फेल होती, तो यह मुल्क कभी का टूट गया होता। आपके सामने किस तरह से इस देश की एकता के लिए इन्दिरा गान्धी जी ने कितना बलिदान दिया है। आज हमारे नेता राजीव गांधी जी किस तरह से सख्ती के साथ लगे हुए हैं कि मुल्क की एकता और अखंडता को कायम रखा जाए, और कायम रखने के लिए कितनी भी शक्ति, जितना भी बल दे सकते हैं; पंजाब सरकार को दे रहे हैं। यह तो आपके सामने है कि जितनी भी आवश्यकता हुई फोर्स की, वहां पर फोर्स तैनात हुई, लेकिन एक बात कहने में मुझे जरा भी संकोच नहीं है कि वहां की जो पंजाब की पुलिस है, उसमें से बहुत से भाइयों की नीयत ठीक नहीं है। अगर उन सब की नीयत ठीक हो, तो कोई वजह नहीं कि हालात वहां वैसे हो जाए। उसमें मैं गृह मंत्री जी को सुझाव देना चाहता हूं कि वह यह है कि वहां की पुलिस को, नीचे सिपाही से लेकर आई०पी०एस० तक जैसे फौज का कायदा होता है, उनके जिम्मे जो काम है कि वह देश की एकता और अखण्डता का है, कोई दुश्मन हमारी सीमाओं से कोई बाहर का व्यक्ति हमारी मातृभूमि को छू नहीं सके, इसी तरह पुलिस का काम होना चाहिए और यह मैं कहूंगा कि वहां की पुलिस को सिपाही से लेकर आई०पी०एस० तक को दूसरे प्रांतों में ट्रांसफर किया जाए और दूसरे प्रांतों से उसी रेशो से उसी कैटेगरी के अधिकारी दूसरे प्रांतों से लेकर वहां तैनात किये जाएं। अगर नीचे की पुलिस साथ नहीं देगी, तो उसमें आप जानते हैं कि बड़ी दिक्कत है। रेबेरो साहब ने वहां जाकर अच्छा काम किया है, सी०आर०पी०एफ० ने जाकर अच्छा काम किया है, लेकिन जब नये अधिकारी नई फोर्स ले जाते हैं, तो आप जानते हैं कि उनको जानकारी हासिल करने में समय लगता है, जब तक तह में नहीं जायेंगे समझेंगे नहीं, किसी बात की जानकारी नहीं होगी, ज्ञान नहीं होगा, तो उसकी

कंट्रोल करने में दिक्कत आती है और फिर बाहर की फोर्स ने जाकर कन्ट्रोल किया है, लेकिन वहां की फोर्स इसलिए नहीं कर पाई कि बाकायदा उनसे मिली हुई है। उपवादियों के बारे में मुझे कहने में जरा भी संकोच नहीं है। इसलिए इस पर आपको गहराई से विचार करना चाहिए कि वहां की फोर्स के बारे में आपको क्या करना है? यह इस तरह से रही तो मैं कह सकता हूं कि जो हमारी उम्मीदें हैं वे बहुत जल्दी पूरी नहीं होंगी, जो आपकी आशाएं हैं वे पूर्ण नहीं होंगी। इस बात को लेकर आपको विचार करना होगा। यह जो आपने प्रस्ताव रखा है यह कोई आज की बात नहीं है, आप यूरोपीय देशों में जाएं, पश्चिमी और पूर्वी यूरोप के देशों में आपको इसी तरह से सीमा सुरक्षा पट्टी मिलेगी। दूर जाने की आवश्यकता नहीं है, चाइना में जाकर देखिए। चाइना में भी इसी तरह से सीमा सुरक्षा पट्टी बनी हुई है पड़ोसी देशों के साथ ताकि बाहर से कोई भी व्यक्ति आ करके अंदरूनी हालात को बिगाड़ नहीं सके, कोई आदमी हमला नहीं कर सके और उसके बारे में उनको पूरी जानकारी प्राप्त हो जाए। इसी बात को ले करके उन्होंने ऐसा किया है। इसके साथ-साथ उपसभाध्यक्ष महोदय, मैं बहुत ज्यादा समय आपका नहीं लूंगा। जो देश-द्रोही सीमा पार करके आते हैं और वापस चले जाते हैं इसलिए कि सुरक्षा पट्टी होने के बाद जहां हम वरनाला सरकार को दोषी ठहराते हैं वहीं उसकी कुछ जिम्मेदारी भारत सरकार पर भी आ जायेगी। उसके जिम्मे एक काम होगा यह देखने का कि कोई बाहर से आकर के गडबड़ तो नहीं कर रहा है। इसलिए निहायत जरूरी है कि सर्वसम्मति से इस प्रस्ताव को पास किया जाए।

एक बात दिल्ली के दंगों के बारे में कही गई और मैं भी कहना चाहूंगा। आप जानते हैं इधर 'जाब के अन्दर हालात भयंकर होते हैं और भयंकर नहीं आप जा कर देखिए किस तरह के हालात हैं? किस तरह से लोगों की निर्भम हत्या की जाती है, किस तरह से बस में से उतारकर लोगों को मारा जाता है?

[श्री भजन लाल]

आप जानते हैं उसका कुछ न कुछ प्रभाव दूसरे प्रांतों में पड़ना स्वाभाविक हो जाता है। लेकिन यह बड़ी दुखदायी बात है। यह नहीं होनी चाहिए। क्योंकि वे लोग जो यही चाहेंगे कि सारे मुल्क में इस बात का बुरा असर पड़े और अफरा-तफरी फैले। उनकी सिर्फ एक ही मंशा है कि हिन्दुस्तान कमजोर पड़े। हिन्दुस्तान कमजोर तभी होगा जबकि अन्दरूनी हालात खराब होंगे। अन्दरूनी हालात खराब करने के लिए वे दूसरी जगहों से यहां आ करके गड़बड़ी करने की कोशिश करते हैं। एक जाति के लोगों को मारा जाए और फिर उसके बदले में लोग दूसरी जाति के लोगों को मारना शुरू कर दें और मुल्क में अफरा-तफरी फैले। इसलिए हमारा कर्तव्य है कि ऐसी शक्तियों का डटकर मुकाबला करें जो कि देश को तोड़ना चाहती हैं। इस अकेली पट्टी से भी बात बनने वाली नहीं है, इस देश में बसने वाले हर व्यक्ति का भी यह फर्ज बनेगा कि ऐसे लोगों का कैसे मुकाबला किया जाए, किस तरह से इनका कन्डैम किया जाए और कैसे इसका ईलाज किया जाए। इसलिए मैं गृह मंत्री जी से प्रार्थना करना चाहूंगा कि सारे मामले को जो हालात बने हुए हैं जब तक सख्ती से आप नहीं दबायेंगे तो काम चलने वाला नहीं है। आपने बड़ा अच्छा काम किया है, मैं गृह मंत्री जी को मुबारकबाद देना चाहता हूँ कि इन्होंने पंजाब में पूरी फोर्स भेज करके जो भी बरनाला साहब की आवश्यकता थी, जरूरत थी, उन जरूरतों को पूरा करने की कोशिश इन्होंने की है। इसकी वजह से थोड़े बहुत हालात ठीक हुए हैं। लेकिन ज्यों ही हालात ठीक होते हैं तभी कोई न कोई बड़ा हादसा उग्रवादी कर देते हैं। अभी परसों पुणे में हादसा हुआ है। यह कोई छोटी बात नहीं है। थलसेनाध्यक्ष जिन्होंने देश की कितनी शानदार सेवा की है, जिनका रिकार्ड जिनके कारनामों जिनकी वीरता किसी से छिपी हुई नहीं थी, देश में ही नहीं बाहर के मुल्कों में भी, ऐसे व्यक्ति को मार देना कितनी गम्भीर बात है। इंदिरा गांधी की हत्या कोई छोटी बात नहीं थी। जो रोज़ाना मरते

हैं वे भी किसी मां के बेटे हैं। जिस घर में कोई आदमी मर जाए वह अपने कलेजे पर हाथ रख कर देखे कि उसके घर में क्या हालत होती है। हजार मील दूर बैठा कोई भाई कह दे कि इस कानून की जरूरत नहीं है यह बात कोई मुनासिब नहीं है? इसलिए ज्यादा समय न लेते हुए उपसभाध्यक्ष महोदय, मैं इतना ही कहना चाहता हूँ कि यूनैनीमसली इस प्रस्ताव को पास किया जाए उसी में देश का हित है और देश की एकता भी उसके साथ जुड़ी हुई है। धन्यवाद।

THE VICE-CHAIRMAN . (SHRI PAWAN KUMAR BANSAL): Before I call upon the next speaker, I have to inform the House that the debate has to conclude by 7.30. I have, therefore, to request the Members that they may stick to the time which is allotted to the different parties.

Yes, Mr. Malaviya, the time allotted to your party is 8 minutes.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): माननीय उपसभाध्यक्ष महोदय, संसद के चलते प्रधानमंत्री जी कुछ मंत्रियों के साथ विदेश चले गए थे और जब वह पालम हवाई अड्डे पर आए तो उन्होंने संवाद-दाताओं से कहा कि विरोध-पक्ष अनुच्छेद 249 के प्रस्ताव का विरोध क्यों कर रहा है, इसकी जानकारी जानकर मैं आश्चर्य-चकित हो गया हूँ। कि आजादी के बाद 26 जनवरी, 1950 से, जबसे हमारा संविधान लागू हुआ है, पहली बार यह अनुच्छेद 249 के प्रयोग पर एक प्रस्ताव गृहमंत्री जी लाए हैं। यदि प्रधानमंत्री जी इस सदन में उपस्थित होते और विपक्ष की राय को सुनते, तो मैं समझता हूँ कि उनका कोई आश्चर्य है, निश्चित रूप से दूर हो जाता।

मान्यवर, हम और हमारा दल, लोकदल हमेशा राष्ट्रीय हित के समर्थक रहे हैं और राष्ट्रभक्ति में हम लोग किसी से पीछे नहीं हैं। हमारा देश एक रहे, एकता स्थापित हो और हमारे देश की जो अखण्डता है, वह अक्षुण्ण रहे, यह हम सभी चाहते हैं। गृह मंत्री जी ने आज जो अपना प्रस्ताव प्रस्तुत किया है, उसके

केवल दो वाक्य मैं पढ़ना चाहता हूँ क्योंकि उसके द्वारा गृह मंत्री जी ने यह बतलाने का प्रयास किया है कि भारत सरकार को क्यों आवश्यकता पड़ी संविधान के अनुच्छेद 249 के अंतर्गत इस प्रस्ताव को प्रस्तुत करने की? अपने वाक्य के प्रथम पैराग्राफ की अंतिम तीन लाईन में मंत्री जी ने कहा है :—

“...and therefore, proposes that the Central Government should have ample power to effectively protect the border States....For that purpose Centre has to arm itself with the effective powers to legislate even on the subjects which happen to be in the State List.”

मान्यवर, हजारों लोगों की सन् 1980 से आतंकवाद के जरिए इस देश में जान चली गई—सन्त निरंकारी बाबा, स्वयं इस देश की प्रधानमंत्री श्रीमती इंदिरा गांधी जी, कांग्रेस के संसद सदस्य माकन जी, उनकी धर्मपत्नी गीतांजली जी, कांग्रेस पार्टी के कौंसलर श्री अर्जुन दास, राज्यसभा के सदस्य डाक्टर बी० एन० तिवारी, संत लोंगोवाल, इसके साथ-साथ परसों ही जनरल वैद्य की हत्या हो गई। इसके अतिरिक्त हमारे लोकदल के पंजाब के अध्यक्ष चौधरी बलबीर सिंह की भी हत्या हुई थी। लेकिन यह बात समझ में नहीं आ रही है कि आज यकायक क्यों भारत सरकार को इस बात का अहसास हुआ कि जो उनके पास सीमावर्ती इलाके हैं, उन पर प्रभावकारी ढंग से काम करने के लिए उनके पास अधिकार नहीं हैं?

मान्यवर, मैं इस राय का हूँ कि हमारा जो संविधान है, उसमें कानून बनाने के लिए तीन प्रकार की व्यवस्था है। एक तो उसमें यूनियन लिस्ट है, उस लिस्ट के अंतर्गत उन विषयों पर केवल केन्द्र सरकार को कानून बनाने का अधिकार है। इसके बाद स्टेट लिस्ट है और इन विषयों पर केवल राज्य-सरकारों को कानून बनाने का अधिकार हासिल है और तीसरी मान्यवर, एक कानकरेंट लिस्ट है, जिन विषयों पर केन्द्र सरकार को कानून बनाने का अधिकार हासिल

है और साथ ही साथ राज्य सरकार को भी कानून बनाने का अधिकार हासिल है। मान्यवर, जब सन् 1950 में संविधान सभा में इस पर चर्चा हो रही थी, उस समय मान्यवर, एक संशोधन प्रस्तुत किया गया और वर्तमान में जो अनुच्छेद 249 है, वह 226 था, जिस पर माननीय विद्वान सदस्य श्री टी० टी० कृष्णामाचारी जी ने जो अपनी राय व्यक्त की थी सात-लाइनों में, उसका उद्धरण मैं प्रस्तुत करना चाहूँगा :—

“I am one of those who believes—and believes very firmly—that wherever we assign to the Provinces a certain field in which they could act, we must leave the Provinces entirely in sole charge of that field, not because of any rigid adherence to theoretical reasons that the federalism adopted for us should be pure and we should not have a mixed kind of a federalism... and therefore I feel that the responsibilities of Provincial Ministers must be laid squarely on them and there should be no opportunity provided for them to take shelter under the plea of divided responsibility between the Centre and the Provinces.”

मान्यवर, हमारे संविधान के अनुच्छेद-1 में कहा गया है—

“India, that is Bharat, shall be a Union of States”

यानी भारत अर्थात् इंडिया राज्यों का एक सघ होगा। मेरी यह धारणा है कि इस प्रस्ताव को पारित करने के बाद जो भी विधेयक लाया जाएगा उससे राज्यों की स्वायत्ता पर कुठारघात होगा और हमारे राज्यों के जो अधिकार हैं उनमें कमी होगी।

यहां पर बहुत से कानूनों और अधिनियमों की चर्चा की गई है। उनमें मैं नहीं जाना चाहता हूँ। लेकिन मैं समझता हूँ कि भारत के गृह मंत्री की कितनी शक्ति है, उनके कितने अधिकार हैं और वे कितने सर्वशक्तिमान हैं, इसकी उनको जानकारी नहीं है। भारत सरकार में कोई क्षमता नहीं है। आप में अपने

[श्री सत्य प्रकाश मालवीय]
अधिकारों का प्रयोग करने की कोई क्षमता नहीं है और जब सरकार में कोई क्षमता नहीं रहेगी तो कोई भी सरकार चाहे वह सम्पूर्ण संविधान को ही बदल दे, सारे कानूनों को सुबह शाम बदल डाले, नित्य नये-नये कानून ले आए तो भी वह इस देश का भला नहीं कर सकती है। उपवाद केवल कानून बदल देने से समाप्त होने वाला नहीं है संविधान के अनुच्छेद 352 की ओर ध्यान आकर्षित कराना चाहता हूँ क्योंकि अनुच्छेद 352 के भी भारत सरकार को वे सभी अधिकार हासिल हैं जिनही उनको आवश्यकता है। यदि कोई राज्य सरकार ठीक से काम नहीं करती है तो केन्द्रीय सरकार पूरे अधिकार प्राप्त कर सकती है, उसको हस्तक्षेप करने का पूरा अधिकार है। इसलिए मैं धारा 355 की ओर आपका ध्यान आकर्षित करना चाहता हूँ—

“Duty of the Union to protect States against external aggression and internal disturbance.”

It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution.”

मान्यवर, अनुच्छेद 355 का इस्तेमाल करके केन्द्रीय सरकार का यह दायित्व है और केन्द्रीय सरकार को यह अधिकार प्राप्त है कि अगर किसी राज्य में या किसी राज्य की भूमि में कोई बाहरी विदेशी तत्व आ जाते हैं तो केन्द्रीय सरकार राज्य सरकार की मदद करे, सहायता करे और इस संबंध में राज्य सरकार की राय ले। मैं नहीं समझता हूँ कि इन देश में कोई ऐसा राज्य सरकार होगी जो राष्ट्रविरोधी काम करेगी या राष्ट्र हित में काम नहीं करेगी। इसके अतिरिक्त इसमें प्रावधान है—

“Provisions in case of failure of Constitutional machinery in States.”

अगर किसी राज्य में संविधान की धारा का फेल्योर हो जाता है तो केन्द्रीय सरकार को उसमें हस्तक्षेप करने का अधिकार है।

जहाँ तक गृह मंत्री जी की मंशा का सवाल है, मैं आपतकालीन धारा 353 की ओर ध्यान आकर्षित करना चाहता हूँ और नेशनल सेक्योरिटी एक्ट की ओर ध्यान आकर्षित करना चाहता हूँ। जिस वक्त मैनटिनेंस इंटरनल सेक्योरिटी एक्ट सन 1975 में पारित किया गया था तो इसी संसद में तत्कालीन प्रधानमंत्री जी ने सारे देश को आश्वासन दिया था कि नेशनल सेक्योरिटी एक्ट का दुरुपयोग नहीं होगा। उस वक्त इसका नाम मैनटिनेंस आफ सेक्योरिटी एक्ट था और अब बदल करके एन० एस० ए० हो गया है। उस वक्त इस बात का आश्वासन दिया गया था कि इसकी धाराओं का दुरुपयोग नहीं होगा। लेकिन इसकी धाराओं का दुरुपयोग करके लोकनायक श्री जय प्रकाश नारायण जी को जेल में भेज दिया गया। आपतकाल जिन परिस्थितियों में लगा वह भी सब को मालूम है। उस समय देश में कोई आन्तरिक गड़बड़ी नहीं थी और देश को किसी बाहरी खतरे का भी मुकाबला नहीं करना था। इसलिए मेरा निवेदन है कि जिस सरकार में क्षमता नहीं है उसको सत्ता में रहने का कोई अधिकार नहीं है। किसी ने कहा है, गवर्नर आर गेट आउट। शासन करिये वरना छोड़ कर चले जाइये। इस देश में बहुत से लोग ऐसे हैं जो राष्ट्रीय हितों को जानते हैं और जिनको राष्ट्र के बारे में जो कुछ हो रहा है उसकी जानकारी है। आप अपने हथों में अधिकार लेते जा रहे हैं, लेकिन आपका इतिहास क्या बताया है? कम से कम सन 1980 से लेकर आज तक का समय इस बात को साबित करता है कि आप में शासन करने की क्षमता नहीं है। आप केवल कानून बदल कर संविधान में संशोधन करके अनुच्छेद 249 अधिकार लेकर इस देश से उपवाद में को खत्म नहीं कर सकते हैं।

SHRI BHASKAR ANNAJI MASODKAR (Maharashtra): Mr. Vice-Chairman, Sir, I heard the debate.

SHRI P. N. SUKUL (Uttar Pradesh): I think, yours is a maiden speech.

SHRI BHASKAR ANNAJI MASODKAR: The term 'maiden speech' should be changed to 'maidan speech'. It spells like that and we hear maiden speech usually as maidan speech. Sir, I heard the debate with all seriousness and I congratulate each and every one of the Members who have taken part in the debate and showed a sense of national interest which is fundamental to the principle underlying this Resolution moved by the Government. I feel that much of the criticism is based on the misapprehension with regard to the provisions of the Constitution, particularly Article 249, secondly, as has been voiced, that there is bound to be some inroad on the provincial autonomy. Keeping in view this criticism, I would like to point out to this august House that Art. 249 is a very sensitive provision which provides that with a given majority the constitutional Resolution should be passed. It enjoins upon this House to first come to the conclusion that there is a national interest at stake. The speeches made on both sides have made it clear that a national interest is at stake. Once this position is there, I would appeal to the Members to look back and refer to the debates in this House which have been going on with regard to the boundaries, with regard to the Punjab situation, with regard to drug trafficking, with regard to sensitive areas all along the borders. Those debates will offer ample evidence that the national interest is at stake. Now if such is the case, Art. 249 immediately comes into the picture. Our Constitution—and I say this with some sense of responsibility—is not, as is being off and on said, purely a federal constitution. Some of the Members have said that there is inroad on the principle of federalism. Sir, the constitutional text will show that there is a balance between federalism and unitary form of government. The very Lists which the Members have referred to—of the Seventh Schedule—show that there has to be a balance between the State List, the Union List and the Concurrent List. If you look at these Lists, the theory that there is pure federalism will not hold good.

Mr. Vice-Chairman, I would like to emphasise particularly the effect of Art.

249 and the powers assumed by Parliament under that provision. If you look at Art. 249, which has been cited by my learned friends like Mr. Salve and others, it merely enables the Parliament to make the law. This House will take note of the fact that Art. 249 is a part of the legislative relations between the various wings of the Government. It has nothing to do as is being said, with encroaching upon the subjects. This Article will have to be read, as the Leader of the Opposition should read, along with Art. 251. If you read Art. 251, it preserves all the powers of the State to make laws even concerning the matters which are taken over under Art. 249. They would not operate only to the extent of repugnancy. This position is made clear by Art. 251. Mr. Vice-Chairman, I would read that Article and it will allay the fears of all the Members who were thinking or who advocated the theory that there was some encroachment on the State List. This is what it says:

"Nothing in articles 249 and 250 shall restrict the power of the Legislature of a State to make any law which under this Constitution it has power to make....."

Further it says:

"...to the extent of the repugnancy the law made by Parliament shall prevail."

So, as you see, if articles 249 and 251 are read together, it provides for ample safeguards and, in fact, it fortifies the balance of the three Lists which have been initially contemplated. So Sir, although it has been voiced in several words right from "mischievous" to "encroachment on the State power", I appeal to the Members, once the national interest is made out, to clothe Parliament with this legislative power. There is neither any inroad into the basic State autonomy nor is there any appropriation of power in favour of any of the wings.

[Sbri Bhaskar Annaji Masodkar]

Particularly I would point out that no Member has made a reference to the details of the Resolution. I am really surprised that the items chosen by the Resolution are specific and they highlight the purpose of taking this power at this stage. They include the power to make laws concerning public order, police, prisons and offences against laws. You would not find that any other power is being taken away. If you take all these four items together, the intention of the constitutional Resolution is absolutely clear. It only wants to protect the unity and integrity of this country, maintain public order and public tranquillity as has been said by the Home Minister. I think there cannot be any debate on these matters. I am really surprised that when the Government is straining itself to maintain these basic values in the national interest, there should be such a debate.

Thank you, Sir.

SARDAR JAGJIT SINGH AURORA (Punjab): Sir, I would like to say that I totally oppose this Resolution. The integrity of India is as dear to Akali Dal and myself as to anyone else. Sant Longowal gave his life for it, Sikhs generally have contributed more than their fair share towards the security of this country. I would also like to reiterate that we are as keen and determined to deal effectively with the terrorist menace.

Sir, the security of the borders is the responsibility of the Centre and always has been, and all the forces employed there come directly under the Centre and it is not that they come under the State. Therefore, the stopping of drug traffic, smugglers and infiltrators really falls within the responsibility of the Centre.

The next thing I want to mention is about article 249. I am not going to discuss it legalistically. My fear is that the implementation of this article as envisaged in the Statutory Resolution is going to be counter-productive. There is no doubt that since the reorganization of forces the Punjab Government has been able to deal with the menace of terror-

ists much more effectively. In fact, in the last five weeks, apart from Muktsar, there has been no serious incident. The proof is that in the last fortnight there has been no migration from the for-
7.00 P.M. ward areas. Possibly it is not realised that if you are going to impose in a specified area direct rule by Centre, it is going to cause confusion. It would be a form of diarchy, and the forces that are now deployed and have started working efficiently in those same areas will be disturbed. Not only that, the local population is not going to take kindly to the imposition of the Central rule and the Central forces coming back to Punjab again. If you realise what had happened just before the Operation Blue-star and what has happened after the Operation Bluestar, you will realise that the apprehensions of the local population is real.

The next point I would like to mention here is that it is unlikely that the new forces when they come into the area, will be able to get timely and accurate information. Let us be honest about it that timely and accurate information comes from the locals and for the local administration which is already in existence. When new forces are brought in, a new organisation under the Centre takes charge. The local administration would be rattled. They would be disgruntled, and the local population would be unfriendly. It will be extremely difficult to handle them. Is it wise for the Centre to bring another organisation seeing that in the last five weeks the State Government has started producing good results? The new organisation has started working efficiently. Would it not be more sensible to reinforce success rather than cause a new plan to be brought into it, which will only cause confusion and possibly put the clock back?

Sir, it is important to remember that for any authority to be able to function efficiently, it has to have the confidence of the local population. With the history of the past few years, it is not wise for the Centre to expose itself, come into direct contact again and make new laws. And those laws are going to be like the

laws that were made during the past few years. The aim is to take over the responsibility of not only maintaining law and order but even the judicial responsibility. And the judicial responsibility will be taken over in a manner in which the High Court of the State will have no say in the matter of any of the cases. It is quite true that this is only for one year. But any punishment given, any action taken by the Centre during that period cannot be undone when the civil administration comes back after one year or, I should say, after 18 months because for six months after the Central law is lifted the Central law prevails.

I do know that there are certain charges that come up in the press about the State Government. I also realise that some of them are possibly correct. But one must realise on the whole how the State Government has been able to conduct itself, especially in the recent past.

The situation had got worse after the 26th of January because the Centre has failed to honour its commitment in handing over Chandigarh to Punjab and the killing became much more. The confidence of the public was shaken. To bring that back on to the rails again, to be able to achieve control, it required a tremendous amount of effort. I would therefore, very strongly recommend that rather than bringing about Article 249 and the Statutory Resolution and making the new laws, it would be far far better to provide the additional assistance of sixty companies that the State Government has asked for.

Lastly, I would like to mention that the law and order measures alone are not going to solve this problem. It has definitely political overtones. Unless those political overtones are looked into and honoured, I am afraid your mere suppressive measures will not help.

To begin with, the imposition of Article 248 goes totally against the Accord. This State Government came into being after the signing of the Accord and in accordance with it the State Government was going to get additional authority. That is why the Sarkaria Commission had been instituted. This Article would

indicate that the Sarkaria commissions deliberations are just a waste of time because if this Article can be invoked, then instead of giving more authority to the State, even the little authority that they have is taken over by the Centre. It is going to have a very poor impact.

I would also like to mention even to the extent of upsetting certain people, please remember that some years ago an agitation had started and that agitation had started because there were certain political demands that had been denied. During this period instead of giving those political demands a practical shape, what has happened? There was Operation Blue Star, there was carnage that took place in November 1984 and there was a certain amount of desertion. There have been various measures that have been promised by the Centre. So far, not a single person has been punished for the carnage that took place; and nearly four thousand people lost their lives in Delhi and many more outside. On the 2nd of February, when the new Chief of Army Staff took over, he promised that he was going to deal with the deserters' case more leniently. Nothing has happened. I may mention again that in the case of poor people who are rioting in jails for more than two years on the charge of being involved in Operation Blue Star, nothing has been done to sort out who was guilty and who was not guilty. With the Accord, which seems to have gone into cold storage, I am sorry to say that this new introduction of the Statutory Resolution will possibly drive a nail into the coffin, instead of reviving it. If you cannot find anybody guilty and punish him for what has happened in 1984 November, the people of Punjab are not going to feel that they are going to get a fair deal, more especially when you are going to impose this Central law over the jurisdiction of the State. The Centre is quite capable of finding a solution to the present problem of the terrorists. But certainly delegation of article 249 is not going to give the answer.

SHRI P. N. SUKUL: Mr Vice-Chairman, Sir, I rise to support the Statutory Resolution moved by the hon. Home Minister. This Resolution shows in a big way

[Shri P. N. Sukul]

the deep commitment of our Government to safeguard the unity, integrity and sovereignty of the nation. As we all know for the last five years these terrorists have been killing people in Punjab. They are being trained in Pakistan and come over to India to destabilise us. So our unity, integrity and sovereignty are at stake now. Some external forces are involved in this case. To deal with external forces suitably who are out to destabilise our country, our Government has been forced to invoke this article 249. By invoking this article we are going to have security belt all along the Western border of the country as has been explained by the hon. Home Minister.

After hearing the views expressed by some friends from the Opposition I was rather disappointed. It seems that our hon. friend, Mr. Jaswantji and other friends who spoke enumerated various enactments that are there already. They also said that since Government is having many powers "why they want one more enactment"? It is precisely because of this enactment we can have security belt all along the Western border and check smuggling and terrorism.

Our hon. friend, Shri Bhajan Lalji said just now and I also believe that still there is an element in the Punjab police perhaps who are in collusion with the terrorists and smugglers. Even if there is 5 or 2 per cent they can create lot of problems for our country. Our B. S. F. and paramilitary forces are deployed by the Punjab Government, but it is an area of common activity. Even if these forces are there and 5 or 2 per cent of the Punjab police wants to help the terrorists, then, what can you do? They can help them in smuggling, drug trafficking, arms and ammunition, etc. That is why the whole strip has to be completely insulated.

Therefore, this whole area has to be insulated so that all those who want to cross the border are taken to task.

Our hon. friend, Sardar Aurora said just now that in the recent past there was no incident. But in today's newspaper, it

is mentioned that 14 people were killed in a border district of Punjab on the 10th August night and 16 people were killed on the 29th July night.

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

These happenings are taking place and he still thinks that situation is improving. Recently Gen. Vaidya was killed in Pune. So all these infiltrators are entering our country. How to stop infiltrators, terrorists and smugglers? These can be stopped only when the Centre is in complete command of the area. It is an extraordinary situation. Our hon. friend, Mr. Jaswantji said that this article 249 was being invoked for the first time. But some hon. friends from the Opposition have said that this article was invoked on two occasions and the heavens did not fall.

SHRI CHITTA BASU (West Bengal):
Under different circumstances.

SHRI P. N. SUKUL: But the federal structure has not collapsed. The Constitution is still there. Our Constitution-makers provided this article to foresee any such situation. If a particular State Government is not in a position to do the needful then under the Constitution it is the responsibility of the Centre to look after that function. The State Governments are there for day-to-day functioning. But if there is a serious threat to any part of our land, it will be the responsibility of the Centre to deal with the situation. Perhaps our friends have not seen article 245 (1) and 245 (2) which precedes this article. Under article 245(1), it is written subject to the provision of this Constitution, Parliament may make laws for the whole or any part of the territory of India and Legislature of a State may make laws for the whole or any part of the State. So, the jurisdiction of the Parliament is the entire territory of India and once our Government is satisfied that there is need for this particular article 249 being invoked, I think, there is no illegality in it. Our Comrade Mr. Ghosh was saying in the morning that he did not agree with this provision, that had been made in the Constitution under Article 249. Whether

you agree or you do not agree, it is there, it has been there and it is an integral part of the Constitution. Nothing illegal has been done. Nothing unconstitutional has been done and when this was provided in the Constitution, the Constitution framers must have kept in view also the question of Centre-State relations. Mr. Upendra was saying the State Government can itself act in the national interest and can do the needful. We do not say Barnalaji is not acting. That way, his Government is trying to act but there are so many compulsions from his own party and others in the State. Our Government is helping them all along and we will help them but so far as this infiltration along the border is concerned we want the whole area to be insulated completely from the terrorists, from infiltrators and from those who connive with them, who instigate them and who help them all along the border, right from Jammu and Kashmir, Punjab and Rajasthan I hope, our Home Minister will try to ensure that the entire western border that way is brought under the purview of this proposed enactment that is going to follow the passage of this resolution. I do not know how Mr. Barnala has said and here also, our General, Jagjit Singh Arora just now said that it will be counter-productive. How is it going to be counter-productive? I do not know. Unless you are going to incite people, unless you are going not to explain the real import of this article and the purpose of this enactment to the people, how can it be counter-productive? Anybody who says that it will be counter-productive means it is a kind of threat to the Government of India. I take it as a threat. That is why, I can very well understand the case of Mr. Upendra or Mr. Gurupadaswamy or even Mr. Dipen

Ghosh because they belong to the other parties whose Governments are there in Andhra, Karnataka and West Bengal. They might be opposing this thinking that some day, similar restrictions may be imposed or similar conditions may prevail there and the Government may intervene there, too. But your case is entirely different from the western border. This can happen only along the Bangladesh border and the Indo-Nepal border. Suppose terroristic activities start taking place there also, a day may come when our Government may like to use the same strategy there, too. But as regards Andhra Pradesh or Karnataka, I do not think there can be any such thing. Our Home Minister has already explained that we are interested at the moment only in the western border, in maintaining peace there and in stopping infiltrators there. *Interruptions*) You are in the habit of reading a lot in between the lines. But that is your complex. If Mr. Dipen Ghosh thinks it can happen in Bengal, it is his complex, not the complex of the Government of India. If our friend, Mr. Upendra, thinks like that, maybe he has something in his mind—well, tomorrow, it may happen there; so I should oppose it. But I tell you, on no ground should you oppose this resolution of the Government that has been brought in the wider interests of the nation, to check the infiltration and the terroristic activities that are taking place in Punjab. I am sure that with the passage of this resolution and the adoption of the Bill that may come subsequently, we will be in a position to deal with the situation squarely because there will be no interference with our forces. Those forces are still there, but they are not in exclusive charge of the territory. From tomorrow they will be

[Shri P. N. Sukul]

in exclusive charge of a five-kilometre belt all along the border and then we will see who comes in, who tries to destabilise our country.

With these words, I support this resolution. Thank you.

श्री चतुरानन मिश्र : उपसभाध्यक्ष महोदय, मैं इस बात को समझता हूँ कि हमारे देश के हालात बहुत तेजी से खराब होती जा रही हैं और शासक पार्टी उसको रोकने में लगातार फेल हो रही है। एक असाधारण परिस्थिति पैदा हो रही है कि कौन कब मारा जायेगा इसका कोई ठिकाना नहीं है। यह स्थिति जरूर है देश में। लेकिन सरकार ने जो यह सोचा है कि यह प्रस्ताव पास करा कर हम कानून बना लेंगे और उसके बाद समस्या का निदान हो जायेगा तो इसे मैं सही नहीं समझता हूँ और मैं इसलिए सही नहीं समझता हूँ कि अभी तो वहाँ अकाली पार्टी की सरकार है लेकिन इसके पहले तो राष्ट्रपति शासन था और कांग्रेस पार्टी की सरकार थी। तो इच्छा भी अगर इनकी रही हो, तो भी आतंकवाद को नहीं रोका जा सका, आपकी ही सरकार के टाइम में भिण्डरवाले जी ने सारा काम किया था जिसके बाद ब्ल्यू स्टार आपरेशन करने की जरूरत पड़ी। आपको तो सब पता था। आपने ही उसको पैदा किया था आप ही के वक्त में सारी बातें हुई थी। अनुच्छेद 249 के मातहत का अधिकार राष्ट्रपति शासन से कम का अधिकार है और आप कम अधिकार मांग रहे हैं। अब थोड़ा सा कम अधिकार से आप इस समस्या का कैसे निदान कर लेंगे। यह कोई आदमी विश्वास नहीं कर सकता है। मैं इसको सिर्फ़ ता एण्ड आर्डर का प्रश्न नहीं समझता हूँ। शासक पार्टी के बहुत से माननीय सदस्यों ने कहा है और मैं उनसे सहमत हूँ कि इसमें 'साम्राज्यवादियों' का हाथ है, पाकिस्तान का हाथ है, पाकिस्तान उन लोगों को ट्रेंड करते हैं और यहाँ भेजते

हैं। लेकिन यह बात भारत सरकार अपनी क्यों नहीं कहती है। अगर सरकार यह बात सही समझती है तो किसने सरकार को रोका था कि एक बड़ाइट पेपर निकाले जिसमें सारी बातों का जिक्र हो कि पाकिस्तान वाले क्या करते हैं, अमेरिका वाले क्या करते हैं, इंग्लैंड वाले क्या करते हैं? सरकार डरती क्यों है? सरकार देश के सामने इन बातों को क्यों नहीं रखती? इसलिए कुछ लोग कहते हैं कि साम्राज्यवाद का बहाना बनाकर यह कानून बनाया जा रहा है। लोगों को डराकर इन बातों को बनवाया जा रहा है। हमारा खयाल है कि सच्ची बात की ओर सरकार नहीं जाना चाहती है। मैं एक दूसरी बात सरकार के ध्यान में लाना चाहता हूँ कि अगर इस तरह का हम कोई कानून बनायें तो उस कानून का क्या अंतर होगा इसको देखना पड़ेगा। अभी बरनाला जी की सरकार के बारे में मंत्री महोदय या सरकार की तरफ से कहा जा रहा है कि वे अच्छे ढंग से काम चला रहे हैं, भारत सरकार उनकी मदद कर रहे हैं। हम लोग भी उनके पक्ष में हैं। वे दुस्त रहें, सही करें। लेकिन सच्चाई यह है कि वह सरकार फेल कर रही है। इसलिए आज अगर उनकी इच्छा के विपरीत कोई कानून हम पास करते हैं और कल वह उस कानून के नाम पर अगर इस्तीफा दे दें और कहें कि केन्द्रीय सरकार ने ऐसा किया है इसलिये हम इस्तीफा देते हैं। हम गृह मंत्री जी से पूछना चाहते हैं कि तब आप क्या पोलिटिकल डिफेंस लेंगे?

अभी तो उनकी सरकार फेल कर रही है सही ढंग से काम नहीं कर रही है आप यह भी कहते हैं। और कल अगर वह यह स्टेण्ड लेंगे तब तो फिर सभी के सभी बादल-बरनाला एक तरफ हो जायेंगे और वसी स्थिति में आप उसमें कुछ भी करने में असफल साबित होंगे

इसलिये इस सम्भावना पर भी विचार कीजिये। बरनाला जी अपने दल में भी मजबूत नहीं हैं। उन्हें बादल-तोहड़ा की गोद में न फेंके।

शासक पार्टी के कुछ माननीय सदस्यों ने कहा है कि बरनाला जी इसको पसंद करेंगे। पसंद करेंगे तो उनको कहने दीजिये। आप अपनी कह रहे हैं कि पसंद कर रहे हैं उनके फायदे के लिये हो रहा है। तो मान न मान, मैं तेरा मेहमान वाली बात हो रही है। आप उनको तो कहने दीजिये कि हां पसंद है। मैं समझता हूं कि बिना उनको कान्फिडेंस में लिये हुये यह जो काम किया जा रहा है, यह फिलहाल राजनीतिक तौर से अत्यन्त ही गलत, भ्रामक और नुकसान-देह काम होमे जा रहा है। इस पर सरकार को गम्भीरतापूर्वक विचार करना चाहिये। सच्ची बात यह है कि हम अभी इस काबिल हैं भी नहीं, केन्द्रीय सरकार इस काबिल है भी नहीं कि वह इस परिस्थिति को संभाल सके। आपकी इन्टेलिजेंस फेल कर रही है, पहले भी फेल किया था, अभी भी फेल हुई है। नहीं तो कह देते हैं आतंकवादी कि हम आपको मार देंगे, हिट लिस्ट में रख देता है और अभी जनरल वैद्य को मार दिया। तो क्या आप इस अनुच्छेद के मातहत अधिकार लेकर यह कानून बनाइयेगा कि क्या आगे से आतंकवादी बता दें कि कौन टाईम में आएगा, किस जगह पर आएगा, तब आप मारिएगा, ऐसा आप कानून बनाना चाहते हैं क्या। तभी आप इसका कुछ कर सकेंगे क्या?

अभी तो ताज्जुब है कि सरकार इस बात को नहीं समझती है कि उसका इन्टेलिजेंस फल हो रहा है और जब तक आप इसको सही ढंग से आर्गेनाइज नहीं कर लीजिएगा, तब तक आप को बहाना भी तो है कि प्रांतीय सरकार को कि आपके ही चलते यह सारा काम नहीं हो रहा है। अनुच्छेद 249 में अधिकार लेने पर वह बहाना भी खत्म हो जायेगा।

मैं समझता हूं कि यहां राजनीतिक दृष्टिकोण से इस सवाल पर जो विचार करना चाहिये था, वह सरकार विचार नहीं

कर रही है। जहां तक केन्द्रीय सरकार की तैयारी की बात है, आज के ही अखबार टाइम्स आफ इंडिया में सी०आर०पी०एफ० के जो एक्स-डाइरेक्टर जनरल थे, श्री सक्सेना साहब उनका लेख निकला है कि एक-तिहाई भी हमारे लोग ट्रेनिंग लेने के लिये मारुट आबू नहीं जाते हैं जब उनके लिये स्पेशल ट्रेनिंग की व्यवस्था होती है।

मैं मंत्री महोदय से जानना चाहूंगा कि क्या यह बात सही है? तो फिर आप ट्रेनिंग नहीं दे पाते हैं, लोग आपके जा नहीं पाते हैं। इसका इलाज अनुच्छेद 249 से होगा क्या?

एक माननीय सदस्य : होम मिनिस्टर सुन नहीं रहे हैं।

श्री चतुरानन मिश्र : सरकार बराबर सुनती है। यह मत समझिये कि नहीं सुनती है। कुछ करती नहीं, यह अलग बात है। (सभ्य की घंटों) इन लोगों ने कहा कि पंजाब सीमा पर जो स्मगलिंग हो रही है, उसका टेरोरिस्टों के साथ सीधा संबंध है। यह सही है किन्तु स्मगलिंग क्या खाली पंजाब बॉर्डर पर हो रहा है। यह तो सारे भारत में हो रहा है। तो सारे भारत में पास की-जियेगा क्या? तब असेम्बली की जरूरत नहीं रहेगी, तब आप तस्करी रोक दीजियेगा क्या? हर जगह राष्ट्रपति शासन कर लीजिये और देखिये कि आप उसे रोक सकते हैं क्या? इसलिए स्मगलिंग तो आपके साथ है। वह शुरू से आपके साथ है। यह आपका साथ छोड़ने वाला नहीं है जब तक आप हैं। अब स्मगलिंग में और जोड़ ज में भी ट्रैफिकिंग है, उसमें भी आपके लोग हैं। मुझे अमृतसर जाने का मौका मिला था। अभी तो हमारे माननीय सदस्य अकाली दल के नहीं हैं—वहां पर जो लोग यह व्यापार करते हैं, उसमें बरनाला जी के भी आदमी हैं और बादल जी के भी आदमी हैं। यह बात ठीक है कि बूटा सिंह जी के आदमी नहीं हैं क्योंकि यह तो मजहबी सिख हैं, लेकिन इनकी पार्टी के जो लोग हैं, वह भी स्मगलिंग करती हैं बांडर पर और आप हिम्मत से काम नहीं ले सकते हैं और न ही कुछ कर सकते हैं।

इस्पात और खान मंत्री (श्री कृष्ण चन्द्र पंत) : आप सीमा के पार तो नहीं चले गये।

श्री चतुरानन मिश्र : हम अभी गये तो नहीं, लेकिन लाये हैं इधर से ही सीमा के पार तो भी हमारा काम है, कई बार जाते हैं। आप कभी नहीं जाते हैं क्या? पासपोर्ट तो मिलता है—आपको नहीं मिले तो हम मदद कर देंगे आपको। इसलिए हमलोग तो जाते हैं सीमा के पार भी विषय (समय की घंटी) जिसके बारे में हम कहना चाहते हैं, अभी इसको ले ही लीजिए, थोड़ा ही देर के लिए अगर कानून यह पास हो जाए—क्या सरकार ने इस पर विचार किया है कि यह जो टेररिस्टों का आंदोलन है, इसका कोई सोशो-इकनामिक कारण भी है?

अगर सरकार ने सोचा होता तो मैं समझता हूँ कि बूटा सिंह जी कम से कम सोचते होंगे, जो विचार उनका रहा है। तो सोशो-इकनामिक कारण क्या है? यह पयूडलिज्म की देन है, वह काबिल जमीन जो इन लोगों के पास है, इसका अगर वितरण नहीं होता है, तो कभी इसका निराकरण नहीं हो सकता है, जो गरीब सिख हैं, जो मजहबी सिख हैं, वह तो हम लोगों के साथ हैं। जिनके पास बहुत पैसा है, जो धनी हैं, जो स्मगलिंग करते हैं, जमीन जिनके पास ज्यादा है, वही आतंकवादो है, (समय की घंटी) लेकिन इस स्टेट-यूटरी रेजोल्यूशन में एक बात देख लीजिए कि सरकार किसके साथ है?

इसमें इन्होंने बाकी शेष बातें रखी हैं, पब्लिक आर्डर, पुलिस, जुडािशियरी, फौस तक रखी है कि फौस क्या होगी। लेकिन इन्होंने लैंड का नहीं रखा। जमीन स्टेट लिस्ट में है यह इन्होंने नहीं रखा है, क्योंकि ये जमींदारों को छुना नहीं चाहते हैं। यह समझते हैं कि वे तो भगवान से भी ज्यादा पवित्र हैं। हम उनको नहीं छुएंगे। और इस संशोधनों इकोनोमिक कारण को आप अगर नहीं तोड़ेंगे और फिर आप आतंकवादो को रोक कैसे सकेंगे। एक और प्रश्न है, वहाँ, सब से बड़ी समस्या नहर बनने के सवाल पर है। हरियाणा के हमारे

पूर्व मुख्य मंत्री जी जो कि इस समय नहीं उनके हा में तो सब बार्डर सुरक्षित नहीं है। उन्होंने किसी पार्टी का बार्डर तो ठीक ही रहने नहीं दिया अब देश का बार्डर ठीक करने के लिए हम से कह रहे हैं। अरे मुख्य मंत्रत्व काल में वाजिब ही सतलुज पानी का प्रश्न उठा रहे थे। लेकिन मैं उनके लिए कह रहा हूँ कि नहर का पानी सतलुज नहर हरियाणा तक जाने की बात है वह एक गंभीर बात है। अगर ये करना है तो आप स्टेट लिस्ट का आइटम नं० 17 क्यों नहीं रख लेते कि पानी का सवाल भी इसी बीच में हल कर लेंगे। इसलिए आपका इरादा समस्या के निदान का नहीं है। मैं सरकार से आग्रह करता हूँ कि अभी यह वक्त नहीं आया है और अगर आप और भी बुरे ढंग से राज चलायेंगे तो ऐसी हालत आ सकती है कि 249 के मुताबिक कुछ करना पड़े। लेकिन इतने नालायक शायद अभी तक आप नहीं हुए हैं या फिर मेरा अनुमान शायद गलत है। लेकिन अगर आप पूरा नालायक हो जाइये तब हम इस पर विचार करेंगे कि इसको भी लागू किया जाए अभी तक हम समझ रहे हैं कि आप इतने नालायक नहीं हुए हैं।

आप अगर कह दीजिए कि पूरे नालायक हो गए हैं तो फिर हम विचार अवश्य करेंगे। इसलिए बरनाला जी को कम से कम कंपीडेंस में जरूर लीजिए इसके बाद काम करने की बात सोचिए। नहीं तो वे चले जायेंगे। स्थिति अपने हाथ में लीजिए, लेकिन अभी ले करके ही आप से क्या होगा। आप तो काफी दिन लिए थे और फिर जो हासिल हुआ वह आप जानते ही हैं। इसलिए मैं आपसे यही अनुरोध करूंगा कि इसके राजनैतिक पहलू पर सोचिए। मैं एक मिनट और समय लूंगा कानूनन पहलू पर बात की गई है। सालवे साहब तो हैं नहीं। नहीं लेकिन मैं गृह मंत्री जी से कहूंगा कि मैंने जो संशोधन पेश किया है कि भारत के कुछ राज्यों की सीमा तक इसको रखा जायेगा। सालवे साहब ने कहा है कि यह संशोधन ठीक नहीं होगा। उन्होंने कहा कि इसका इम्प्लीमेंटेशन ठीक होगा उन्होंने

कहा कि कुछ ही राज्यों में इसको लागू किया जाएगा। तो इंप्लीमेंटेशन तो ठीक होगा लेकिन संशोधन नहीं ठीक होगा यह कैसी विडम्बना जो कुछ मंत्री महोदय ने आश्वासन दिया है और प्रिम्बल में भोजाड़ने की बात कहा है तो मैं उन से कहना चाहूंगा कि उसकी कोई लीगल बैलाइडि है क्या ? कोई भी बैलाइडि नहीं है। प्रिम्बल में तो सोशलिज्म है, कान्टो-ट्रिप्शन के बाड़ी में कैपिटलिज्म। बाड़ी में मैं ही चलता है प्रिम्बल तो चलती नहीं। इसलिए शासक पार्टी के माननीय सदस्य क्यों भ्रमित हो रहे हैं जिनका विश्वास सोशलिज्म में है। आप हमको बताइये कि प्रिम्बल से कहीं कोई काम हुआ है ? इसलिए मैं चाहूंगा कि गृह मंत्री जी इन मुद्दों पर इसका स्पष्टीकरण करें। एक बात फिर हम कहेंगे कि ऐसा कुछ काम नहीं करें कि जिससे बरनाला सरकार के साथ उलझ जाए और फिर परिस्थिति और खराब हो जाए। इस प्रस्ताव से यही होने जा रहा है।

श्री बृटा सिंह: साहब एक एम्प्योरेंस देना चाहता हूँ चतुरानन जी को कि जब तक आप उधर बैठे हैं तब तक हम लायक रहेगे। हम सभी नालायक होंगे जब आप वहाँ से उठकर इधर आ जायेंगे।

श्री चतुरानन मिश्र: यह हमारी कमजोरी है। इस कमजोरी को हम स्वीकार करते हैं। असल में हम लोग थोड़ा वैजो-टेरियन हो गए हैं। अगर हम भी नान-वैजोटेरियन हो जाएं तो आप जल्दी चले जायेंगे।

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now, Mr. T. R. Balu.

SHRI T. R. BALU (Tamil Nadu): Mr. Vice-Chairman, Sir, I am very much thankful to you for having given me this opportunity to express the views of my party, the DMK Party to which I am very proud to belong. I will be failing in my duty if I forget to thank my leader Dr. Kalaignar Karunanidhi who was kind

enough to send me to this House to which our late lamented leader Dr. Anna brought credit to this institution (*Interruptions*) and enriched the tradition of this House. As far as our young Prime Minister is concerned, he is the embodiment and combination of the conservatism of Pandit Motilal Nehru, the idealism of Pandit Nehru and the pragmatism of Mrs. Indira Gandhi. Sir, my opinion and evaluation about the personality of the Prime Minister may go wrong as our hon. Home Minister, Mr. Buta Singh, has introduced this Resolution invoking Article 249 of the Constitution. At the outset, I want to impress upon you certain things. I recall on occasion when our late Prime Minister, Mrs. Gandhi, had been invited to our State of Tamil Nadu. At that time, our beloved leader Dr. Kalaignar Karunanidhi was the Chief Minister. When he was in power, our beloved late Prime Minister, Mrs. Gandhi, had come to our State to receive a purse amounting to Rs. 6-1/2 crores which was handed over by our beloved leader, Dr. Kalaignar Karunanidhi, for the purpose of our defence fund when the peril of Pakistani invasion had threatened us. Our beloved leader, Dr. Kalaignar Karunanidhi, is second to none to safeguard the interests of the nation and its integrity, unity and sovereignty of the nation. But I dare to oppose this Resolution brought here with full vigour and energy and power as it is my bounden duty to oppose it because it endangers the Centre-State relations. I once again recall another occasion wherein our leader, Dr. Kalaignar Karunanidhi had categorically stated to the late Prime Minister, Mrs. Indira Gandhi, that he was very thankful to her for the abolition of Privy Purses, nationalisation of Banks, and other things. But at the same time he asked her to note that whenever things went right, we would give her a helping hand. On the other hand, we would fight for our rights. He told her all that. It is the principle of D. M. K. forever.

Sir, here is a Resolution brought before the House to override the rights of the States. I do not know why this Resolution was brought before the House when there are lots of provisions under

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which terrorism could be curbed. But our Home Minister has introduced this Resolution. I think it is a sad day for this House. Sir, during the emergency, as one of the soldiers who have fought the emergency and who was under imprisonment is Madras Central jail under MISA for one year along with 500 heroes of our DMK, I recall what our late Prime Minister categorically stated, "I feel sorry for the emergency lapses; I repent for it." It was said on the sands of the Marina Beach in Madras. Yes, she was a great leader, an admirable world leader. If things were brought before her, if they were wrong, she felt it repent. That is leadership. Here, our Opposition Members and almost all the leaders of the Opposition have brought before the House the evils of this Resolution. But in spite of it, I don't think the Treasury Benches would heed this wise advice. Now the resolution may be adopted and may be passed.

SHRI KALPNATH RAI (Uttar Pradesh): It will be adopted.

SHRI T. R. BALU: Yes, Sir. I agree with you. You are having the brute majority and it will be adopted. But at the same time, I express my feelings... (*Time bell rings*) Sir, it is my maiden speech. Kindly give me some more time.

Sir, if one is a hero, I don't think any arms or weapons are necessary to safeguard oneself. But I dare say that if he is a coward, whatever weapons are given to him, whatever arms are given to him, he cannot react. It has been proved as far as the Congress Government is concerned, in the Union Territory of Delhi where our beloved leader, the late Prime Minister Mrs. Indira Gandhi was assassinated due to a lapse of the security arrangements. And again we lost our beloved general; the great Vaidya who has been assassinated due to security lapses. But I want to know from the Treasury Benches that even if you are armed with special provisions or special laws in any such things which is going to be enacted here. As far as Punjab is concerned, will you be able to safeguard the interests of the

nation, will you be able to safeguard the unity of the nation. (*Time bell rings*) I cannot to sure because there are many things to be discussed in this House. Sir, Centre-State relations are in perilous danger now. You have not consulted the Chief Minister of Punjab. Mr. Barnala is not an enemy to you. During the last week or so, Prime Minister Rajiv Gandhi has appreciated his activities. He has paid encomiums to him that Mr. Barnala is tackling the situation very well, the law and order problem is being properly tackled. But what is the necessity to introduce this Resolution after 15 days or so? I don't think this is necessary to safeguard the interest of the nation or the integrity of the nation. You have not had proper consultation with the Chief Minister of Punjab or any officials or any administration there. More than 200 Companies of forces are there. Mr. Barnala has requested for more Companies and more persons to tackle the situation. You say that 5 km. wide belt will be provided. I want to know from Mr. Buta Singh one thing. There are 70,000 farmers living in that area. What are the proposals you are having to safeguard the interests of these peasants? Have you got any measures or steps in view to have proper accommodation for these people as far as their living is concerned? Where will they go for their daily bread? I want to have a categorical reply from the Home Minister to these question when he is replying to the debate. (*Time bell rings*). Sir, I will conclude just now.

Sir, here our Treasury benches and the Prime Minister are very much worried about terrorism. But at the same time everybody is keeping quiet when the Chief Minister of Tamil Nadu Mr. MGR, is advising his fans and his party people that they should arm themselves with knives for self-defence. But nobody from the Treasury Benches and not even the Prime Minister has commented on that matter, and on the involvement of the Chief Minister advising his party people to arm themselves with knives. Is it not inciting violence? I think the Prime Minister and the Treasury Benches are following double standards. When there is an opposition Government anywhere they will move heaven and earth to topple it.

And if there is their own Government or that of their allies, as in Tamil Nadu, they will simply keep mum as MGR is doing now. Why should you not condemn on these things? Do you agree that his call to his people to arm themselves with knives is a right thing? Sir, whenever I enter this House, I am afraid because there are ten or twelve Anna D. M. K. Members and they will be having knives in their pockets. I am sorry to state it, but it is true. Finally, Sir, before I conclude I want to draw the attention of the Government that all the State apparatus to maintain law and order in the State of Tamil Nadu have broken down. I request the Prime Minister and the Home Minister particularly to look into this situation also as they are doing in the case of Punjab. Thank you.

SHRI NAGEN SAIKIA (Assam): Mr. Vice-Chairman, Sir, we the members of the ASOM Gana Parishad Party always stand for the national interest, integrity of the country and sovereignty of the country. But I and my party, Assam Gana Parishad are totally opposed to the Resolution for invocation of article 249 moved by the hon. Home Minister. To me it appears that it is against the spirit of the Constitution of our country. By this Resolution the autonomy of the States granted by the Constitution is going to be totally withdrawn for a specific period of time. Moreover by this Resolution the legislative powers of the State will be at the mercy of the Centre and thereby the constitutional and democratic rights of the State Legislature will be denied. I am afraid that whichever party sits in power in Delhi may try in future to curb the powers of the State Government with the help of this Resolution. Secondly, the Constitution-makers of our country could not think that such a Resolution would be used to affect the rights of the States without the concurrence of the States concerned, I assume. What is contemplated is that some States may voluntarily give up the right to legislate for a specific period of time to meet some particular, emergency. Without the concurrence of

the State Legislature whenever some attempts will be made to curb this legislative power of a State it would create a feeling of alienation in the State and it would help in upsetting the Centre-State relations also. If this Resolution is moved to meet the Punjab situation only, then also the Resolution is more an excess than a necessity. It gives a hint—which is not true—that the State Government is non-cooperative in dealing with the extremists. Under the existing laws of the country, the Government has enough powers to deal with extremists or terrorists. Army can be deployed in the border areas for protection of the State from terrorists crossing the border from both sides. Moreover, such a Resolution cannot stop individual terrorism. I want to ask the Government whether the Government can ensure that after passing this Resolution there will be no crimes, there will be no violence and no killings. Therefore, instead of moving this Resolution, the Intelligence Department of the Government should have been made efficient and capable for detecting such forces before they can commit crimes. Such a Resolution would prevent the State Government exercising its powers to curb the terrorist forces and face the people morally. It is seen that the country is being led towards a strong Centre instead of giving more autonomy to the States. Such an attitude would create more unhappiness and create more trouble in future. The Government should not try to evolve one mixer for grinding all, it will generate more and more unhappiness.

We, the members of the AGP and our party as a whole are completely against this Resolution.

SHRI CHITTA BASU: Sir, I am totally opposed to this Resolution on fundamental principles. Since you are not naturally to give me some considerable time, I shall be speaking only in brief and in capsule form; rather it is the capsule form which I think is preferred at this stage. Now speeches are also to be in the capsule form.

[Shri Chitta Basu]

I am opposed to this Resolution because article 249 has been invoked, as a matter of fact, to seek effect of article 250, and this is nothing but an exercise of the power under emergency, without promulgating emergency under article 353. I do not have time to explain it. Therefore, my charge is that this is a clever design or a subtle design to exercise emergency power without declaring or promulgating emergency. By this Resolution, the State Legislature have been reduced to ignominious cipher, although in the scheme of the Constitution, State legislatures are also the creatures of the Constitution. And by this Resolution, the State Governments have become more vulnerable to the Constitutional invasion by the Centre. This Resolution seeks to amend the Constitution without going through the due processes of amendment as envisaged under article 365 of the Constitution, although I concede this is for a limited period of time, namely two and a half years, at best. But this reflects the very tendency and the trend of the Government. Therefore, Sir, I am totally opposed to the idea or the principle underlying the Resolution. As a matter of fact, we have been demanding the deletion of article 249. Why do we demand? I have not got the time to explain. It seriously shakes the delicate relationship between the Centre and the States as structured by the Constitution. Now, many Members from the other side argued that this article, article 249, has been a fulcrum of federalism. It is not at all a fulcrum of federalism. I have no time to quote. I only quote what Mr. T. T. Krishnamachari said. He said that it was merely a thing wedge of encouragement to the Centre for attracting more powers for them. What Mr. T. T. Krishnamachari said in those days has come true. Sir, I find, in this connection, an idea has been conveyed that an amendment will be moved by the hon. Home Minister by way of a Preamble which would remove certain apprehensions in the minds of some Opposition Members. But I would only like to mention that this Preamble does not guarantee that the effect of the Resolution would not be extended to other parts of

the country other than Punjab or the border States. (*Interruptions*)

Sir, the hon. Home Minister, the Prime Minister and the Government have said that they are committed to the implementation of the Punjab accord in letter and spirit. I say, this Resolution will become a hindrance in the implementation in spirit and letter of the Punjab accord, because the Punjab accord also conceded the necessity, the need, of restructuring the Centre-State relations and, therefore, they have referred the Anandpur Sahib resolution to the Sarkaria Commission. As I said, this will become, this Resolution will become a hindrance to the implementation of the Punjab accord in spirit and letter.

Lastly, Sir, it is not that the Government does not have enough powers. On the other hand, I charge, they have not made use of the powers, they have not utilised the powers, already given to them by the Constitution and different laws. Therefore, it is apprehended that this special power which this Resolution gives to them will further complicate the issue and make the situation all the more vulnerable.

Thank you.

SHRI DEBA PRASAD RAY: Mr. Vice-Chairman, Sir, I rise to support the Resolution tabled by the hon. Home Minister to invoke article 249. Sir, this august House has debated many issues, major issues and on many major issues, the Opposition had differed from the ruling party, differed from the Government. When they opposed these various measures, when the various Bills were passed, despite opposition from the Opposition, we appreciated their sincerity of purpose and their commitment to the cause. But we would appreciate, the country would appreciate, if they understand the role which the nation wants them to play today, if they take the position which the nation wants them to take today, if they kindly express solidarity with the 8.00 p.m. nation at a point of time when the whole nation has to fight together against the forces that are trying to destabilise government, destabilise this nation, destabilise the democratic set-up of

India. The whole issue has to be viewed in the light of the backdrop that has prompted the Government to resort to this course, prompted the Government to bring this measure.

Punjab agitation started in 1982. When it started it started as a political agitation with certain political demands. But before long extremism and violence took over that agitation. With the assassination of Lala Jagat Narain and a couple of other people here and there, Government realised that the situation had to be tackled in a different manner and the Government of India did not hesitate to dissolve the Government that was led by the Congress Party Chief Minister Darbara Singh. The situation did not defuse. It rather culminated in the declaration for creation of a separate state from within the Golden Temple. The slogan was raised by Bhindranwale to create Khalistan in the body of India and to look for secession from India. That led the Government to take certain stern measures. The country was clamouring for some measures, the country was worried as to why the situation was not being properly tackled, and accordingly the Government of India acted upon the Bluestar Operation was undertaken. The situation was taken care of for some time. Then Rajiv-Longowal Accord was signed. Election was held in the State of Punjab and a popular government was brought in.

But still the situation has not improved. Even after the installation of the popular government led by Shri Surjit Singh Barnala, nobody can deny the fact that two thousand people had to leave Punjab as migratees; nobody can deny the fact that killings are going on regularly. Muktsar is a glaring example of how extremism has seeped into body politic of the nation, because the genesis of the Punjab problem does not lie in Punjab; the genesis of the Punjab problem lies elsewhere. It lies elsewhere. We have been witnessing extremism in the land of Punjab but extremism has not originated in the land of Punjab. It is being originated in the training camps of Alabama and in Pakistan where the extremists are being trained by the Pakistan Government to create problems inside India to

destabilise the Indian Government as well as Indian democracy. We have heard the cry of Khalistan in the land of India. But the slogan has not really originated in India; it is rather a vibration of the slogan that was actually raised by Mr. Jagjit Singh Chauhan from Canada. So one can easily understand the forces which are acting against this Government. One can easily understand that the Punjab agitation is nothing but an outcome of a conspiracy hatched by the imperialist forces in collusion with the rightist forces within the country to stall India to stall India's progress, to stall India's journey towards socialism. I would like to say why the imperialist forces have gone against India, why imperialism has decided to attack India. Because India under the able leadership of Smt. Indira Gandhi had been fighting for the cause of world peace, had been fighting for the preservation of world peace, had been fighting for the cause of humanity. That is why whenever there was a struggle for liberation whether it was the case of Namibia or it was the case of Palestine or it was the case of Nicaragua or it was the case of South Africa—India always stood by them, India always identified itself with those liberation organisation, the struggling people. As a result of that, imperialism has decided to conspire against India, has decided to destabilise this Government, this country. This House has on many occasions expressed its solidarity with the people of Libya, expressed its solidarity with the people of Namibia, expressed its solidarity with the people of Nicaragua, expressed its solidarity with the people of South Africa, and when this solidarity was being expressed, the whole House joined together to express solidarity with those people. When the whole House was able to express solidarity with the people who were fighting against imperialism, why can't this whole House join together to take a decision to defend the country against the aggression of imperialist forces. I appeal to them to realize the magnitude of the situation, I appeal to them to realize the situation, that it is not a dispute between the Government of India and the Government of Punjab, it is not a dispute between the Government of India and the Government of West Bengal, it is not a dispute between the

[Shri Deba Prasad Ray]

Government of India and the Government of Gujarat; it is a dispute, rather a fight, between India and Pakistan, it is a dispute, rather a fight, between India and America, and it is high time for the whole nation to come up together; it is high time for all the political forces to emerge as one man to be able to combat the challenges, to be able to protect the country, to be able to defend the national interests.

Sir, apprehension has been expressed by some friends that this provision may be misutilized by the Government, may be this provision would be utilized to create problems in another Opposition-ruled State. I would request them to realize the fact that this is the same Government led by same Rajiv Gandhi, the Prime Minister, who disagreed to dissolve the Government of Karnataka even after we bagged all the 24 seats out of 28, and even when Hegde tendered his resignation, this Prime Minister did not agree to dissolve the Government. This is the same Prime Minister who has come forward to tell the Government of West Bengal that to solve the economic problems of West Bengal he would go to Bengal with his whole Cabinet to sort out the economic problems of that State. This is the attitude of the present Prime Minister towards the Opposition-ruled States. There is no reason for them to feel apprehensive. If they have understood the real attitude of the Prime Minister who has been leading the nation, they should have stood by him, they should have expressed their solidarity with him. Sir, I would like to say that this is an occasion when the whole country has to speak out in one voice that to fight imperialism we have to fight together, to fight imperialism we have to fight as one nation, to fight the conspiracies of imperialism we have to prove the same integrity and unity that has been the tradition of our country.

At the end, Sir, although I have spilled over—my time is over—I would like to tell one very delicate thing, delicate, because, being a young Member of Parliament, a Member of the Upper House, whenever we come across friends and whenever they

want to know our identity, whenever I say "I am a Member of Parliament", the first question a person asks is, "Which constituency do you represent?" When I say "I am a Member of the Rajya Sabha" there is a sceptical expression in his face which is always understood, "Oh, Rajya Sabha!" As if this House really does not carry some weight, that this House does not really carry some dignity. Now, I would like to tell you, Sir, by exercising this power, which is a rare opportunity for Rajya Sabha, we can prove that Rajya Sabha also has a role to play in the national political life because this is one of the two major powers that the Rajya Sabha has been provided with under article 249 and article 312. So, by exercising this power let us also prove that we also matter in national life, that this House of Elders—although I am not an elder—also knows how to rise to the occasion and adopt the right measures at the right point of time to defend the country, to defend the Government, to defend democracy and to defend the people of India. Thank you, Sir.

SHRI NIRMAL CHATTERJEE: I hope Mr. Buta Singh will include this part also in the preamble in order to prove that at the instance of Rajya Sabha the Bill is being introduced!

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman, Sir, the phenomenon of terrorism that has sprouted and acquired menacing proportions in our country, particularly in the border State of Punjab, is the direct manifestation of the evil designs of hostile foreign powers who are always planning and conspiring to destabilize our country.

SHRI N. E. BALARAM (Kerala): Sir, I request that repetition may kindly be avoided.

SHRI PAWAN KUMAR BANSAL: I think had you not interrupted. I would have finished with that one.

Sir, for the last four years Punjab has been in turmoil. No statistics are required to prove that the land of Punjab has become a virtual hunting ground for the

terrorists. It is also abundantly proved that Pakistan is brazenly training the terrorists and sending them across the border to indulge in acts of violence, subversion and sabotage in this country. The recent initiative to reinforce the law and order machinery in Punjab has brought about some positive results, and the number of arrests prove that the terrorist apple-cart is upset. But it has not deterred the hostile foreign powers. They are continuously conspiring and masterminding the actions of the terrorists on the Indian soil, whose creed today is murder of innocent persons and aim, destabilisation of India and establishment of Khalistan, howsoever self-defeating this exercise may be. The Muktsar incident in which 14 innocent bus passengers were massacred and the dastardly assassination of Gen. A. R. Vaidya the other day may have helped the enemy to score yet another point through the made and depraved murders. But their infernal machine has failed to set ablaze the fabric of India's unity and integrity.

Sir, the terrorists' onslaught continues, and in a situation where a challenge is posed to the national unity, the country will not surrender, the country will not compromise. Not by words alone but through action the collective will of the Indian people has to assert itself. The invoking of Article 249 of the Constitution is a right step in this direction. This provision of the Constitution is an innovative one stipulated so wisely by our founding fathers. They knew that in a nascent federal setup a situation could arise where in the overall national interest the primacy has to be accorded to the Centre.

The Government has demonstrated its strong will to resolve the Punjab imbroglio, to curb the violence and crime against humanity with firmness. Today it rests with Rajya Sabha to accord the Union Government that right to introduce a legislation enabling it to make laws with respect to public order, police and prisons etc. and with respect to offences against such laws and also regarding levy of

fees and jurisdiction of courts with respect to these matters.

Sir, I am at a loss to learn of the Chief Minister, Mr. Barnala's opposition to this. He proclaims that Pak-trained terrorists sneak into the State and cause all the bloodshed, and he urges the Central Government to do something about it. He asks for an effective sealing of the border. But now for political expediency he betrays the confidence of all the right-thinking men in the country. His fight to finish the terrorism, his resolve to end the madness that grips Punjab seem to be just hollow proclamations.

Sir, I do not impute motives. But it does make me wonder about the will, the strong political will of Shri Barnala. When a new law is passed in pursuance of today's Resolution, it will not tantamount to any impingement or invasion of the autonomy of the State, Sir, it is a temporary measure taken to meet the present extraordinary situation, the situation in which the writ of the State Government has ceased to run in the border areas.

There was some criticism from the opposition about the Centre assuming special powers. I would like to submit that it is a case where the Centre is assuming power not for the sake of power, but it is, in fact, taking upon its shoulders additional responsibilities which it has to do in the national interest.

While referring to the provisions of the Constitution, one of the hon. Members said that Article 355 of the Constitution was already there on the statute book. My submission is that it is precisely because of the mandate of Article 355 which enjoins upon the Union to protect every State against, *inter alia*, internal disturbances and to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution that the present Resolution under Article 249 is being brought about, because no law as such can be passed under Article 355. It is the duty enjoined these by upon the Centre, which the Centre is now fulfilling.

[Shri Pawan Kumar Bansal]

Sir, because of the time-constraint, I would not take any more time of this august House and would finally urge that today it is the responsibility of every right-thinking citizen in the country to welcome the step which the Central Government is going to take.

Thank you.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Discussion concluded. The hon. Minister will reply tomorrow.

MESSAGES FROM THE LOK SABHA

(I) **The Tamil Nadu Legislative Council (Abolition) Bill, 1986.**

(II) **The Constituion (Fifty-Fourth Amendment) Bill, 1986.**

(III) **The High Court and Supreme Court Judges (Conditions of Services) Amendment Bill, 1986.**

SECRETARY-GENRAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:—

(I)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Tamil Nadu Legislative Council (Abolition) Bill,

1986, as passed by Lok Sabha at its sitting held on the 12th August, 1986."

(II)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Constitution (Fifty-Fourth Amendment) Bill, 1986, which has been passed by Lok Sabha at its sitting held on the 12th August, 1986, in accordance with the provisions of Article 368 of the Constitution of India."

(III)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1986, as passed by Lok Sabha at its sitting held on the 12th August, 1986."

Sir, I lay a copy each of the Bills on the Table.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The House adjourns till tomorrow, the 13th August, 1986.

The House adjourned at sixteen minutes past eight of the clock, till Eleven of the clock, on Wednesday, the 13th August, 1986.