

MR. CHAIRMAN: How can there be a point of order when there is nothing in the House? All right. Come on.

SHRI SURESH KALMADI: Sir, this is once again about the rights of Members. Again today there is no calling attention. Also there is no special mention.

MR. CHAIRMAN: No, I am not permitting.

SHRI SURESH KALMADI:*

MR. CHAIRMAN: Please sit down. Many number of times I have disallowed them when we have more important and more urgent matters. It will not be recorded. Please sit down.

SHRI SURESH KALMADI:*

MR. CHAIRMAN: The right of the Members is preserved by me much better than it has been preserved by anybody else.

RESOLUTION IN PURSUANCE OF ARTICLE 249 OF CONSTITUTION— Contd.

MR. CHAIRMAN: Mr. Buta Singh will now reply.

SHRI DIPEN GHOSH (West Bengal): A point of order. Today a section of the newspapers have reported that the Government has accepted, and is willing to bring certain amendments to the Statutory Resolution which Mr. Buta Singh had moved yesterday. But we have not yet received any such notice.

AN HON. MEMBER: We have received notice.

SHRI DIPEN GHOSH: I am sorry. In that case, Sir, will we be allowed to seek certain clarifications because when we spoke yesterday we spoke on the basis of the Resolution moved by him.

*Not recorded.

MR. CHAIRMAN: I will consider the reply of the hon. Minister, and if, in my opinion, there is need for clarification, I will allow.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): On the amendment we will speak, Sir.

MR. CHAIRMAN: Yes, there will be a discussion on the amendment.

If he moves the amendment, we will allow.

SHRI P. BABUL REDDY (Andhra Pradesh): Sir, before the hon. Minister begins, may I point out one small inaccuracy that has crept into the Resolution?

MR. CHAIRMAN: You can come and tell me in my chamber.

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Mr. Chairman Sir, I have the privilege of listening carefully to the speeches made by the hon. Members of this House on invoking Article 249 of the Constitution by this august House.

The introduction of this Resolution in this House has a background.

SHRI PARVATHANENI UPENDRA: The Minister should first move his amendment.

SHRI BUTA SINGH: The Chair has asked me to reply to the Debate and towards the end I will move the amendment.

MR. CHAIRMAN: Yes, this is the procedure.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Sir, if Mr. Buta Singh moves an amendment, I will also move my amendment.

MR. CHAIRMAN: No, You cannot. It has been ruled out.

SHRI SATYA PRAKASH MALAVIYA: But, Sir, Mr. Buta Singh is not a Member of this House. He is only the Home Minister, but I am a Member of this House.

MR. CHAIRMAN: I will explain the correct procedure. If an hon. Member is not in his seat when his amendment is called, he forfeits the right to move his amendment. So far as the Minister is concerned, he can move an amendment any time subject to the approval of the Chair. And that is a privilege because they have to carry on the administration. That is why I am going to allow Mr. Buta Singh's amendment and I am not allowing any amendment by you with my great regret.

SHRI BUTA SINGH: The introduction of this Resolution has a background which is known to almost all the leaders of the Opposition and I do not want to comment on it. But because certain Opposition leaders made a mention of that background, therefore, I would like to recall the events leading to that.

An impression has been created through the Press that perhaps the Government woke up only when the Opposition leaders suggested Article 249. That is not correct. This matter has been receiving the attention of this august House, the other august House, the country as a whole, the people of India and all the political parties for quite some time and the situation in Punjab was discussed on a number of occasions in the other House and in this august House also. If I were to recollect the speeches made by all the Members, including the leaders of the Opposition, and if I sum up those remarks made by the hon. leaders of the Opposition because I need not take time of this august House, these speeches will go a long way to establish that what we are trying to do is precisely what the country wanted and precisely what the Opposition leaders wanted, and we are coming to this august House to invoke the contents of Art. 249 to serve a national interest.

Some hon. Members said that perhaps we are amending Art. 249. Some hon. Members said that we are trying to introduce it. It is there in the Constitution. Some of the hon. Members even want to the extent of digging up the proceedings of the Constituent Assembly and read out some of the remarks made by the illustrious sons of India, who participated in

that debate. The thrust of the whole exercise was—as the hon. Members were reading from speeches of either T. T. Krishnamachari or Baba Saheb Ambedkar or for that matter Shri Alagesan or the Members who participated—they all supported the action of the Government as we are now trying to initiate in this House. I need not go into the details of that debate. But what surprised me yesterday was, if I am permitted to express that a double standard of morality was being applied by some of the leaders of the Opposition.

In a meeting with the hon. Prime Minister when the Government was considering a Constitutional amendment to meet the situation in the country, myself and my colleagues were keen that we should have as much national consensus as possible. I think this is one of the basic postulates of a Parliamentary democracy that on matters of national interest we should try to generate as much consensus as we can. Sir, some hon. Members questioned including the learned Member, Mr. Jaswant Singh our right even to govern. We are here by the will of the people of India. They have sent us and not a few hand-picked organisations. Every time Mr. Jaswant Singh speaks in this House, I am sorry to comment he makes a particular remark of my coming from Rajasthan. Sir, I do not think there is anything wrong in that. He says that I have been benefited from Rajasthan. Did I say: how many Opposition leaders have benefited from Delhi? How many of them have benefited from other States to which they do not belong? This is a very, very narrow and selfish approach towards the exercise of the Parliamentary democracy.

Sir, I also want to place on record my gratitude to the people of Rajasthan. I have done it earlier also and I want to repeat it again. The manner in which they sent me to the House of People—perhaps, I should not comment—that none of the party leaders to which Sarj Jaswant Singh happens to be a Member could return from Rajasthan. In his view, I am an outsider. But an odd person like

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me and a man like me from Punjab got maximum votes, I have topped the list in percentage of voting next only to the hon. Speaker. That is how the people of the country believe in the Parliamentary democracy. This is also precisely in keeping with the Congress philosophy. He made it a point to criticise the Congress philosophy yesterday. The thrust of his speech was Congress policies and Congress ideologies ruining the country. Sir, I am too small a person to educate such a big intellectual giant as Shri Jaswant Singhji. Today, if you ask a man in the street, a tribal in the far-flung area and the poorest of the poor: Who is the saviour of this country? He will definitely say it is the ideology of Mahatma Gandhi and the Congress policies which have saved this country. Sir, for a change this country saw...

श्री राम अवधेश सिंह (बिहार) :
महात्मा गांधी का नाम वदनाम कर रहे हैं
आप लोग ।

MR. CHAIRMAN: No. The House is in a very hilarious mood. It is going to pass this Resolution unanimously.

SOME HON. MEMBERS: No.

SHRI BUTA SINGH: Sir, for a change this country saw a change of hands in Delhi as well as at the Centre. I should say that the most driving force, I should not give this certificate, the motivating power was Jan Sangh earlier and the BJP now. They brought in that change and the country has seen that philosophy also. They were given a mandate of five years, but they were packed and sent back in less than three years. This is how the people have rejected the philosophy other than Congress.

SHRI GURUDAS DAS GUPTA (West Bengal): Sir... (Interruptions)

SHRI BUTA SINGH: I think you were not in the House. Mr. Gurudas Das Gupta was, perhaps, enjoying his cup of coffee when Mr. Jaswant Singhji spoke. I appreciate and I value the stand taken by Mr. Jaswant Singhji and his party. I was

expecting on this national issue their top-ranking leaders like Shri L. K. Advaniji and Shri Vajpayeeji, one of them, would be participating so that this debate can acquire the status of a national issue. ...

MR. CHAIRMAN: Mr. Buta Singh, it is entirely... (Interruptions)...

SOME HON. MEMBERS: Sir, on a point of order... (Interruptions)...

MR. CHAIRMAN: Please look here. It was I who raised it. You did not raise it yourself. Therefore, I am controlling.

SHRI BUTA SINGH: Sir, I have highest respect for Shri Jaswant Singh.

MR. CHAIRMAN: It is not Parliamentary etiquette to say who should speak on the other side. It is their privilege. They can choose anybody and you should not comment on it. Please go ahead.

SHRI BUTA SINGH: All right. Sir, I appreciate and value the support extended by Jaswant Singhji and his party because this is an issue on which there cannot be a difference of opinion; this is an issue on which the national effort will have to be mobilised. Therefore, Sir, I place on record that we appreciate the stand taken by Jaswant Singhji and his party. But my question to Shri Dipen Ghosh, to Shri Upendra Choudhuri and Shri Gurupadaswamy...

SHRI PARVATHANENI UPENDRA: No "Choudhury". (Interruptions) He is referring to my previous or "purv-ashram" name. Now my name is only Upendra.

MR. CHAIRMAN: Mr. Minister, if you sit down, it will mean that you have concluded. Don't sit down.

SHRI BUTA SINGH: Sir, may I firstly mention about their role and the background. Unfortunately Shri Gurupadaswamy conveniently forgot that it was his counterpart in the other House, Shri Madhu Dandavate, who is a respected leader of their party, who took initiative along with Kulkarniji and other Members of this august House...

SHRI DIPEN GHOSH: Not me.

SHRI BUTA SINGH: I will refer to you in some other context.

SHRI DIPEN GHOSH: You are pointing your finger as if I supported that. No.

SHRI BUTA SINGH: I will put your words before you. Don't worry. So, Sir, we had a very useful discussion and then we had a talk, along with the leaders of the Opposition, with the hon. Prime Minister. Sir, I should say, that country and also both the Houses, hon. Members here, should really try to appreciate the anxiety of the leader, the hon. Prime Minister. We had taken a decision that we would go in for a constitutional amendment. But in his desire to bring about unanimity for this kind of a national cause, he readily accepted the suggestion from the Opposition, although we had examined this provision. This is nothing new. But we wanted to have a permanent solution on a long term basis. But when the hon. leaders whose names I have mentioned, pleaded with the hon. Prime Minister that there is a remedy available short of that constitutional amendment, and why not examine it, the hon. Prime Minister readily accepted it. He said yes, if there is a consensus on this, if everybody agrees, then we can examine this. At that time, when we were about to leave, Shri Dipen Ghosh mentioned that he, for one, was not for it. Is that correct? And other leaders were there, Kulkarniji and Dandavateji; Vajpayeeji perhaps was there. We had this impression that there was a consensus on this issue and we would examine it. Sir, the sequence of events would have been that the next day we would have brought this thing before this House. The hon. leaders wanted that we should show them the Bill which will follow the passage of this resolution in this House. Now, at that point of time, the leaders came out quite happy and satisfied. We also came out of the meeting with the feeling that at least on a very, very important issue, there was a basic understanding between the majority of the leaders of the Opposition, barring only one, and the Government of India.

Now, why do I say that there is an exhibition of double standards of morality here? Suddenly the Janata Party leaders have woken up to express their solidarity with the Akali Government and they have tried to retract from the position that they had taken in the meeting of the Opposition leaders. Similar is the case with some of the other Opposition leaders here. Now, Sir, so many things have been said in this...

SHRI PARVATHANENI UPENDRA:
On a point of clarification.

SHRI BUTA SINGH: I am not yielding.

SHRI PARVATHANENI UPENDRA:
On a point of order. The hon. Minister has not given the whole story. There is something more which the Opposition demanded. He did not mention that. The Government promised to give a note explaining why they wanted to take recourse to article 249. We addressed a joint letter to the hon. Home Minister asking for their note and reminding him, and we only got an acknowledgment and no note.

SHRI BUTA SINGH: The only thing which was contemplated was that we will discuss with them the provisions of the Bill before introduction in the House, and I stand committed for that. All these things are picked up from the Press or given to the Press by the honourable Members and I do not stand any witness to this kind of things.

Now, there are three questions. Honourable Members tried to bring in many issues and they were trying to put up before the House as if the State Governments are being massacred, their autonomy is being destroyed and we are going to take them over. This is a very, very limited measure for a limited period for limited matters and that too to be specified in the resolution itself. We have specified them. The honourable Members—I should not say, out of ignorance because they must have read my statement; I read it to them for their benefit—have said so many things. When I read that statement for the

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honourable Members, there should not have been any doubt. The intentions of the Government of India and this august House were made very, very clear that for very, very limited subject in a specified area to be notified these powers will be exercised. Some honourable Members were talking of clearing the patti and taking the population to some other State so much so that even Shri Barnala was misled. He said if these people are settled in Ganganagar area and some parts of the Canal Area of Rajasthan, that will be fine. He has made a statement. I should say that this is complete lack of understanding of the provisions of Article 249. This does not stipulate that the population will be evacuated. This only stipulates what is contained in the provisions, and that is for the entries mentioned therein. Somebody asked why have you mentioned about court fees? These are only consequential things. When we try those terrorists, other elements who are playing hell with national unity, they will have to be tried and there will be courts, and those courts will require certain fees. It is for that limited purpose that fees are being specified. Some Members went to the extent of saying that the High Court will be sent away, there will be no appeal, this, that. Now, all these things, I should say, are extraneous to the Provision of Article 249. I cannot do better than my distinguished colleagues, legal luminaries, in this House like Shri N.K.P. Salve, Shri Murli Bhandare and Shri Justice Masodkar, who really brought full light on the provisions and the contents of Article 249 and their relation to various other Articles are to be which are to be read with this. I do not and I cannot make any improvement upon what Shri Salve done. I will not touch that aspect because it has been made clear, abundantly clear, that there is not an iota of doubt about the relevance of Article 249 for the situation in which we are at the moment placed. My three questions to the leaders of the opposition are: Are they convinced that a situation exist which is of national importance? My simple question is this: Are they convinced that there is

a situation which is of national importance in the border areas? Secondly, if there is such a situation, are they satisfied with the manner in which the situation is presently being tackled? And thirdly, if not, then, what is the avenue left? Are we to be spectators, are we to be standing and watching innocent people being butchered day in and day out, people being driven away from their hearths, People being sent-out-of State? There are the three questions. Unfortunately no honourable leader of the Opposition has answered these questions except the Anna DMK and the BJP. I would like the honourable leaders to give a serious thought to this. When they talk of nationalism, they say and accuse us as if we are the only custodians of nationalism and they are not. Here is an opportunity. Why not demonstrate it here in this House so that the people can judge you by your action?...

SHRI DIPEN GHOSH: Mr. Buta Singh, please note. (*Interruptions*). You are saying this as if agreeing to any resolution moved by the ruling party is synonymous with the expression of nationalism. (*Interruptions*)

SHRI BUTA SINGH: Sir, I am not yielding. This question is highly irrelevant. I have not mentioned any party or any individual. (*Interruptions*).

SHRI DIPEN GHOSH: Is it synonymous with nationalism? (*Interruptions*)

SHRI BUTA SINGH: Sir, if he has the answer, he could have given it yesterday. Why did he confuse me through his speech? All that he did was that he confused me by his speech although I do not give him the certificate that he is a confused Member. But, certainly, he did confuse me. (*Interruptions*).

MR. CHAIRMAN: You want me to decide who is confused? (*Interruptions*).

SHRI BUTA SINGH: Now, Sir, these are the three vital questions and if I have made any reading of article 249, article 249 says that "only when such a situation arises" Parliament can go to invoke article 249—the emphasis is on the word "only"—and this precisely what is being done in this House now.

Now, Sir, having said that, I would like to remind the honourable leaders of what they have said on the floor of this House and also elsewhere. Shri Lal Krishna Advani—I am thankful to him—said that he was asked for the army and this is short of that. He has stuck to his views and that of his party and I have appreciated that.

Now, Sir, I come to Mr. Chitta Basu's views. Earlier, while speaking in this House, this is what he said, and I will not repeat what he said yesterday because he will say that I am confused. I am confused. Yes, Sir, I am confused because they said certain things when this Resolution was not in the House and now that this has come, they are very hurriedly trying to retrace their positions which they were having earlier in this House.

Sir, Shri Chitta Basu said that Akali Party has failed to rise to the occasion including its Government. (Interruptions).

SHRI CHITTA BASU (West Bengal): I think this is taken out of context. (Interruptions).

SHRI BUTA SINGH: This is what he said precisely. Also, Sir, he said that they did not muster sufficient courage, that they did not... (Interruptions)... muster sufficient courage to deal strongly with the terrorists. (Interruptions).

SHRI CHITTA BASU: Sir, I do not know whether he is taking it out of context. What he has quoted, that is, that I did not expect that what was being done by the Akali Party was not enough, I agree to it. But what is the relation of that comment to the content of article 249 and this Resolution? (Interruption).

MR. CHAIRMAN: You know very well—all of you, please hear me—that if everybody begins to question the relevance of the speech of another, no parliamentary work will be done. (Interruptions) Both must accept each other's version. This is your version and he is giving his version. Yes, Mr. Minister, you continue now.

SHRI BUTA SINGH: Sir, I will answer his point. He said that they did not muster sufficient courage to deal strongly, to deal sternly, with the terrorists. But this is what we are doing. We are giving sufficient courage, moral material and political. Why don't you now ask them to support this? (Interruptions).

SHRI CHITTA BASU: Sir, regarding article 249, I have made my position clear and he cannot misinterpret me. What I said I still adhere to and, according to me, the Resolution under article 249 is not necessary and there are other laws by which this situation can be met.

MR. CHAIRMAN: Mr. Chitta Basu has made his position clear. Now, Mr. Minister, you can continue.

SHRI BUTA SINGH: Then, Sir, Mr. Uendra Chowdhury.... (Interruptions).

SHRI PARVATHANENI UPENDRA: Sir, it clearly indicates that he is confused. He is confused; it is confirmed now. (Interruptions).

SHRI A. G. KULKARNI (Maharashtra): Sir, we do not know whether he is Mr. Upendra Chowdhury or Mr. Upendra. I do not know. You kindly announce it officially. You announce what his antecedents are and what he is called now. (Interruptions).

MR. CHAIRMAN: The Minister is enumerating your past name. (Interruptions)

SHRI BUTA SINGH: Mr. Chairman, Sir, my association with Shri Upendra Chowdhury dates prior to his term as Member of Parliament. Therefore I have a privilege to call him 'Chowdhury'. Now he is Upendra.

MR. CHAIRMAN: There is an improvement in the name.

SHRI BUTA SINGH: Shri Upendra, while speaking on Punjab issue, expressed his anxiety on the exodus of Hindus from Punjab. He was very angry. He said that the Centre had

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a special responsibility and that the Punjab Government should do this and give complete protection to the Hindus. He wanted to know what special steps are being taken to protect the border and insulate it from the influx of terrorists across Pakistan. This is the special measure. Now, he is running away. This is the special measure.

MR. CHAIRMAN: No. He is sitting there.

SHRI BUTA SINGH: Shri Dipen Ghosh, while speaking on Punjab issue said in this very House...

SHRI DIPEN GHOSH: When?

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT (SHRIMATI MARGARET ALVA): You should remember the date yourself.

SHRI BUTA SINGH: I will send you the proceedings. I have taken it from the proceedings of the House. Shri Upendra said...

SHRI DIPEN GHOSH: You are confused Mr. Buta Singh.

SHRI PARVATHANENI UPENDRA: If the Minister is confused at this stage, we can imagine what will happen when he implements it.

SHRI DIPEN GHOSH: He is already confused between the Central Administration and the State Administration.

SHRI BUTA SINGH: I have already said that the only one who can confuse me is Dipen Ghosh. So, he went on record to say on 28th July, perhaps the next day after the Muktasar incident that "we have been telling for the last four or five years that there has been a serious conspiracy to destabilise our country and foreign forces are behind it, by encouraging the separatist and funda-

mentalist forces."... "after this recent Muktasar incident it has been apparent that there has been a conspiracy to create a backlash in which process the demand for separate Khalistan will gain ground objectively among the masses in Punjab. The ruling party and some of the opposition parties do not understand the gravity of the situation and the extent of conspiracy." Now that we realised... (*Interruptions*)

SHRI DIPEN GHOSH: I want to put a straight question. Can he give a reply to this question? Does Mr. Buta Singh propose to tackle the imperialist conspiracy to destabilise our country which I referred to by invoking Article 249? Does he propose to tackle that?

SHRI BUTA SINGH: Now listen. You have said it. Now, my answer to this question also is: Yes, Sir, whether you support or not.

SHRI DIPEN GHOSH: What prevents you from taking over Punjab? By invoking article 249 you want to tackle the imperialist forces. (*Interruptions*)

SHRI BUTA SINGH: Now, Sir I would like to refer to certain points made by most of the hon. Members, those who supported the Resolution and also those who did not choose to support this Resolution. They made certain points to which I owe a clarification in this House. Shri Jaswant Singh brought out a list of 15 Acts through which we could deal with this kind of a situation. Sir, laws are these. No denying of it. But, Sir, that law in the statute book itself will not come to the rescue of the people. There has to be a political will, there has to be a determination, and there has to be an adequate organisational set-up on the field itself which is committed, which is prepared to die for the security and the integrity of the country. It is that thing which is lacking. They said that the Armed Forces Special Power (Punjab and Chandigarh) Act is

there. Sir the hon. House knows that after we signed the Acord, no part of Punjab is a disturbed area under the above Act. Therefore, the Government of Punjab did not choose, Generalsahab, the Government of Punjab did not choose to declare the State or some parts of the State as a State as a disturbed area under the Act. Therefore the question is that if the State Government for whose autonomy big speeches are made in this House and outside, if the State Government does not invoke, if they do not take the step, then who is to see that this Act is really enforced?

AN HON. MEMBER: The Central Government.

SHRI BUTA SINGH : Sir another Act was mentioned, Sir, on the contrary, the elements who were put behind the bars when this Act was sought to be implemented by the Central Government, whether it was the Governor's Rule or the President's Rule, all of them, after coming into power of a Government, were not only sent out but were also given prestigious positions, raised to head certain public bodies in the State. Sir, as far as possible, I am trying to be not really unnecessarily disturbed because we still continue and we are of the opinion that Barnalaji should not be interfered with. But we want also at the same time the people enjoy full protection of life and property. And for that matter Sir, this is the exercise that we are doing. Sir, another Act was mentioned by Jaswant Singhji. And that is the Anti-terrorist Act. Sir, every hon. Member knows that this Anti-terrorist Act can be applied only after we catch the terrorists. After we catch the terrorists, what is the logical follow up? FIR has to be registered. Information has to be collected. They have to be prosecuted. But, Sir unfortunately, this experience of ours in Punjab is contrary to what should have happened. Nobody comes forward what to speak of FIRs. If a terrorist enters a village, those hon. Members who have gone to Punjab during these

days will bear with me, there is nobody in the whole village who will point a finger that somebody entered from this end and went to that end. The people are so much afraid. And, Sir, often it has been found that the law enforcing authorities also failed to do their duties properly. Therefore, this Anti-terrorist Act can also be implemented only if there is a political will and if the authorities are ready to operate without any hindrance, without any political interference. Sir, may I bring to the memory of this august House what happened when we were trying to demolish the hideouts of the terrorists in one of the most dangerous areas in Punjab that is called Mand? What happened. Half of the Cabinet of the present State Government issued statements against this operation which was to protect the country from these terrorists, the dreaded terrorists. What will happen? Sir, it was ridiculed. The Chief of the Police was ridiculed himself personally, by no less a person than a Cabinet Minister. Sir, are these the things Jaswant Singhji thinks will help the law enforcing agencies in strictly enforcing the laws which we have given to them. Sir, these are the difficulties. I do not want to take more time of the House..

MR. CHAIRMAN: I think you can move the amendment.

SHRI PARVATHANENI UPENDRA: Sir, I am on a point of order.

SHRI BUTA SINGH: There is no point of order. I have not concluded. I am still at it. (Interruptions)

MR. CHAIRMAN: It must be strictly a point of order.

SHRI PARVATHANENI UPENDRA: Just now the Home Minister has said that the Anti-terrorist and disruptive Activities Act can be applied only after the terrorists are caught. It is not correct. There are 36 situations in which the Government can act and also section 18 of that Act

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gives the power of the Central Government to take over the powers of the State in certain circumstances. Yesterday, I referred in my speech to all those items. Why was not that Act implemented? Why are not the Rules under it framed even till today? And why that Act has not been applied so far.

MR. CHAIRMAN: There is no point of order. But there is some substance in what you said.

SHRI BUTA SINGH: So, Sir, another Act was also mentioned, namely, the National Security Act. There also the same thing. Whenever the authorities point out to the district authorities, the police authorities, that so and so is wanted under NSA, before any action is taken, there is a telephone call from somebody up there, don't touch that man, he is an active member. How does this august House expect us to operate under these circumstances?

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh): A member of Cong (I).

SHRI BUTA SINGH: I leave it to the Hon. Member to find out from his counterparts in the BJP there and they will tell him who are these active members and whom they belong to.

Now, Sir, under these very, very difficult situations we have been helping Shri Barnalaji and his Government and we propose to extend that help. Now, Sir, it was said that Barnalaji has asked for more vehicles. I am sorry, I have to share with the House some of my own experiences. Something happens in Amritsar the Home Minister has to go and only then the Chief Minister will come. Something happened in Muktsar. I have to suggest that kindly extend the same arrangements for Gurdaspur and Amritsar we had up to Gan-

ganagar border because now the terrorists are completely shaken. They have been defeated in that sector. Why not you take the whole thing across the border all over Punjab? Then this demand came. (Interruptions) Please, please, kindly let me conclude. Why are you unnecessarily...

SARDAR JAGJIT SINGH AURORA (Punjab): I think it is totally wrong to make such a statement when Barnalaji is not here.

MR. CHAIRMAN: There is no point in going on making comments all along the speech. Let the Minister make whatever his point of view is and you have the option to accept it or ... (Interruptions)

SHRI BUTA SINGH: Sir, invariably every hon. Member who spoke from that side mentioned the name of Shri Barnalaji and what I am mentioning is in the context of the things of which I have the personal responsibility. I am not saying anything derogatory or unparliamentary to Shri Barnalaji (Interruptions). Sir, we are working in close cooperation. (Interruptions).

MR. CHAIRMAN: I will go into the record and if I find anything unparliamentary or even if there is any thing derogatory to the Chief Minister, I will expunge it from the record.

SHRI BUTA SINGH: Now, Sir, the thing that I mentioned is that this article 249 does not give us these sweeping powers to which a mention was made or which was made out of it by the hon. leaders of the Opposition. It will be limited to the entries specified here in this Resolution and the follow up will be in the Bill. For all other laws, municipal laws, co-operative laws, revenue laws, panchayat laws and whatever the State Government is doing at the moment, that will continue to be under the State Government. Only for the entries that have been specified in the Resolution there will be arrangement by the Government of India to see that this particular menace

under the given heads mentioned in the Resolution are taken care of by the Government of India. There also, I do not know why some hon. Members took exception to my saying that it will be "in cooperation with the State". What is wrong? If I were to operate in an area, in a part of the State, how can I do so without the cooperation of the State Government? I will continue my endeavour with the Punjab Government, with Jammu and Kashmir Government, with Rajasthan Government with Gujarat Government, wherever the Resolution will be applied. It will be with the cooperation of the State Government and only then will we be able to succeed in those areas. It will be only for a specific purpose, for specific matters that the Centre is going to take the responsibility. All other matters of normal governance of day-to-day in those areas will continue to be with the concerned Government. Therefore, I do not see any reason other than what I mentioned, which I shall not repeat here, because the hon. Members are so touchy about it. They are applying different standards here and different standards in the meeting with the Prime Minister, different standards while addressing.... (*Interruptions*) and different standards while communicating to the Chief Minister of the States. When we are addressing ourselves to the national cause, when we are trying to mop up every resource to save the country, there should be complete honesty. Only then can we succeed and it is in this spirit that I am sure the House would give its unanimous approval to this Resolution. Sir, I have to move an amendment which was also discussed with the hon. Leaders of Opposition. I move:

"That the following paragraph be added before the opening paragraph of the Resolution, namely:—

'Whereas the situation in Punjab and other areas in the North-West borders of India has become extremely grave due to

infiltration from across the North Western borders and unabated terrorist activities in the border areas'."

The question was proposed

SHRI PARVATHANENI UPENDRA:
Sir, yesterday I raised a Constitutional point which the hon. Minister has not replied. We have this Resolution under article 249 and the Resolution empowers Parliament to legislate on certain subjects included in the State List. The words are to legislate' and I raise the point that after the legislation is passed by Parliament who is going to execute that, who is the executing authority, because if article 356 is invoked, the Centre will impose the President's Rule and the Governor, as the representative of the President of India, will be the executing authority. But in this case when the responsibility for a part of the State is taken by the Centre who is going to be the executing authority? Executive authority can be given to Centre 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." So, only under article 258A the State can give executive powers to the Centre. And the Centre cannot assume executive powers in a part of the State without invoking article 356. In this case how will article 249 give powers to the Centre to be the executive authority, and if they want the State Government to execute these powers, in what way the situation is different? And how that situation will be different from today when you are giving directions to the State and asking it to execute the powers? Tomorrow also if you ask the State Government to execute these powers, in what way the situation will be different?

SHRI BUTA SINGH: Sir, do you want me to reply to this? If you want to hear the Law Minister, ...

MR. CHAIRMAN: The point which Mr. Upendra has raised is who is going to be the executing authority under this provision.

SHRI BUTA SINGH: I will give a one word reply. The Bill which will be moved will take care of all this.

SHRI M. S. GURUPADASWAMY (Karnataka): Sir I would like you to go through the article, article 249, carefully.

MR. CHAIRMAN: I know it by heart now.

SHRI M. S. GURUPADASWAMY: Article 249 has two parts. The first part deals with Resolution, the Resolution that is to be passed by the Council of States in respect of matters enumerated in the State List which are meant to be taken over. The second part refers to the Bills that are to be brought forward under the Resolution. The second part gives powers to Parliament to legislate. The first part deals with two-thirds majority required to pass the Resolution because this is a sort of a Constitutional requirement. The second part deals with legislation which requires only a simple majority. Sir, yesterday I pointed out that there is a dichotomy in the article itself. Sir, the Home Minister has brought forward an amendment to the Resolution.

SHRI N. K. P. SALVE (Maharashtra): This will not form part of the operative portion of the Resolution.

MR. CHAIRMAN: Why do you disturb him?

SHRI M. S. GURUPADASWAMY: Mr. Buta Singh has brought forward an amendment to his own Resolution. He treats it as a Preamble to the Resolution.

The Preamble is not contemplated in article 249. The so-called Preamble forms part and parcel of the Resolution itself. The Resolution has to deal only with matters, issues; it cannot deal with areas, States etc. This can be dealt with only by a Bill. May I read article 249 for the benefit of the House? The first part of article 249 says:

"Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force."

Therefore, Sir, it is very clear that the first part of article 249 deals only with resolution. It can deal with issues, subject-matters which come under the State List. The second part, legislation can refer to areas, parts of territories, as the case may be. The amendment moved by my friend Mr. Buta Singh, refers to areas, parts of territories, which should come under the second part of article 249 and it requires only a simple majority. Therefore, Sir, the amendment is *ultra vires* of this provision and it is superfluous. The so-called Preamble which he has brought forward cannot be treated as a Preamble. It cannot form part of the Resolution. Therefore, Sir, it cannot be accepted; it cannot be valid.

SHRI PARVATHANENI UPENDRA: Sir, one more point I would like to add. This cannot be accepted in the sense it precludes Parliament as a whole from deciding which part of the territory should be included in the Bill. It is the privilege of Parliament as a whole and not the Rajya Sabha alone to decide which part

which State, should be covered by the Resolution. Therefore, this cannot be included as part of the Resolution. He can use any words but this amendment is illegal and invalid. (*Interruptions*).

MR. CHAIRMAN: It is not necessary. I will give chance only to two or three Members.

SHRI DIPEN GHOSH: Mr. Chairman. Sir, the Home Minister, Mr. Buta Singh, seems to be himself confused and he appears to be an expert also to confuse others. So, I have a very limited choice of seeking clarifications from a confused Minister like Shri Buta Singh. Before seeking a clarification from a confused Minister I have to clear my own confusion. Anyway, I am left with a limited choice.

Sir, when I spoke yesterday on this Resolution, I opposed the invoking of power by the Centre under article 249 on two specific aspects. One was from the point of view of Centre-State relationship according to which I thought it invades the State List, it makes inroads in the State autonomy, it militates against federalism. On this ground I still oppose the Resolution. I oppose the very idea of assuming power by the Centre under article 249 on two specific aspects. One was amended form.

Secondly, Sir, at that time this amendment was not there and in fact, I was trying to assume certain things but certain learned Members from that side interrupted me and advised me not to read between the lines. At that time even the Minister himself asked me not to read between the lines. But now, with this amendment I was trying to assume certain things the lines. The purpose or the intention of bringing forward this Resolution has been made clear by this amendment. That is all right.

But my question about the preamble is this. I am not going to raise the question that Mr. Gurupadaswamy has raised.

SHRI MURLIDHAR CHANDRA KANT BHANDARE (Maharashtra): You are confusing everyone now.

SHRI DIPEN GHOSH: If your Minister has the right to confuse me, at least allow me to share his right to confuse you. (*Interruptions*). Just listen, I know that.

SHRI BUTA SINGH: After hearing him my confusion has been further confounded.

SHRI DIPEN GHOSH: My first question is whether by incorporating this first paragraph as amendment to the main Resolution it will prevent the Centre from making laws on subjects mentioned in the body of the Resolution in respect of any other part of the country during the next one year after it is passed. This is my specific question because the question of supporting or opposing this Resolution, as amended, will depend upon his reply to this question. This is my first question. Does incorporation of this first paragraph prevent the Centre from making laws under article 249 for any other part of the country during the next one year after passing this Resolution. (*Interruptions*)

Secondly, Sir, when Mr. Buta Singh ... (*Interruptions*).

MR. CHAIRMAN: You talk to me.

SHRI DIPEN GHOSH: I am drawing his attention but he is exchanging pleasantries with Dr. Najma Heptulla. I do not know what it is all about. (*Interruptions*).

Now, Sir, while I was listening to Mr. Buta Singh's reply, he said that the Resolution which he has moved is a limited measure, for a limited purpose. I noted it down. But the way he narrated the situation in Punjab without naming Punjab but meaning Punjab, the way he was narrating the incidents that have been taking place and the situation that is obtaining in Punjab today, my second question is: does the limited measure for

[Shri Dipen Ghosh]

those subjects mentioned in the body a limited purpose help the Government at the Centre anyway to deal with the situation as he was narrating just now while replying to the debate.

MR. CHAIRMAN : I think, Dipen, you have made your point.

SHRI DIPEN GHOSH : My third point...

MR. CHAIRMAN : Now you are reopening the whole thing.

SHRI DIPEN GHOSH: Not reopening.

MR. CHAIRMAN : You raised these very points and now you are raising them again. All right, I give you two minutes.

SHRI DIPEN GHOSH : Because, Sir, as I could understand he has sought our support; that is why I want to have certain clarifications. Lastly, Sir, he seeks to take this power or assume this power under Art. 249 to tackle a situation in a given condition which he has narrated just now. Now, Sir, the whole moot question is whether by taking this powers, assuming this power and using this power by making or enacting a law later, it will create more problems than solving them. That he must reply.

MR. CHAIRMAN: All right, all of you, please hear me. One question about the *ultra vires* of this amendment has been raised by Mr. Gurupadaswamy and Mr. Upendra. The House knows very well that the Chair does not decide on the vires or *ultra vires* of any particular amendment. It is a matter for the courts. And therefore on this point a ruling will not be given that it is vires or *ultra vires*. (Interruptions) There is no question of explanation.

SHRI PARVATHANENI UPENDRA: Whether you can assume more powers than we are giving.

MR. CHAIRMAN: That is on merits; that is not on jurisdiction. It is a question of jurisdiction. On the question of jurisdiction, I make it clear that so far as the Chair is concerned, it will not and it cannot rule on the vires or *ultra vires* of a particular amendment.

SHRI PARVATHANENI UPENDRA: Can we do more than we are expected to do?

MR. CHAIRMAN : Yes, you have the right to challenge it in the court later.

SHRI M. S. GURUPADASWAMY : There is a patent error.

MR. CHAIRMAN: I may be a lawyer, but sitting here I am only a layman.

SHRI NIRMAL CHATTERJEE (West Bengal) : But the Minister does owe a reply. He must agreeing understanding. While agreeing with with your ruling.

MR. CHAIRMAN : I am only dealing one by one. I have a little more systematic mind.

The first point I have disposed of.

The second point is on the merits which Dipen has raised: number one, whether this legislation or proposed legislation will carry out; the object which you have; number two, whether this particular legislation which you want to bring forward will comprise other items relating to other items relating to other parts of the country also. There are the two points. Yes, Mr. Advani.

SHRI LAL K. ADVANI (Maharashtra) : Mr Chairman, Sir, so far as the point of *ultra vires* that has been raised is concerned, as Chairman you have already ruled that the Chairman you have already ruled that the Chair in these matters does not rule upon the vires of a particular amendment or a particular law. But, Sir, this is a very important debate and

at the tag end of the debate the Home Minister who moved the Resolution brought in an amendment which the House, if it decides in its wisdom, by two-thirds majority will adopt. I think it would be in fairness to the House if I mention, very briefly, that this particular amendment has its genesis in the second meeting between the Government and the Opposition in which the Attorney-General also was present. The point that has been raised by Mr. Gurupadaswamy was that article 249 has two parts—one relating to the power of the Rajya Sabha to pass a Resolution and identify the subjects, and the other relating to the power of Parliament, meaning both Houses of Parliament, along with the President, to indicate whether that particular law that is going to be framed will apply to the whole country or to part of the country. Now, Sir, as a participant in the discussions between the Opposition and the Government, I found that even though I was broadly in agreement with the Resolution, certain misgivings were expressed, the first misgiving which related to the autonomy of Punjab and the second misgiving which related to the fact that the Central Government was acquiring powers which were not necessary, which were needed only in a limited context but it was acquiring them in a manner which could bring in, in the entire compass, all the States in the country. Now, I for one feel that autonomy of a State is important but national security and national integrity are far more important and, therefore, my Party felt that in the grave situation which obtains in Punjab today, certain drastic measures are necessary—not that the measures that have been provided to the Central Government and the State Government have been rightly and effectively used. I have my misgivings on that score which I have expressed again and again in this House, but if the Government comes to the House and says “We want to amend the Constitution in order to mend that particular situation and we want to create a protective belt” and when it discusses

with the Opposition the Opposition tells it “Why are you amending the whole Constitution for that purpose when there is already a provision in the Constitution which you could invoke for that purpose? Why not invoke that? The Opposition may not have committed itself entirely at that stage, but the suggestion was given, and following that suggestion the Government moves in a certain direction, prepares a Bill and comes forth again to discuss it. And on that occasion both reservations are expressed. I felt that so far as the reservation that the Government wants to acquire more and more powers—not merely for the Punjab situation but for the whole country in order to encroach and erode the legitimate authority of the States—is concerned, this particular misgiving must be removed positively. It was therefore that my Party suggested that in the Resolution itself this should be brought in, that it should not be left to the Bill or the law that is to be passed subsequently. Then it was pointed out that legal niceties prevent us from incorporating it in the Resolution and saying that these laws shall apply only to Punjab or only to Punjab and Jammu and Kashmir. My leader here has formally moved an amendment in that regard that such laws will not apply to any other State but Punjab and Jammu and Kashmir. It is in pursuance of this that it was suggested by us, that if we cannot so limit the authority of Parliament but we can certainly indicate why the Council of States is invoking article 249. For the first time in its history if it is invoking article 249, it can certainly give the rationale. The rationale can come in the form of this amendment. And it is this amendment that was suggested. It was found acceptable by the Government and I am very happy that it has accepted it. All that I would like to say is that now the country looks forward to the Government being able to deliver the goods. This is important.

Further, Sir—only one last point I have to make—article 249 is being in-

[Shri Lal K. Advani]

voked by this House and we are going to take a decision right now. In this matter the Punjab Government has expressed reservations; it has publicly expressed reservations. Notwithstanding that, we in our judgement are going to take a decision but, hereafter there is going to be a law, a Bill, and the Home Minister has said in his speech here today that he is committed to discussing the matter with the Opposition before introducing the Bill in this House. I would like to take this opportunity to say that just as he is going to discuss this with the Opposition in Parliament and then introduce the Bill, it would be in the fitness of things if the four States on the North-Western border, namely, Jammu and Kashmir, Punjab, Rajasthan and Gujarat are also consulted. They cannot have the veto, they cannot have the last word. The last word will be with Parliament, with the two Houses of Parliament. Just as we in the Opposition make a suggestion and it is not necessary that the Government accepts it. Now that the House has been extended and we are sitting the next week, let there be no hurry about the whole thing. Let it not be hurried. Just as you are going to have a round of discussions with the Opposition, similarly have a round of discussions about the Bill itself with the States on the North-Western border and then come to this House with this Bill.

MR. CHAIRMAN : I shall now put the first amendment by Shri Atal Bihari Vajpayee.

SHRI DIPEN GHOSH : Sir, I have not got reply to the point which you put before the Home Minister.

MR. CHAIRMAN : You are a senior parliamentarian. If the Government has not replied, there is no reply. Please sit down.

SHRI ATAL BIHARI VAJPAYEE: As our suggestion has been incorporated in the preamble, we are not pressing the amendment.

The amendment was, by leave withdrawn

SHRI BUTA SINGH: Sir, with your permission I move:

"That the following paragraph be added before the opening paragraph of the Resolution, namely:--

'Whereas the situation in Punjab and other areas in the North West borders of India has become extremely grave due to infiltration from across the North-Western borders and unabated terrorist activities in the border areas.'

SHRI PARVATHANENI UPENDRA : I may also be allowed to speak. My amendment is first.

SHRI J. P. GOYAL (Uttar Pradesh): The BJP, the CPM have been allowed, and my party is being ignored. *(Interruptions)*

MR. CHAIRMAN: Mr. Upendra, you please hear me. Generally the Government amendment is put. If it is carried others will fall by the way. That is why I took it. It is a well known procedure in Parliament.

SHRI PARVATHANENI UPENDRA : I want to complete what Mr. Advani said

SOME HON. MEMBERS : No.

SHRI A. G. KULKARNI: I am not allowed. You are allowing others. I request you to allow me to say something. *(Interruptions)*

MR. CHAIRMAN: Everybody cannot speak. It is not possible. We are now in the state of moving the amendment. Mr. Upendra will move his amendment and make his speech on the amendment. Nothing else will go on record.

*For text of amendment, vide col. of the Debate dated the 12th August, 1986.

SHRI PARVATHANENI UPENDRA :
I moved this amendment formally yesterday, and I commend it to the House to accept it in all fairness and in the interest of the nation. It reads:

"Provided that a Bill in respect of any States, pursuance of this Resolution shall not be introduced in either House of Parliament unless the Legislative Assembly of that State in exceptional circumstances and in the national interest..."

(Interruptions) What is this, Sir?

When you vote, you vote as you like.

MR. CHAIRMAN : Mr. Upendra, please hear. You will say, "more time" by allowing anybody to say anything than by objecting. Therefore, as a matter of convenience of Members... (Interruptions) What does it matter?

**SHRI SATYA PRAKASH MALA-
VIYA :** Sit down. Chairman is on his legs.

MR. CHAIRMAN : We have wasted so much time. If you had allowed Mr. Upendra to say whatever he wanted to, he would have finished by this time. I would request all of you not to disturb any speaker.

SHRI PARVATHANENI UPENDRA :
"...passes a Resolution in support of the proposed Bill by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting."

Sir, the reasons which prompted me to propose this amendment... (Interruptions) Will you please allow me to speak? You are ready to vote as you like. Why obstruct me? Let me say.

MR. CHAIRMAN : I request all Members to observe silence. The Member who is on his legs, has a right to speak. Whether it is relevant

or not relevant I have to decide. You cannot interfere.

SHRI PARVATHANENI UPENDRA :
In exceptional circumstances, in the national interest, if something has to be done, why should we presume that the State Government or the people running the State Government are not guided by the same spirit of patriotism and national interest? This first presumption is as if the whole patriotism or national interest or consideration of national interest is concentrated in the Parliament or in the Central Government. It is not correct. The people running the State Government are equally interested in promoting the interest of national unity and integrity. Therefore, it is very essential to take the State into confidence. Tell them what is being done and why it is being done. It is unfortunate that a Resolution like this and the legislation to follow have not been even communicated to the most affected Chief Minister the Chief Minister of Punjab. We are shocked to learn that the Home Minister or the Prime Minister or anybody from the Government of India has not taken the Chief Minister into confidence; and the Chief Minister has to read the text of the Resolution in the newspapers and in the Parliamentary papers circulated to his Members of Parliament. This is unfair and we are objecting to this very attitude, this attitude of authoritarianism which is being displayed by the Central Government and the ruling party at the Centre. If you allow these things, delicate relations between the Centre and the State will be disturbed. Tomorrow you have to do so many things. After passing this Resolution, in accordance with this you will bring forward a Bill. Then you will take a decision what part of the State is to be in your control. Can you control the situation without the cooperation of the people of that area and without the cooperation of the State Government? Come on, you tell us that you do not require the State Government's cooperation. How can you

[Shri Parvathaneni Upendra]

execute these laws without the co-operation of the State Government there? That is why it is very essential to have cooperative relations between the Centre and the States. It is a very dangerous trend to ignore the sentiments of the State Government. Heavens would not fall if you do not assume these powers. Even yesterday I said that. You give the guidelines to the State Government as to what they should do in a particular situation. If the State Government violates the guidelines and if it does not execute your orders, we are here to support you in every action that you take against the State Government. Why can't you accept that? Why don't you take recourse to Articles 256 and 257 to do these things? There are general provisions for you to give guidelines to the State Governments under Article 256 and Article 257. And if the State Government refuses to abide by your directives, you have ample powers under Article 365 to take action against the State Government. And you have not exhausted that provision and straightaway you are going to take over the control of a part of the State. That is indirectly imposing the President's Rule or emergency without calling it so. It is unfair and is a bad precedent. Therefore, I again request that my amendment be accepted. Heavens would not fall, if you ask the State Legislature also to pass a resolution in support of your Resolution. Therefore, Sir, I request the House to accept this amendment in the interest of harmonious Centre-State relations.

MR. CHAIRMAN: The question is:

"That at the end of the Resolution, the following be added, namely:—

"Provided that a Bill in respect of any State, in pursuance of this Resolution shall not be introduced in either House of Parliament unless the Legislative As-

sembly of that State, in exceptional circumstances and in the national interest, passes a Resolution in support of the proposed Bill by a majority of the total membership of the Assembly and by a majority of not less than two third of the members of the Assembly present and voting."

The House divided.

MR. CHAIRMAN: Ayes: 44

Noes: 160

Ayes—44

Ajit Singh, Shri
Aurora, Sardar Jagjit Singh
Baby, Shri M. A.
Balu, Shri T. R.
Barman, Shri Debendra Nath
Basu, Shri Chitta
Bhattacharjee, Shri Nepaldev
Bhuyan, Shri Gaya Chand
Chakravarty, Shrimati Bijoya
Chatterjee, Shri Nirmal
Chowdhury, Shrimati Renuka
Ghosh, Shri Dipen
Ghosh, Shri Shantimoy
Gowda, Shri D. B. Chandra
Gowda, Shri K. G. Thimme
Goyal, Shri J. P.
Gurupadaswamy, Shri M. S.
Kaldate, Dr. Bapu
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan
Kushawaha, Shri Ram Naresh
Lakshman, Prof. C.
Maheswarappa, Shri K. G.
Mahishi, Dr. (Shrimati) Sarojini
Malaviya, Shri Satya Prakash
Masood, Shri Rasheed
Mohanan, Shri K.
Mukherjee, Shrimati Kanak
Naik, Shri R. S.
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin.

Radhakrishnan, Shri Puttapaga
 Rao, Shri Yalla Sesi Bhushana
 Reddy, Shri B. Satyanarayan
 Reddy, Shri P. Babul
 Reddy, Dr. G. Vijaya Mohan
 Saikia, Shri Nagen
 Sen, Shri Sukoma
 Singh, Shri Ram Awadesh
 Talari Manohar, Shri
 Upendra, Shri Parvathaneni
 Verma, Shri Ashok Nath
 Verma, Shri Virendra
 Yadav, Shri Sharad

Noes—160

Abdi, Shri Hashim Raza Allahabadi
 Ahluwalia, Shri S. S.
 Alad Aruna, Shri alias V. Aruna-
 chalam
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Amla, Shri Tirath Ram
 Amrita Pritam, Shrimati
 Anand Sharma, Shri
 Ansari, Shri Hayat Ulla
 Antony, Shri A. K.
 Arun Singh, Shri
 Bagrodia, Shri Santosh
 Banamali Babu, Shri
 Bansal, Shri Pawan Kumar
 Basumatari, Shri Dharanidhar
 Bhajan Lal, Shri
 Bhandare, Shri Murlidhar Chandrakant
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shrimati Ela Ramesh
 Bhattacharjee, Shri Kamalendu
 Bhim Raj, Shri
 Birla, Shri Krishna Kumar
 Chaturvedi, Shri Bhuvnesh
 Chowdhary Ram Sewak
 Darbara Singh, Shri
 Deori, Shrimati Omem Mayong
 Desai, Shri Jagesh

Dhusiya, Shri Sohan Lal
 Faguni Ram, Shri
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusum, Shri
 Ghan Shyam Singh, Shri
 Gopalan, Shri R. T.
 Gupta, Shri Vishwa Bandhu
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Heptulla, Dr. (Shrimati) Najma
 Husain, Shri M. F.
 Islam, Shri Baharul
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jha, Shri Lakshmi Kant
 Jogi, Shri Ajit P. K.
 John, Shri Valampuri
 Joshi, Shri Krishna Nand
 Joshi, Shrimati Sudha Vijay
 Kadharsha, Shri M.
 Kakodkar, Shri Purushottam
 Kalita, Shri Bhubaneswar
 Kamble, Prof. N. M.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Kaushik, Shri M. P.
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Koya, Shri B. V. Abdulla
 Kushnoor, Shri Veershetty Moglappa
 Lakshmi Narain, Shri
 Mahendra Prasad, Shri
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Makwana, Shri Yogendra
 Malaviya, Shri Radhakishan
 Malik, Shri Mukhtiar Singh
 Malik, Shri Satya Pal
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji

Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mehta, Shri Kishor
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mittal, Shri Sat Paul
 Mohapatra, Shri Basudeb
 Mohanty, Shri Subas
 Moopanar, Shri G. K.
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Narayan, Shri R. K.
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Palaniyandi, Shri M.
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panicker, Shri K. Vasudeva
 Panwar, Shri B. L.
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Patil, Shrimati Pratibha Devisingh
 Patil, Shrimati Suryakanta Jayawant Rao
 Pattanaik, Shri Sunil Kumar
 Prasad, Shri K. L. N.
 Puglia, Shri Naresh C.
 Rafique Alam, Shri
 Rai, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramamurthy, Shri Thindivanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof. B. Ramachandra
 Rao, Shri R. Sambasiva
 Ratan Kumari, Shrimati
 Rathvekoli, Shri Ramsinghbhai Pat-
 taliyabhai
 Ravi Shankar, Pt.
 Ray, Shri Deba Prasad
 Rayka, Shri Sagar

Reddy, Shri T. Chandrasekhar
 Reddy, Shri Adinarayana
 Richharia, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lal, Shri
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Sambasivam, Shri Era
 Saring, Shri Leonard Solomon
 Sema, Shri Hokishe
 Sharma, Shri A. P.
 Sharma, Shri Chandan
 Sharma, Dr. H. P.
 Sharma, Shri Satish Kumar
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Thakur Kamakhya Prasad
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Shri Vishvijit Prithvijit
 Singh, Shri Vishwanath Pratap
 Sukdhev Prasad, Shri
 Sukul, Shri P. N.
 Surendra Singh, Shri
 Swaminathan, Shri G.
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur Jagatpal Singh
 Thakur, Shri Rameshwar
 Thakur, Shri Surendra Singh
 Thangabaalu, Shri
 Tiria, Kumari Sushila
 Tiwari, Shri Narayan Datt
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti
 Vaduthala, Shri T. K. C.
 Valiullah, Shri Raoof
 Varadaraj, Shri G.
 Verma, Shri Kapil
 Verma, Shrimati Veena

Vikal, Shri Ram Chandra

Vincent, Shri M.

Yadav, Shri Ramanand

The motion was negatived.

MR. CHAIRMAN: Now I shall put the amendment of Shri Buta Singh to vote. The question is:

"That the following paragraph be added before the opening paragraph of the Resolution, namely:—

"Whereas the situation in Punjab and other areas in the North-West borders of India has become extremely grave due to infiltration from across the North-Western borders and unabated terrorist activities in the border areas."

The motion was adopted.

MR. CHAIRMAN: Now I shall put the amended Resolution to vote. The question is:

"Whereas the situation in Punjab and other areas in the North-West borders of India has become extremely grave due to infiltration from across the North-Western borders and unabated terrorist activities in the border areas;

This House, therefore, do resolve, in pursuance of Article 249 of the Constitution, that it is necessary in the national interest that Parliament should, for a period of one year from 12th August, 1986, make laws with respect to the following matters, namely:—

Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power) [Entry 1 of List II—State List].

Police (including railway and village police) subject to the provisions of entry 2A of List 1 [Entry 2 of List II—State List];

Prisons, reformatories, Borstal institutions and other institutions of a like nature, and person detained therein; arrangements with other States for the use of prisons and other institutions [Entry 4 of List II—State List];

Offences against laws with respect to any of the matters in this List [Entry 64 of List II—State List];

Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List [Entry 65 of List II—State List];

Fees in respect of any of the matters in this List, but not including fees taken in any court [Entry 66 of List II—State List]"

The House divided.

MR. CHAIRMAN. Ayes: 171

Noes : 48

Ayes—171

Abdi, Shri Hashim Raza Allahabadi

Advani, Shri Lal K.

Ahluwalia, Shri S. S.

Aladi Aruna, Shri alias V. Arunachalam

Alva, Shrimati Margaret

Amarjit Kaur, Shrimati

Amla, Shri Tirth Ram

Amrita Latham, Shrimati

Anand Sharma, Shri

Ansari, Shri Hayat Ulla

Antony, Shri A. K.

Arun Singh, Shri

Ashwani Kumar, Shri

Bagrodia, Shri Santosh

Banama's Babu, Shri

Bansal, Shri Pawan Kumar

Basumatari, Shri Dharanidhar

Bhajan Lal, Shri

Bhandare, Shri Murlidhar Chandrakant

Bhardwaj, Shri Hansraj

Bhatia, Shri Madan

Bhatt, Shrimati Ela Ramesh
Bhattacharya, Shri Mamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chaturvedi, Shri Bhuvnesh
Chowdhary Ram Sewak
Darbara Singh, Shri
Deori, Shrimati Omen Moyong
Desai, Shri Jagesh
Dhusiya, Shri Soban Lal
Faguni Ram, Shri
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Gopalan, Shri K.
Gopalan, Shri R. T.
Gupta, Shri Vishwa Bandhu
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Heptulla, Dr. (Shrimati) Najma
Husain, Shri M. F.
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jani, Shri Jagadish
Jaswant Singh, Shri
Jha, Shri Lakshmi Kant
Jogi, Shri Ajit P. K.
John, Shri Valampuri
Joshi, Shri Krishna Nand
Joshn, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kakedkar, Shri Purushottam
Kaita, Shri Bhuvaneshwar
Kalmadi, Shri Suresh
Kamble, Prof. N. M.
Kar Shri Ghulam Rasool
Kaul, Shrimati Krishna
Kaushik, Shri M. P.
Khaparde, Miss Saroj
Khatun, Kumari Sayoda
Kidwai, Dr. Mohd. Hashim
Koya, Shri B. V. Abdulla

Ku'karni, Shri A. G.
Kushnoor, Shri Veershetty Mgotappe
Laxmi Narain, Shri
Mahajan, Shri Pramod
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Masodker, Shri Bhaskar Annaji
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mehta, Shri Kishor
Mishra Shri Kailash Pati
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mittal, Shri Sat Paul
Mohapatra, Shri Basudeb
Mohanty, Shri Subas
Moopnar, Shri G. K.
Naik, Shri G. Swamy
Nalwa, Shri Hari Singh
Narayan, Shri R. K.
Narayanasaamy, Shri V.
Natarajan, Shrimati Jayanthi
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnaka.
Panicker, Shri K. Vasudeva
Panwar, Shri B. L.
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Patil, Shrimati Pratibha Devising
Patil, Shrimati Suryakanta Jaagywantrao
Pattanaik, Shri Sunil Kumar
Prasad, Shri K. L. N.
Pugulia, Shri Naresh C.
Rafique Alam, Shri
Raj, Shri Kalpnath

Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramamurthy, Shri Thindivanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof B. Ramachandra
 Rai, Shri R. Sambasiva
 Ratan Kumari, Shrimati
 Rathyakoli, Shri Ramsinghbhai Pataliya-
 bhai
 Ravi Shankar, Pt.
 Ray, Shri Deba Prasad
 Rayka, Shri Sagar
 Reddy, Shri Adinarayana
 Reddy, Shri T. Chandrasekhar
 Richharia, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lal, Shri
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Sambasivam, Shri Era
 Saring, Shri Leonard Solomon
 Scindia, Shrimati Vijaya Raje
 Sema, Shri Hokishe
 Sharma, Shri A. P.
 Sharma, Shri Chandan
 Sharma, Dr. H. P.
 Sharma, Shri Satish Kumar
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhandra Pratap
 Singh, Thakur Kamakhya Prasad
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Shri Vishvijit Prithvijit
 Singh, Shri Vishwanath Pratap
 Sukhdev Prasad, Shri
 Sukul, Shri P. N.
 Surender Singh, Shri
 Swaminathan, Shri G.
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur Jagatpal Singh
 940 RS—8.

Thakur, Shri Rameshwar
 Thakur, Shri Sudrendra Singh
 Thangabalu, Shri
 Tjria, Kumari Sushila
 Tiwari, Shri Narayana Datt
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti
 Vaduthala, Shri T. K. C.
 Vajpayee, Shri Atal Bihari
 Valiullah, Shri Raoof
 Varadaraj, Shri G.
 Verma, Shri Kapil
 Verma, Shrimati Veena
 Vikal, Shri Ram Chandra
 Vincent, Shri M.
 Yadav, Shri Jagdambi Prasad
 Yadav, Shri Ramanand
 Ajit Singh, Shri
 Aurora, Sardar Jagjit Singh
 Bagrodia, Shri Santosh
 Baby, Shri M. A.
 Balaram, Shri N. E.
 Balu, Shri T. R.
 Barman, Shri Debenbra Nath
 Basu, Shri Chitta
 Bhattacharjee, Shri Nepaldev
 Bhuyan, Shri Gaya Chand
 Chakravarty, Shrimati Bijoya
 Chatterjee, Shri Nirmal
 Chowdhury, Shrimati Renuka
 Das Gupta, Shri Gurudas
 Ghosh, Shri Dipen
 Ghosh, Shri Shantimoy
 Gowda, Shri D. B. Chandra
 Gowda, Shri K. G. Thimme
 Goyal, Shri J. P.
 Gurupadaswamy, Shri M. S.
 Kaldate, Dr. Bapu
 Kalvala, Shri Prabhakar Rao
 Kar, Shri Narayan
 Kushawaha, Shri Ram Naresh
 Lakshman, Prof. C.
 Maheswarappa, Shri K. G.
 Mahishi, Dr. (Shrimati) Sarojini

Malaviya, Shri Satya Prakash
Masood, Shri Rasheed
Mishra, Shri Chaturanan
Mohan, Shri K.
Mukherjee, Shrimati Kanak
Naik, Shri R. S.
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan
Reddy, Shri P. Babul
Reddy, Dr. G. Vijaya Mohan
Saikia, Shri Nagen
Sen, Shri Sukomal
Singh, Shri Ram Awadesh
Suraj Prasad, Shri
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Verma, Shri Ashok Nath
Verma, Shri Virendra
Yadav, Shri Sharad

The resolution as amended, was carried by a majority of the total membership of the House and by a majority of not less than two thirds of the Members present and voting.

MR. CHAIRMAN: Now the House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at thirty-one minutes past one of the clock.

The House reassembled after Lunch at Thirty-two minutes past two of the clock.

Mr. Deputy Chairman in the Chair.

**CLARIFICATION ON THE STATE
MENT REGARDING THE ASSASSI-
NATION OF GENERAL A. S. VAIDYA,
RETIRED CHIEF OF ARMY STAFF**

MR. DEPUTY CHAIRMAN: Yes, Mr. Gurudas Das Gupta.

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, it is a matter of great pity and also a matter of unbelievable tragedy and also a matter of boundless shame that an obedient soldier has fallen a victim to the act of revenge by the terrorists and religious fanatics just because that man had carried out the Government orders or instructions or was instrumental in executing the operation known as the "Blue Star Operation".

Sir, I would like to State that a patriotic soldier could be assassinated because of the unpatriotic failure on the part of those on whom rested the responsibility of protecting that man. Sir, this only indicates the total collapse of the Intelligence system, not of a particular Government in a particular area, but of the Government of India as a whole.

Sir, there are some factors to be taken into consideration before we can frame the questions. The point is that there was a plan for murdering that gentleman and the plan was hatched long before and the plan was also intimated to the man who was the target and the police was also apprised that some such plan had been made and that Gen. Vaidya could be murdered. And, Sir, the murder was committed. May I draw your attention to one thing? The murder was committed, not in any border State, not in Delhi, but in Maharashtra where a Government rules having total harmony with the present rulers who rule from Delhi. Sir, this was an act of revenge and it only indicates that it is a case of rare calculation and boundless revenge on the part of those who have killed that man. Sir, I should say that the Government of India has lamentably proved unequal to the task. It is no match for the terrorists. May I tell the Home Minister, through you, that if some such incident had happened in that part of the world which we call western democracy, the man in-charge of the Home portfolio, not in the State where the murder had taken place, but the man who looks after the Home portfolio in the country, would have said 'good-bye' silently and would have gone out of the Government.