

[श्री कलाश पति मिश्र]

कहना पड़ता है कि दुर्भाग्य से उन्हीं का नाम उसमें जुड़ गया है। ग्वालियर रेलवे स्टेशन से सिधिया भवन तक एक रेलवे लाइन बिछाई गयी थी 1925 या 1923 में। बाद में जब सारे राज्य समाप्त हुए, राज्य की सम्पत्ति सरकार में चली गयी रेलवे ने समझा कि यह रेल लाइन हमारी सम्पत्ति है। धंधा चलता रहा। आज जो राज्य मंत्री हैं उनके मस्तिष्क में था कि यह उनकी पटरी है। उन्होंने 3900 फीट की वह रेल की पटरी शायद अपनी मानकर किसी एक अपने मित्र की मात्र 21 हजार रुपए लेकर बेच दी। रेलवे ने सोचा कि हमारी है, हमारी सम्पत्ति बेची गई। वह थाने में गए। मैं कोई न्यायाधीश नहीं हूँ, मैं कोई निर्णय देने के लिये तैयार नहीं हूँ कि वह रेलवे की सम्पत्ति है या किसी और की है। लेकिन वह कैसे चलता रहा। इस कैसे का समझौता कब हुआ? जब माधवराव जी सिधिया रेल मंत्री मंत्रालय में राज्य मंत्री के नाते काम करने लगे। मुझे लगता है कि यह ठीक नहीं है। आपका विभाग नहीं रहता, आप इस विभाग के राज्य मंत्री नहीं रहते, कोई और सरकार समझौता कर लेती तो कोई बात नहीं थी। लेकिन यह आक्षेप लग रहा है। मुझे दुख है, मैं आक्षेप नहीं लगाना चाहता हूँ, लेकिन आप कहें कि अपने उत्तर में वह इस मामले का सन्तोषजनक उत्तर देंगे तो मुझ बड़ी प्रसन्नता होगी। धन्यवाद।

MR. DEPUTY-CHAIRMAN: The House stands adjourned till 2.30 p.m.

The House adjourned for Lunch at forty two minutes past One of the Clock.

The House reassembled, after lunch, at thirty minutes past two of the clock, Mr. Chairman in the Chair.

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL) FOR THE YEAR 1985-86 (MARCH, 1986)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): Mr. Chairman, I beg to lay on the Table a statement (in English and Hindi) showing Supplementary Demands for Grants (General) for the year 1985-86 (March, 1986). Placed in Library. See No. Lt-2193[86]

STATEMENT BY MINISTER

Re. Developments that took place in Jammu and Kashmir on 7th March 1986

SHRI LAL K. ADVANI (Madhya Pradesh): Mr. Chairman, on a point of order. The Minister of Defence... (interruption) The Minister of Human Resource Development—I have been trying to think that so far as the subjects is concerned, it relates to Home, but so far as Mr. Narasimha Rao is concerned, he is getting attached to the image of Defence and the fact is that he is a Minister of Human Resource Development—is about to make a statement. I would like to know and I would like to have your ruling whether in a case of this kind it is not the duty of the Government to come before the House at the earliest and tell us what is happening. I would like to know whether this delay that has taken place is pardonable, because, after all, a constitutional crisis in Jammu and Kashmir warranting either Governor's rule or President's rule became evident the moment the Congress Party decided to withdraw their support from the G.M. Shah Government, and that was late on Thursday night. It was communicated to the Governor there; it came to be known to the Central Government here and on the basis of which obviously the Governor. . . .

MR. CHAIRMAN: Mr. Advani, I will give you time when you can ask for clarifications.

SHRI LAL K. ADVANI: No. Clarification would come on the basis of the statement where as this is a matter in which if you rule something. . . .

MR. CHAIRMAN: I will relax it and allow you to raise this.

SHRI LAL K. ADVANI: My point of order is more addressed to the Chairman rather than the Minister. So far as the clarifications are concerned, they are always addressed to the Minister and in this case even after the statement he has the right to clarify the Government's position. It is principally for you to take a decision as to whether this delay—after all, there is a great delay...

MR. CHAIRMAN: First of all, I must be satisfied that there was delay and in order to satisfy myself whether there was delay. I must hear the Minister. Therefore, I would think it is better you raise it at that time and I will give my ruling then.

SHRI LAL K. ADVANI: He can give a reply right now as to what exactly happened, whether it was not possible for the Government to come to this House on Friday itself. Is it true that only because the Prime Minister was not here, therefore all this happened? Is it true that the decision was taken first and the formalities, the modalities, worked out later? These are questions which perplexed us and you said there was likely to be a statement that evening which statement was not forthcoming. The Vice-Chairman and you permitted me to speak although my colleagues here also wanted to speak but the House adjourned abruptly. So this is the right time we seek clarifications.

MR. CHAIRMAN: I give the floor to Shri Narasimha Rao first to explain why there was delay, and secondly to make his statement.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P.V. NARASIMHA RAO): Mr. Chairman, I would like respectfully to submit to the House that Government is coming to the House, to Parliament, at the earliest possible moment after the decision was taken. I may explain in this connection that whatever Mr. Advani's information might be, whatever private information people might have, the first communication expressing an intention to make a proclamation by

the Governor came on the 7th in the forenoon; the actual draft of the proclamation was received in the afternoon. After it was received, it had to go to the Law Ministry for scrutiny because, as you are aware, the proclamation intends to suspend a large number of provisions of the Constitution of the Jammu and Kashmir State. Therefore, each provision had to be gone into and naturally that took time and then it was put up to the Home Minister. Then the Home Minister had to ask for a Cabinet meeting which was called. The Cabinet actually was sitting with the hope that it would be possible for it to be able to make a statement that very evening while the Houses were in Session. It so happened that after the Cabinet decided to recommend to the President...

SHRI M. S. GURUPADASWAMY (Karnataka): When did the Cabinet meet?

SHRI P. V. NARASIMHA RAO: At 5 O'clock. Right from 5 O'clock onwards, the Cabinet went into the whole thing. After the Cabinet went into the whole thing, it recommended it to the President. Even at the last moment, as a photo-finish, we wanted to be able to make the statement. But it so happened that by the time the President signed, the House had risen, Sir. So, there is no question either of any disrespect or any avoidable delay.

Now, Sir, after this explanation, I would proceed to make the statement.

Sir,

I rise to inform the House that on March 7, the President of India received a report from Shri Jagmohan, Governor of Jammu & Kashmir, informing of certain political developments in the State whereby the Government of Shri G. M. Shah was reduced to utter minority. The Governor also conveyed his assessment that the law and order and security of the State was under serious threat which was further compounded by the grave political instability. In the circumstances, the Governor reported that he was satisfied that a situation had arisen in which the Government of the State could not be carried on in accordance with the provisions of the Constitution of Jammu and Kashmir and that

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he wanted to issue proclamation immediately under Section 92 of the J&K Constitution and solicited the President's concurrence.

I am to further inform the House that on the same day the President was pleased to give concurrence as required under sub-section (5) of Section 92 of the Constitution of Jammu and Kashmir for issuing Proclamation under sub-section (1) of Section 92 relating to the failure of constitutional machinery in the State.

MR. CHAIRMAN: I will ask Members one by one according to the party to seek clarifications. If you want to raise again the point of order, Mr. Advani, I will give you the floor. Now, Mr. Mohanan.

SHRI K. MOHANAN (Kerala): Sir, the latest political development in this country is a wonderful thing. The ruling party of this country is eating its own children including the illegitimate child in Jammu and Kashmir.

Sir, everybody knows that the G. M. Shah Ministry was an illegitimate child of the Congress (I) Party and it was a Ministry of defectors and it was definitely defective in all respects. The situation now in that State, one of the sensitive States of our country, is so serious that it poses a threat to the security of this country itself. Sir, the Congress (I) Party people are themselves now in a soup and they alone are responsible for the latest development, for the serious crisis which now prevails in that sensitive State. What is going on there now I am not going into the details now. But the law and order situation in that State is completely in peril. Not only that. Because it is a border State, the security of this country also is facing a very serious challenge and communal harmony in that State has been disturbed to a great extent and that is the situation now there. Who was responsible for this type of situation? It was this Congress (I) Party, it was the ruling party of this country, which engineered defections and which handed

over the administration of that State to some unscrupulous elements in the political life of Jammu and Kashmir.

Sir, in this statement, there is no mention about the suspended animation of the Assembly. The Assembly in Jammu and Kashmir has been put under suspended animation. I would like to know from this Government on what grounds, moral, political and administrative, they have put the Assembly in a state of suspended animation. Now, Sir, in the J&K Assembly, the single majority party is Dr. Farooq Abdullah's National Conference. But Dr. Farooq Abdullah himself has categorically declared that he is not for forming an alternative Ministry there before a fresh election. In this context...

MR. CHAIRMAN: Mr. Mohanan, you know the Rules very well. You are a senior Member. You must ask for clarifications. I have given you five minutes.

SHRI K. MOHANAN: Yes, I am asking specific questions. What prevented this Government to dissolve the Assembly in Jammu and Kashmir and to declare a fresh election in that State? Is there any move on the part of the Government for engineering another defection and to form an alternative Ministry, joining hands with some other elements, or engineering another defection among other parties? If not, I would like to know from the Government what prevents this Government from dissolving the Assembly and declaring a fresh election?

MR. CHAIRMAN: Mr. Mohanarangam.

AN HON. MEMBER: I have also given a slip.

MR. CHAIRMAN: Yes, you have given, and others have also given slips. I am going according to the strength of the parties.

SHRI R. MOHANARANGAM (Tamil Nadu): For the past one year, the Jammu and Kashmir administration has been in the hands of Mr. G. M. Shah. It was

not appreciable. Really I am glad that at least now a proclamation has been issued stating that the G. M. Shah Government is once and for all finished. I want to know exactly what steps are going to be taken to hold fresh elections? It is a well known fact that Bills are introduced once or twice extending such rules for one year or two years. I want to know when exactly they are going to conduct the elections.

MR. CHAIRMAN: Mr. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY (Karnataka): Mr. Chairman, Sir, I went through the statement of the hon. Minister. My first impression was that it suffers from what I may call an extraordinary brevity. I expected that the Minister would throw some light on the internal situation in Jammu and Kashmir which immediately compelled the Government of India to dismiss the G. M. Shah Government. It is only stated that there was a law and order situation, the security of the State was in a bad shape, and there was political instability. Therefore, the Government of India has taken this decision. This is all we were told. We would like to know from the Minister the various matters that have been stated in the report by the Governor. We understand, Sir, that it is not the first report. The Government of India has received a number of reports in the past, we understand, advising the Government of India to dismiss the G. M. Shah Government. But the Government of India did not take any decision. If it had taken decision at that time when the report was sent by the Governor, many ugly situations would have been prevented. Why was it not done? Is it a failure on the part of the Home Ministry or the Government of India to assess the situation correctly, to assess the developments correctly, realistically, in time? Or what? Or is it politics which came in the way? Sir, I hope you will allow me two or three minutes more. I just recall the statement, the famous statement, made by Prime Minister, Shri Rajiv Gandhi, when he was the General Secretary of the Congress. At the time of dismissal of Farooq Abdullah, he said that Farooq

was encouraging and harbouring anti-national elements in Jammu and Kashmir. In a way, even he was in complicity with them. That was the charge made by Shri Rajiv Gandhi as the General Secretary of the Congress. He said that in the name of democracy Farooq Abdullah's Government should be dismissed. Now, in the name of democracy, G. M. Shah's Government has also to be dismissed by the Prime Minister, Rajiv Gandhi. Now, he is the Prime Minister. Look at the situation.

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra): Point of order, Sir.

SHRI M. S. GURUPADASWAMY: There is no point of order. I have not made any point. Where is the order?

SHRI VISHVAJIT PRITHVIJIT SINGH: There is a point of order, Sir.

MR. CHAIRMAN: Let him complete and I will hear you. Otherwise, it will take a longer time.

SHRI VISHVAJIT PRITHVIJIT SINGH: I will take one minute.

MR. CHAIRMAN: He will finish in a minute. Then you can take a minute.

SHRI M. S. GURUPADASWAMY: I would like to know whether politics has played havoc in Jammu and Kashmir which is a sensitive and strategic area. As my colleague has pointed out earlier, we have a long history of partisan considerations, political considerations which come in the way of right decisions, wise decisions, timely decisions. This is my charge. Isn't it so? Finally, Sir, the politics in Jammu and Kashmir has been relegated to a very diabolical* and devilish level during the last few days.

MR. CHAIRMAN: The word* should be expunged.

SHRI LAL K. ADVANI: He means condition.

MR. CHAIRMAN: The word* should be removed.

*Expunged as ordered by the Chair.

SHRI M. S. GURUPADASWAMY: I mean diabolical level. It has been relegated to a diabolical and devilish level during the last few days.

MR. CHAIRMAN: Your time is up.

SHRI M. S. GURUPADASWAMY: Communalism has raised its head as a result of which many people have suffered. Not only that, temples were destroyed. All these things were there. Still the Government of India would not move in the matter. Sir, now it has moved. I am very happy. What makes me sad is that even now Rajiv Gandhi has not learnt his political lesson himself. He wanted to teach us the political lesson here the other day. But he has not learnt the political lesson. Now, according to press reports, he tried to woo Farooq Abdullah wanting him to form the Government with the Congress party there which he has refused. *(Interruptions).*

SOME HON. MEMBERS: No. No. It is wrong. *(Interruptions).*

SHRI M. S. GURUPADASWAMY: I do not want Jammu and Kashmir which is a sensitive State to be used as a pawn in the hands of Congress party for partisan purposes.

MR. CHAIRMAN: Mr. Vishvajit Prithvijit Singh, what is your point of order? Now, come on. You are a very weighty person.

SHRI VISHVAJIT PRITHVIJIT SINGH: I may be a very weighty person, Sir. But I have a very small thing to say.

MR. CHAIRMAN: I thought you must have a very weighty point. That is why I said that.

SHRI VISHVAJIT PRITHVIJIT SINGH: I don't know whether it is a weighty point. That is for you to judge, Mr. Chairman. You are the Chairman of this House. The fact is that hon. Member ought not to quote the Prime Minister out of context.

MR. CHAIRMAN: All right. Now, it has gone on record.

SHRI VISHVAJIT PRITHVIJIT SINGH: It is my humble request to you that that portion of Mr. Gurupadaswamy's speech be expunged from the records.

MR. CHAIRMAN: I will look in it and if it is not parliamentary and if it is not according to rules, I will certainly do it. But I am bound by the rules. *(Interruptions).*

SHRI VISHVAJIT PRITHVIJIT SINGH: It is out of context. You cannot use parliamentary privilege to abuse it completely.

SHRI LAL K. ADVANI: Mr. Chairman, first of all, I will pursue the point of order which I had raised. I quote from the Minister's statement itself that "The President of India received a report from Mr. Jagmohan, Governor of Jammu and Kashmir informing him of certain political developments in the State whereby the Government of Shri G. M. Shah was reduced to utter minority." This is what I described as a constitutional crisis. That date is mentioned—on 7th March—but the time is not mentioned. And what you regarded as my private sources, if that information is correct, this report was received by New Delhi in the morning that the Shah Government had been reduced to a minority. And furthermore, if in the morning itself the Shah Government had been called upon by the Governor to resign, the Cabinet meeting took place later, which provision to be suspended, etc. took place later. But the basic fact of a constitutional crisis having been precipitated in Jammu and Kashmir took place on the 7th morning. Was it not the duty of the Government to come to this House and inform it of this crisis and the fact that the matter, how to deal with it is being considered? If not, what I am trying to suggest is that on the 7th itself, it should have been done before the House adjourned. We knew about all that had happened in Jammu and Kashmir through the press, not through you. This is my complaint firstly.

Secondly, Sir, so far as the substance of the statement is concerned, I share with my colleagues a feeling of disappointment that we have not been informed of the real law and order situation breakdown that has made the Government agree with this Governor's Report. The Governor has been reporting again and again that this Government should not be allowed to continue. So far as we are concerned, we think that the Government of India and the ruling party committed a grave sin when they foisted this Government of Shah for 20 Months on the people of Jammu and Kashmir.

Sir, I have two more specific questions. In November, 1984, we faced a situation of grave anarchy in the city of Delhi. Demands were made subsequently that there should be an enquiry to pin responsibility, to fix the responsibility as to who has been guilty. And the Government refused to do it and the Government said that it is not in the interest of the community concerned to do it. And four or five months later, they agreed that it should be done. I wish the same mistake is not committed in Jammu and Kashmir. What has happened in Jammu and Kashmir is terrible. Nothing like that has happened before in decades in centuries I would say, not merely decades. After all, I have a list with me that more than 45 temples were desecrated and razed to the ground. I cannot bear this information with equanimity. And the Government seems to think that all right, people will forget it. At least those people there, they are not going to forget it. Therefore, I wish that in this matter a proper judicial enquiry must be instituted, headed by a Supreme Court Judge. Otherwise, people of that State are not going to be satisfied. I would beg with the Minister that this is not a matter which can be slurred over. Let us know the details—what has happened, who has done it—because it does not seem to be mere individuals going on rampage. Anti-national elements in Jammu and Kashmir have gone on rampage for weeks together in collusion with the authorities there. And merely dismissing

the Shah Government is not going to satisfy the people. Therefore, I demand in all modesty, with all humility but with all the emphasis of my command that please do not shirk this responsibility of instituting a judicial enquiry.

Lastly, Sir, these recurring phases of instability in Jammu and Kashmir are not going to be solved by ad hoc measures. You have to have a long-term approach. How long will the State of Jammu and Kashmir continue to have a separate Constitution under article 370? Now is the time, the happenings now should make us all wake up and decide that article 370 should go. I am aware that we cannot do it. It has to be done by the State. The State Assembly has to recommend it. I wish when Mr. Shah was instituted, one of the principal tasks he has been entrusted with was to recommend repealing of article 370. You have missed that opportunity.

MR. CHAIRMAN: Mr. Advani...

SHRI LAL K. ADVANI: But even though you have missed that opportunity, Sir, I would like to ask the Minister as to what is his approach in respect of article 370?

MR. CHAIRMAN: How is it relevant?

SHRI LAL K. ADVANI: It is relevant as a long-term measure. I am not talking of merely short-term measures to remedy the situation.

MR. CHAIRMAN: I have allowed you to mention. But you are going on expatiating.

SHRI LAL K. ADVANI: I have asked for short-term remedies and this is the long-term remedy that I suggest. Thank you.

MR. CHAIRMAN: Yes, Mr. Kalyanasundaram. I go by the order in which the Members have given the names.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Mr. Chairman, Sir, the

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country will feel relieved that the Shah Ministry met its doom. It never had any political, moral or principle justification to form the Government, even when it formed the Government. But dismissal alone cannot solve the problem. Communalism, whether Hindu variety, or Muslim variety, or Sikh variety is a serious threat to the unity and security of the country especially in the border areas. It is well known. But the ruling party has a way of opportunistic approach to such problems. The interests of the country should be placed above the interests of the ruling party. What is the reason for giving support to the Shah faction to form the Government and what is the reason for which they withdrew the support, which created a crisis? Is it a private affair between the ruling Congress and G. M. Shah, especially in a sensitive State like Jammu and Kashmir? Will I not be correct if I accuse the ruling party that they were responsible for splitting the National Conference? At the time of splitting, what were the charges made against Dr. Farooq Abdullah? Not only was it said that he is encouraging anti-national elements, but his citizenship itself was questioned. In such a situation, what is the justification in keeping the Assembly in suspense? Are they going to form any other Ministry? The Governor himself has stated that there is political instability and breakdown of law and order. It is not sudden. For the past few years this has been so whether Dr. Abdullah was the Chief Minister or G. M. Shah was the Chief Minister with the support of the Congress (I) and the law and order situation was never satisfactory in that area. Anti-social elements were taking the upper hand. Anti-national elements were taking the upper hand with encouragement from across the border.

MR. CHAIRMAN: Ask your questions please. (Interruptions).

SHRI M. KALYANASUNDARAM: It is not an issue concerning the Kashmir State alone. It is a question concerning the entire nation and it is a question which is connected with the unity and security of

the country. May I know what are the future steps that the Government propose to take to hold the elections? When do they want to hold the elections? What is the implication of continuing the Assembly in suspended animation? Now the Election Commission has said that the elections for Rajya Sabha and the Council should not be held there. Where is no justification to continue the Assembly there? What is the purpose? Will the Government take steps to dissolve the Assembly and wait for an opportune movement for holding elections so that the democratic process can be put through in that State?

MR. CHAIRMAN: Yes. Mr. Dhabe.

SHRI S. W. DHABE (Maharashtra): Sir, myself and Mr. Ghulam Rasool Matto have given our names.

MR. CHAIRMAN: Your name is first and then is his name. Will you allow him to ask questions?

SHRI S. W. DHABE: Sir, I will speak first and then he will speak and both of us will speak.

MR. CHAIRMAN: All right, afterwards Mr. Matto will speak.

SHRI S. W. DHABE: Thank you very much, Sir.

SHRI VIRENDRA VERMA (Uttar Pradesh): Mr. Chairman, Sir, should I give my name?

MR. CHAIRMAN: You have missed the bus, what can I do.

SHRI S. W. DHABE: Sir, the hon. Minister's statement is so vague and bald one. The Governor has conveyed his assessment that the law and order and the security of the State was under serious threat, which was further compounded by grave political instability. What was the threat

3 P. M. to security? Sir, papers have reported that Shah Government was responsible for even recruitment of communal

elements into the services and the Government was also backing the movements which were there of the secessionists and training camps were held there. Secondly, riots in Anantnag and Jammu were on such a large scale and the Government did not take steps to save the lives of the innocent people.

Therefore, my first question is about the details of the aspects which the Government considers as a threat to the stability and law and order situation. What are the salient points and what is the Governor's assessment about insecurity in the State. Secondly, it is about imposition of President's rule. May I know from the hon. Minister whether the Constitution of Jammu and Kashmir provides differently about dissolution of the Assembly, whether you have to give an order that the Assembly stands suspended or it automatically stands suspended and only after some time the dissolution takes place. What is the exact position of section 92 and I support what Advaniji has said that it is a case in which judicial enquiry must be held, because people should know about it. Therefore, I suggest that a judicial enquiry should be held to find out the real culprits.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Chairman, we the people of Jammu and Kashmir have suffered the most for the last twenty months. When Shri Rajiv Gandhi enacted the Anti-Defection Bill in April-May 1985, we thought that immediately after the promulgation of that Act, the defector ministry of Mr. G. M. Shah will go away but anyhow it was not done. We are grateful to the Government of India for having done it now. Better late than never.

I have three specific questions to ask. Number one is, unlike the Constitution of India, the Constitution of Jammu and Kashmir provides under article 53 sub-section (2) that Governor may from time to time (a) prorogue the Houses or either House; (b) dissolve the Legislative Assembly. This provision is not available in the Constitution of India. When this pro-

vision of article 53 was available to the Government of India, why did they resort to article 92 above. My second question is that unlike again the Constitution of India, under the Constitution of Jammu and Kashmir, huge powers are vested with the Governor, legislative, administrative and others, after the promulgation of Governor's rule. In case of other States, the budget has to come to Parliament; legislative business has to come to Parliament which enacts on behalf of the State. But in the case of Jammu and Kashmir, Governor is fully empowered for all legislative and other business. I would submit that during the past 20 months, we have read a lot in the national press about corruption, resorted to by the Ministers and others in the Shah Government. Even last week also, in a Cabinet meeting, a Minister was asking Mr. Shah that 'you have taken Rs. 28 lakhs' and the Chief Minister was telling him that it was 'six lakhs'.

MR. CHAIRMAN: You are running off the track.

SHRI GHULAM RASOOL MATTO: Now that the State is being governed by the Government, which means Government of India, with all powers, will he constitute a Commission of Enquiry about corruption, resorted to by the members of Shah Cabinet in that State? Thirdly, during last 24 hours, there have been two horse-tradings: First, ten members of erstwhile Shah Cabinet offered to Dr. Farooq Abdullah their full support with signatures to merge in this party which he spurned. With these ten members plus the members of his own, Dr. Farooq Abdullah could have easily formed a Government. But on moral grounds, he spurned the offer. Now, these ten members along with four other members of these defectors had dissented earlier, have formed a separate group. They have dissociated themselves from the Khalida group and have formed a separate group. There is a chance of horse-trading between this group and the Congress I which has a strength of 26 members. Will the hon. Minister assure us that there will be no

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horse-trading and the Central Government will not permit such a thing to happen but hold early elections in the State? My final point is, when will be the Assembly dissolved and fresh elections held in the State?

SHRI CHITTA BASU (West Bengal): Mr. Chairman, Sir. I shall be very brief. I would like to seek clarifications on three points. (Interruption)

MR. CHAIRMAN: I will allow those Members who have given their names plus my concession to Mr. Virendra Verma.

SHRI CHITTA BASU: Sir, the first clarification which I would like to seek is, the hon. Minister has, in his statement, made a mention about the Report from Mr. Jagmohan, the Governor of Jammu and Kashmir, on March 7. Is it not a fact that there are many factors which have contributed to the Kashmir imbroglio as it stands today? It is reported in the Press that Mr. Jagmohan had submitted several reports prior to 7th March. It is also reported that the Governor had also prepared a report on the activities of Jamaat-e-Islam; and Jammāt-e-Tulba. All these factors have contributed to the present imbroglio in the State of Jammu and Kashmir. Why did not the statement contain some information regarding the events which have added to the present imbroglio? This is my first point.

The second clarification which I would like to seek is, it has been mentioned in the statement that the President has given concurrence to the proposal of the Governor, as required under sub-section (5) of section 92 of the Jammu and Kashmir Constitution. Sir, the Assembly has not been dissolved. The Assembly, as it is today, does not reflect the actual political situation, the equation of different political forces in Jammu and Kashmir. The Assembly, as a matter of fact, has lost all semblance of representing the people. In this particular case, why has not the Assembly been dissolved? Is it because of the fact—I seek clarification from the hon. Minister—that according to the provisions

of the Jammu and Kashmir Constitution, elections are to be held within six months, after the Assembly is dissolved? Now, the Government has a *mala fide* intention in this matter in not dissolving the Assembly because they feel there will be an opportunity for horsetrading and indulging in or engineering defections, as has already been hinted at by my friend, Mr. Matto. This would be immoral. This would be a mockery of the anti-defection Bill. This will only bury democracy in Jammu and Kashmir. Would the Government assure us that they will not resort to such practices, they will see democracy is restored in Jammu and Kashmir by having a popularly-elected Government in a free and fair manner? Lastly...

MR. CHAIRMAN: You have finished. You are repeating.

SHRI CHITTA BASU: One second. You just calculate.

MR. CHAIRMAN: One second over. You should have said 'One minute'.

SHRI CHITTA BASU: I am also for a long-term approach in regard to this problem, because of various reasons. This need not be explained. But the suggestion made here by Mr. Advani, for the abrogation of article 370. I think, will not be conducive for creation of stability in Jammu and Kashmir and in maintaining the unity and integrity of the country. The Government should take note of it.

श्री सत्य प्रकाश मालवीय (उत्तरप्रदेश): मान्यवर, सुबह यह घोषणा की गयी थी कि आज ढाई बजे गृह मंत्री की तरफ से मानव संसाधन मंत्री जी जम्मू-कश्मीर की स्थिति के संबंध में अपना वक्तव्य देंगे। लेकिन यह वक्तव्य जो मिला है, यह वहां की संवैधानिक व्यवस्था के सम्बन्ध में है। अच्छा होता, जो जम्मू-कश्मीर की हालत थी, उस बारे में विस्तार से उत्तर मंत्री जी की ओर से मिलता। पिछले साल जुलाई, 1984 में जब डा० फारूक अब्दुल्ला की सरकार गिराई गई, उसके बाद शाह की अल्पमत और दल-बदल वाली सरकार को कांग्रेस (आई) से बराबर समर्थन मिलता रहा।

[श्री सत्य प्रकाश मालवीय]

यही नहीं, पिछली 15 अगस्त को पाकिस्तान का झंडा श्रीनगर में फहराया गया। तब से लेकर बराबर वहाँ कानून और व्यवस्था की स्थिति बिगड़ती गई और आज जो खतरनाक स्थिति हुई है उसकी जिम्मेदारी कांग्रेस (आई) पर भी है। तो मैं इस संबंध में केवल दो प्रश्न पूछना चाहता हूँ। क्या मंत्री जो कोई स्पष्ट आश्वासन देंगे कि वहाँ की विधान सभा को भंग किया जायेगा और वहाँ पर जब तक नया चुनाव नहीं हो जाता, फिलहाल केन्द्र सरकार की ओर से किसी भी पार्टी की सरकार को बनवाने का प्रयास नहीं होगा ?

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Mr. Chairman, Sir, from the very beginning we were against the installation of the G.M. Shah's Government in Jammu and Kashmir because it was the Government of defectors. It was an illegal, unconstitutional and undemocratic government. Farooq Abdullah's Government was a popular government, but defections were encouraged by the Congress (I) Government at the Centre and as a result the Government of Shri G. M. Shah came into power. The same exercise was made in Andhra Pradesh. A popular Government led by Shri N.T. Rama Rao was sought to be dismissed by encouraging defections in Telugu Desam Party but they could not succeed because the people of the country as a whole and the State in particular stood as one man. Ultimately the peoples' will prevailed and the peoples' victory prevailed.

Sir, G.M. Shah Government, supported by Congress (I), has failed to maintain law and order in the State. Communal harmony is disturbed there. This is the first time when we witnessed such a large-scale communal disturbances in Jammu and Kashmir. Communal riots were there in the early days of Partition. Mahatma Gandhi told us that there is a ray of hope in Jammu and Kashmir. But now communal riots were on a very large scale in J and K. The responsibility for this entirely lies on the ruling party at the Centre because they have encouraged such

elements to come into power, suppressing the popular Government. So, I would like to know whether the Government at the Centre would respect the peoples' will now, whether they will refrain from disturbing the popularly elected governments will as they have been doing in the past and whether the Centre they have learnt any lesson from the past experience that they should allow the Government of the elected representatives to continue.

Dr. Farooq Abdullah has demanded that the Assembly should be dissolved and elections be held. Will the Government consider this demand seriously so that free and fair elections are held and the people of Jammu and Kashmir can have their own popularly elected government?

MR. CHAIRMAN: Shri Virendra Verma. It is like a concession.

श्री वीरेन्द्र वर्मा : माननीय मंत्री जी बताने की कृपा करें कि अब से बीस महीने पेश्तर जब डिफेक्टर्स की सरकार को उन्होंने पीछे से समर्थन देकर सरकार बनाई क्या वह मोन्ली ठीक था अथवा सर्वथा अनैतिक था ? क्या उस गलती को वह स्वीकारते हैं कि ऐसे गलत हाथों में उन्होंने प्रदेश की बागडोर दी जहाँ शांति और व्यवस्था भी भंग रही, कम्युनलिज्म भी बेतहा बढ़ा ? क्या यह भी, मान्यवर, सही है कि कांग्रेस पार्टी जो बाहर से समर्थन देती रही थी डिफेक्टर्स को उसके सदस्यों ने आकर कई बार प्रधान मंत्री को कहा और पार्टी लेजिस्लेटर्स को प्रधान मंत्री ने बुलाकर बात भी की, कई महीने पेश्तर जब यह वातचीत हो चुकी थी कि शाह की सरकार को बनाए रखना प्रदेश और प्रदेश की जनता और देश के हित में नहीं है तो उस समय एक्शन क्यों नहीं लिया इसके क्या कारण थे ?

आपको याद होगा कि वहाँ जब वेस्ट इंडीज की क्रिकेट टीम गई थी तब भी पाकिस्तान का झंडा फहराया गया था और पाकिस्तान जिन्दाबाद का नारा लगाया गया था तो कम्युनलिज्म की स्थिति को ध्यान में रखते हुए और जो इन्फिल्ट्रेटर्स

[श्री विरेन्द्र वर्मा]

पाकिस्तान से आ रहे हैं उनको ध्यान में रखते हुए गवर्नर महोदय ने बितनी बार सरकार से पूछा और कब और कितनी बार सरकार को रेकार्ड किया कि यह शाह का सरकार ठीक नहीं है और इसको हल किया जाय ? और आखिर में जो हाल ही में ज्यादाियां हुई हैं जिनमें वहां कई सौ मंदिर ध्वस्त कर दिये गये हैं और वहां के लोगों पर जो जुल्म और ज्यादाियां हुई हैं, जो रेप हुए हैं, क्या उनके बारे में कोई जूडिशियल इक्वायरी होगी ? क्योंकि गवर्नर महोदय की सरकार के मायने हैं केन्द्र की सरकार, यानी होम मिनिस्टर, आप तो क्या इस की जूडिशियल इक्वायरी कराने की कृपा करेंगे और क्या आप उसके लिये कोई आदेश देंगे और देश की इंडिपेंडेंसी और सेक्योरिटी और ऐंटिटी की खातिर कौन से दूर-दराज कदम उठाने का आप इरादा रखते हैं क्या आप यह बतायेंगे ?

MR. CHAIRMAN: Mr. Advani, do you want me to give a ruling on your point? I don't think there is much.... I will call the Minister.

SHRI LAL K. ADVANI: Let him reply about the time.

MR. CHAIRMAN: That he is going to do.

SHRI P.V. NARASIMHA RAO: Sir, over the years, one sometimes gets a hang of what is called 'opposition language'—i.e. call it "oppositionese"—if possible. Since I claim to have got a hang of it, I take the speeches the Members leaders of the Opposition, as an approval of what has happened.

SHRI VIRENDRA VERMA: Correct.

SHRI LAL K. ADVANI: Yes, yes, we approve, though it is a belated action.

SHRI P.V. NARASIMHA RAO: That. Sir, is the operative portion.

SHRI VIRENDRA VERMA: Yes, belated action.

SHRI P.V. NARASIMHA RAO: Now I come to what they had to ask for as clarifications. Otherwise they could not have really made any speeches. So it was that simple. But I will certainly try to meet all the points raised.

It is true that the first report that the party or the Government has been reduced to a minority was received on the 7th in the forenoon. Sir, do I come with that as a report and submit it to the House? Then at 2 o'clock, something else happens. Again, I come with a running commentary before the House and say what the latest position is. At 4 o'clock again I come.. Is this the way reports are submitted to Parliament, statements are made to Parliament? So, we had to wait until the final proclamation and the concurrence to the proclamation in which respect alone the Central Government and the President come into picture, had been completed. Therefore there is no impropriety, there is no point of order, there is no illegality, there is no avoidable delay, as I have already submitted.

Now I am on a very limited point. My statement is limited because I have to report to the Houses of Parliament what was the action taken by the President of India under a particular provision of the Constitution of the State of Jammu and Kashmir. This is a limited question. The background, the history, ancient history, modern history—all these would not be relevant at this stage when I am making this statement. If in your wisdom you feel all those things have to be gone into, there are many occasions for that, it is upto you. I have nothing to say on those matters.

The most important question seems to be about the action which is proposed to be taken or which the Members want the Government to take in regard to the dissolution of the Assembly. Now I would like to remind the Members that what the Governor wanted to do, or what the Governor has done by way of proclamation is already available in the proclamation. It is expressed in the proclamation. He has placed the Assembly in suspended animation. He has suspended certain sections of the Jammu and Kashmir Constitution,

he has assumed to himself certain powers that he has to assume in order to run the administration of the State and all the ancillary and consequential things. Now, it is for the Governor to go on making an assessment of the situation there.

Probably the Home Minister would be taking the House into confidence from time to time. That is a matter for the future.

So far as the action taken on the 7th is concerned, it is complete in itself.

Whether the Assembly will be dissolved or not dissolved is a matter for the future. I would not be able to make a prognosis about it. But, of course, if the Assembly is dissolved, I can certainly say there will be elections. That is all that I can say at present, Sir.

These are the kind of clarifications they are asking.

Sir, now, the only question which everyone, every Member seems to have asked is, "Why did you not do this before?" This, I think, is a substantially important question, and I would like to answer that. Incidentally I happened to be the person who piloted the action in 1984 also in both the Houses as Home Minister. So, I know the answer to this question. It was not as if one report makes us jump to a decision. When a series of reports, series of certain developing situations over a period take place, only then, we, as a responsible Government, take a decision. We always hope for the best, we always hope that wiser counsels will prevail. We always hope that the State Government will be able to deliver the goods. That is how it should be, and that is how it has been both last time and this time. I would not go into details. As I said, I am on a very limited point.

Now, in regard to whether there is going to be an enquiry into what has happened, again I would not be in a position to make any commitment here. Sir, the feelings of the Members, opinion of the Members are there on record. It is for the Governor to do what he considers

necessary. He is the man on the spot, and, therefore, let us await his decision, let us await his assessment.

SHRI SANKAR PRASAD MITRA (West Bengal): Will the Governor be advised by a council of advisors.

SHRI P.V. NARASIMHA RAO: That is a matter of detail. That will take place. The only thing is that we have to now await the decision of the Governor, the assessment of the Governor rather than asking me what the Governor is going to do. I would like the hon. Members to bear with the Governor, to bear with the Government.

And to the extent they have approved, I am grateful to them. Let us hope that things will improve in the State of Jammu and Kashmir.

Thank you, Sir,

SHRI LAL K. ADVANI: One submission to you because in view of what the Minister has just now stated, he has given the ball in your court, so far as the substantial part of the situation in Jammu and Kashmir is concerned. I would like to submit that here is a case where Parliament's approval is not necessary. If it had been any other State, the proclamation would have had to be approved by Parliament.

MR. CHAIRMAN: Please sit down. That is why I asked you whether you wanted a ruling. I would have given a ruling. Even now I am willing to give a ruling.

The discussion is over. You cannot have further submission on the subject.

SHRI M.S. GURUPADASWAMY: One small clarification, Sir.

MR. CHAIRMAN: No. The discussion is over.

Now, we shall go to the next item, Smt. Monika Das.

SHRI R. MOHANARANGAM: She is not ready.

MR. CHAIRMAN: She is there.

SHRIMATI MONIKA DAS (Karnataka): I am very much here.

SHRI R. MOHANARANGAM: I said, "She is not ready."

MR. DEPUTY CHAIRMAN in the Chair.

THE BUDGET (RAILWAYS), 1986-87—
Contd.

SHRIMATI MONIKA DAS (Karnataka): Mr. Deputy Chairman, Sir, I congratulate the hon. Railway Minister for presenting the most economical Railway Budget for the year 1986-87. The Railway Minister has given relief to the freight and parcel traffic and to the passengers travelling on the suburban section by ordinary second class. As much as eighty per cent of the passengers have not been affected at all by the Budget. Only a modest increase has been made in passenger fare and this is confined to upper class only.

Railway is the biggest economic department whereby more than ten million people travel daily and more than forty thousand wagons move daily. The Railways are expected to handle twice the traffic by the turn of the century. With the resource constraints, they will not be able to accept the challenge unless they modernise the system completely. The introduction of new design of freight bogeys, light horsepower locomotives using heavier railway sections with continuous computerisation of freight operation system are all steps in the right direction to move the Railway with the latest technology.

The performance of the Railways has a direct bearing on the poorer sections of the people, but the public is unaware of the physical and mental strain of more than two million labour force behind the Railway operations. Since the man behind the machine is most important, the large force of workers should receive the prime attention of the Administration.

Otherwise all investment made is fixed or moving assets can go waste. The Railways have recorded commendable performance in freight and traffic and financial results during the current year. We hope this will continue in the future also. But, here I would like to point out that the Administration machinery should be strengthened to allow a larger dialogue with the various categories of staff associations. Sincere efforts can bear better results to run the Railway administration.

I am also happy to learn that the Railway Minister has increased the allocation for staff quarters from Rs. 13 crores to Rs. 25 crores for the next year and the staff amenities from Rs. 9 crores to Rs. 17 crores also for the next year. I am sure the Railway employees will definitely show their efficiency, sincerity and punctuality. But, there is further scope to minimising the expenditure in the Railway and also improved the efficiency.

Majority of the labour force problems and their dissatisfaction are due to the lack of understanding and sympathy on the part of the Railway Officers. I would like to say—last time also I said the same thing during my speech—that the Railways should start intensive training and inculcate industrial psychology in the officers. They should understand that men behind the machine are most important.

I would also congratulate the Hon. Railway Minister that for the convenience of the travelling public he has introduced computers for reservations which will, to a large extent, help remove the malpractices. These computers have been started in main cities like Delhi, Calcutta and Bombay. Since corruption is rampant in small stations, I would request him to introduce computerisation in the small stations as well. If the Minister cannot introduce computerised