

RE. ENTRY OF AKALIS INTO THE VISITORS GALLERY

MR. DEPUTY CHAIRMAN: We shall now take up the Calling Attention. Shri Ramanand Yadav. (*Interruptions*)

SHRI SURESH KALMADI. (Maharashtra): On a point of order. This is regarding the rules of entry to the Visitors' Gallery. Yesterday two top Akali leaders, including Mr. Balwant Singh, were denied entry to the Visitors' Gallery in the Lok Sabha. I want to know..

MR. DEPUTY CHAIRMAN-. We are not concerned with Lok Sabha.

SHRI SURESH KALMADI: I want a clarification whether the Akalis are...

MR. DEPUTY CHAIRMAN: No question regarding the other House can come... (*Interruptions*)

SHRI SURESH KALMADI: Can they come to the Rajya Sabha? (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please resume your seat.

SHRI SURESH KALMADI: I want your ruling on the question whether the Akalis can come to the Rajya Sabha. They are due to come here tomorrow. Can they come? (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please first apply for the Visitors' Card.

SHRI SURESH KALMADI: I do not want to be insulted. (*Interruptions*) I want a clarification whether they are going to be allowed to the Gallery, tomorrow, (*Interruptions*)

MR. DEPUTY CHAIRMAN: This is not the question-answer session. (*Interruptions*) Please take your seat. I am standing. (*Interruptions*) You must know the Rules. Under the Rules, if you apply for any visitors you propose for the "Visitors' Gallery, then we shall look into it. I cannot answer the question just

now. I am not concerned with the other House. It is their business. (*Interruptions*)

SHRI SURESH KALMADI: Let us know whether you want to admit.

MR. DEPUTY CHAIRMAN: Don't argue. This is a hopeless argument. (*Interruptions*)

SHRI SURESH KALMADI: What is hopeless about it?

SHRI GHULAM RASOOL MATTO: Sir, I have just come to know with a sense of anguish that* (*Interruptions*)

MR. DEPUTY CHAIRMAN: This will not be recorded.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE—**Recent developments in Jammu and Kashmir**

श्री रामानन्द यादव (बिहार) :
उपरवापति महोदय, जम्मू और कश्मीर
में हाल की घटनाओं की बारे में गृह
मंत्री का ध्यान दिलाता हूँ।

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, in the State of Jammu and Kashmir certain elements had been indulging in anti-national and secessionist activities since the latter half of 1983. These activities were in the form of demonstrations, speeches, hartals, slogan mongering, causing bomb explosions and issuing threats to life and property of public men, media and others.

2. Further, though All India Sikh Students Federation was declared an unlawful association in March 1984, its objectionable activities continued in the State. Other Sikh extremists also joined hands with them.

3. Following the action by security forces in Punjab, AISSF activists and other Sikh extremists made a common cause with anti-national, seces-

*Not recorded.

[Shri P. V. Narasimha Rao] lonist and communal elements in the State and indulged not only in making objectionable speeches and shouting anti-national slogans but also in arson, loot and other violent activities on a large-scale. Buildings housing Central Government establishments such as post offices, telephone exchanges, State Bank of India were made the targets of attack. Religious places were also attacked and desecrated.

4. Since July, 1983, the Central Government had been impressing upon the State Government to take firm and effective action against the anti-national, secessionist and extremist elements. Till June 1984, the Home Minister sent nine communications to the Chief Minister in this regard. However, the action taken by the State Government was inadequate and often belated and, therefore, made little impact. The activities of these elements, therefore, continued unabated, including hijacking of an Indian Air lines plane.

5. In another development the Governor of Jammu and Kashmir dismissed the Ministry headed by Dr. Ferooci Abdullah on 2-7-1984 and swore in Shri G. M. Shah as Chief Minister to form a new Government under the provisions of the Constitution of the State of Jammu and Kashmir.

6. It is Government of India's concern that in the sensitive border State of Jammu and Kashmir, peace and good order prevails and the nefarious designs and activities of those who are seeking to undermine the integrity and unity of India are effectively checked. I would, therefore, appeal to recent developments in the State of the Honourable Members to view the Jammu and Kashmir in the right: prospective and strengthen the hands of the Government.

श्री रामानन्द यादव : उपसभापति जी, मैं जो कालिग अटेंशन आज हाऊप में लाया हूँ, यह इस देश के लिए बहुत महत्व रखता है खास करके जब कि

इस देश को खंडित करने के लिए देश की बाहरी शक्तिशाली ताकतों और देश के अंदर जो गुमराह तत्व हैं वे लगे हुए हैं, वे चाहते हैं कि देश खंडित हो जाए इस कन्द्री में डीइस्टेब्लिटीजेशन आ जाये और हमारा डेवलपमेंट रुक जाये। ऐसी सूरत में काश्मीर जो हमारे इन्टरनेशनल बार्डर पर एक स्टेट पड़ता है वहाँ पर जो स्थिति उत्पन्न हो गयी है, कुछ वर्षों से उसके संबंध में देश और इस सदन को चिंता करना अत्यन्त आवश्यक है। मान्यवर, मै रीसेंट हैपेनिन्स को चार भागों में बांटना चाहता हूँ। अभी जम्मू काश्मीर में पिछले जो असेम्बली के चुनाव हुए जिसमें डा० अब्दुल्ला चीफ मिनिस्टर हुए उसमें किस तरह से इलेक्शन को रिग किया गया और किस तरह वे सत्ता में आए इसकी थोड़ी चर्चा मैं कर देना चाहता हूँ। फिर उसके बाद डा० अब्दुल्ला का गठबन्धन वहाँ के जो सेमिनिट एनोमेट्स थे, कम्यूनल एलोमेंट्स प्रो० प्लेबिसाइट थे, प्रो० पाकिस्तानी थे और प्रो० खालिस्तानी मूवमेंट वाले थे। उनका जो संबंध बाद में धीरे-धीरे जमता गया, उसके संबंध में भी थोड़ी मैं चर्चा करूँगा।

मान्यवर, उन्होंने इस खालिस्तान मूवमेंट को और अकाली मूवमेंट को जो बल दिया डा० अब्दुल्ला ने, उसकी चर्चा मैं करूँगा और फिर उनकी सरकार किस तरह डिसमिस हुई, जो बिलकुल कंस्टीट्यूशनल इंग से और उनकी पार्टी के लोगों ने देश को खतरे में सोच करके, जो कदम उठाया, उसके संबंध में चर्चा करूँगा।

मान्यवर, आप जानते हैं, कि इलेक्शन हुए और इलेक्शन मैं किस तरह से डा० अब्दुल्ला ने वहाँ पर मौलवी फारूख, जो एक जमाने में प्लेबिसाइट का समर्थक था, अबामी एक्शन कमेटी के चेयरमैन हैं और 50 वर्षों तक शेख साहब जिन्होंने

अपने पसीने से एक सेन्चुरल काश्मीर का निर्माण किया था और जिसके खिलाफ शेख साहब मौलवी फारूख के खिलाफ पचास वर्ष तक लड़ते रहे, उसके साथ मिल कर डा० फारूख ने गठबन्धन किया। यही नहीं, जितने भी सेमिनारिस्ट एलिमेंट थे, चाहे वह बाहर के हों, एंटी-सोशल एलिमेंट्स जो थे, उनसे गठबन्धन करके एक मोर्चा कायम किया और सेन्चुरल फाउंडेशन जो काश्मीर में लगता था कि उसकी जड़ें मजबूत हो गई थीं, उसको हिला दिया और सारी स्टेट मजिनीरी को खंड करके वह सत्ता में आ गये। यहां तक कि विरोधी दल के दफ्तरों पर कांग्रेस (आई) के दफ्तरों पर हमले किये गये, दफ्तर जलाये गये, कैंडिडेट्स पीटे गये उन्हें चलने नहीं दिया गया, कनवेंसिंग नहीं करने दी गई वूथ्स को रिंग किया गया जिसके संबंध में इलेक्शन कमीशन ने खुद उनकी निंदा की और खुले शब्दों में इलेक्शन कमीशन ने कहा कि वहाँ रिंगिंग हुई है।

ऐसा हालत में उनका आना, ऐसा लगता है कि सारे जो डेमोक्रेसी के नामसे थे, उन्होंने उन नामों को बुला करके वहाँ पर सत्ता में आए।

मान्यवर, सत्ता में आने के बाद जो उन्होंने एंटी-भारतीय एटिट्यूड रखा, एंटी-सेंटर एटिट्यूड रखा, उसकी थोड़ी सी मिसाल में आपके सामने रखना चाहता हूँ। जैसा कि मैंने बताया, मौलवी फारूख से उन्होंने समझौता किया और श्रीनगर को म्युनिसिपलिटि के इलेक्शन में उन्होंने खुलेश्राम मौलवी साहब को सहायता ली और वहाँ म्युनिसिपलिटि में इलेक्शन लड़े। यही नहीं, उन्होंने दूसरे जो सेमिनारिस्ट एलिमेंट्स थे, जैसे काश्मीर लिबरेशन फ्रंट और दूसरे, उनसे गठबन्धन किया। मान्यवर, आपको यह सुन कर ताज्जुब होगा कि उनका संबंध पाकिस्तान से,

जहाँ यह काश्मीर लिबरेशन फ्रंट के नेता रहते थे, जिन्होंने म्हात्र, भारतीय हुतावास के एक बहुत बड़े अधिकारी का मर्डर किया, उन लोगों से इनका संबंध था और वह संबंध अखबारों में छपे। इनकी मुलाकात बट्ट से हुई और बट्ट के दो साथी जिनको इन्होंने अरेस्ट किया था, उनसे इन्होंने श्रीनगर में चार दफा भेट की।

मान्यवर, आपको याद होगा, वेस्ट इंडोज और इंडिया के बीच में जब क्रिकेट मैच खेला जा रहा था, तो किस तरह से भारतीय खिलाड़ियों को हतोत्साहित किया जा रहा था। वहाँ पर पाकिस्तानी झंडा फहराया गया, पाकिस्तान जिंदाबाद का नारा लगाया गया और जब कभी अच्छी बाल बल वेस्ट इंडोज के लोग मारते थे तो दौड़ करके, काश्मीर, जो उनके समर्थक थे प्रो-पाकिस्तानी एलिमेंट्स से सेमिनारिस्ट्स एलिमेंट्स अनामी एक्शन कमिटी के लोग वेस्ट इंडोज के प्लेयर्स के चूमन करते थे और एंटी इंडिया नारे लगाते थे। वहाँ पर पाकिस्तान का झंडा भी लहराया गया मान्यवर, अफगानों की बात है कि डा० फारूख अब्दुला साहब ने कोई एक्शन नहीं लिया। जब बहुत दबाव पड़ा तो फारूख साहब ने दो आदमियों को अरेस्ट किया, मुझे नाम ठीक से याद नहीं है लेकिन प्रश्न पढ़ने पर उन्हें छोड़ दिया और वह दो व्यक्ति ऐसे थे जो मकबूल भट्ट के बिल्कुल साथी थे और वे पाकिस्तान के सिटीजन आजाद काश्मीर के रहने वाले थे। मान्यवर, यही नहीं, ठीक कुछ दिनों के बाद श्रीनगर में 1983 में 14 अगस्त को नेशनल कानफ्रेंस के लोगों ने बर्कस ने पाकिस्तानी झंडीपेंडेंस डे मनाया उसमें पाकिस्तानी झंडा फहराया गया। प्रो-पाकिस्तान स्लोगन लगाया गया और उसमें ऐसे ऐसे नारे एंटी इंडियन नारे लगाए गए। मान्यवर, यही नहीं जब भिबंडी में रायट्स हुए बम्बई में रायट्स

[श्री रामानन्द यादव]

के सितविले में श्रीनगर में एक जलूस निकला। उस जलूस में प्रो-पाकिस्तानी लोग सैशनिस्ट लोग, पाकिस्तान के समर्थक लोग और सिख स्टूडेंट्स फ़ेडरेशन जो कि बड़ आर्गनाइजेशन थे उनके लोगों ने एक साथ मिल करके एक जलूस निकाला और उसमें प्रो-पाकिस्तानी नारा दिया और नारा दिया "फर्जी नारा तोड़ो, काश्मीर हमारा छोड़ो"। इस तरह का नारा लगाया गया उस जलूस में और इसके बाद मान्यवर, एक और जलूस निकला। गोलडन टैम्पल में आर्मी जब एक्स्ट्रीमिस्ट्स को फ्लश आउट कर रही थी उसके दो दिन के बाद श्रीनगर में एक जलूस निकाला उसमें प्रो-पाकिस्तानी एलोमेंट स्टूडेंट्स फ़ेडरेशन के लोग सैशनिस्ट्स कम्युनिस्ट्स ये सभी तरह के एलोमेंट्स एक साथ होकर जलूस निकाले। पुलिस का एक आदमी इनको गोली से मांग गया। फिर दूसरे दिन जलूस निकला। फिर भी डाक्टर फारूख साहू उस वक्त चोफ मिनिस्टर थे, उन्होंने कोई एक्शन नहीं लिया। पुलिस के कान्स्टेबल को हत्या हुई लेकिन डा० फारूख अब्दुल्ला ने कोई एक्शन नहीं लिया। यही नहीं, मान्यवर, ठीक तीन दिन के बाद फिर जलूस निकलता है और उस जलूस में, जब वह श्रीनगर से पास कर रहा था तो कनवाय पर बैठ कर मिलिट्री जा रही थी। मिलिट्री वालों को जो हमारी सशस्त्र की रक्षा करते हैं मिलिट्री वालों के हाथों से राइफल छीन लिया। आप सोचिए, लोगों ने कम्प्लेंट को भारत सरकार ने लिखा, फिर भी डा० फारूख अब्दुल्ला ने कोई कार्यवाही नहीं की सैशनिस्ट एलीमेंट्स के खिलाफ, प्रो-पाकिस्तानी लोगों के खिलाफ ये जो बंड सिख स्टूडेंट फ़ेडरेशन के लोग थे उनके खिलाफ। मान्यवर, इतना ही नहीं, भारत सरकार ने ऐसे एलोमेंट्स को एक लिस्ट सबमिट

किया है कि ये देश की सुरक्षा के लिए खतरनाक है, इनसे खतरा है, आप इनको अरेस्ट करो। उन्होंने अरेस्ट नहीं किया। कुछ दिनों के बाद कुछ लोगों को जब अरेस्ट किया तो एक मीटिंग में उन्होंने खुले आम तलवंडी शायद उस जगह का क्या नाम है, मुझे याद नहीं है, भाषण देते हुए कहा... (व्यवधान) उस मीटिंग में उन्होंने भाषण दिया कि मुझे अफसोस है, मुझे दुख है कि मैंने उनको अरेस्ट किया लेकिन भारत सरकार के दबाव डालने पर मैंने अरेस्ट किया, इस तरह से उन्होंने कहा। आप सोचें जो आदमी इस प्रकार काम करता हो, क्या उसने देश को खतरा नहीं है? डा० अब्दुल्ला सबमुच में देश के लिए एक सिक्क्यूटि-गिस्क बन गए थे। मान्यवर, यही नहीं, आप जानते हैं कि सिख स्टूडेंट फ़ेडरेशन एक बंड आर्गनाइजेशन था, सारे देश में बंड कर दिया गया था। लेकिन डा० अब्दुल्ला ने किसी को अरेस्ट नहीं किया वल्कि सिख स्टूडेंट फ़ेडरेशन वालों न ज० एंड के० में तीन गरमुख कैम्प काश्मीर में किए और टोटल ज० एंड के० में 6 किए, जम्मू में तीन किए। श्रीनगर में उन्होंने इस प्रकार के कैंप चलाने के लिए उनको हर प्रकार की सुविधा दी। यही नहीं, पाकिस्तान की मिलिटरी को जो गुरिना ब्रिगका एक्सपर्ट था, उसको बुला कर वहाँ पर ट्रेनिंग होती थी। उस गरमुख ट्रेनिंग कैंप को श्रीनगर में खालिस्तान का कैंप कहा गया। यही नहीं वहाँ पर लिटरैचर बांटे जाते थे। अब्दुल्ला जो खुद भी किसी न किसी कैंपों में जाते और एड्रेस करते थे।

यही नहीं मान्यवर, अकाली दल के साथ, वे जब कभी अमृतसर आए हैं, मिले हैं और छह दफा भिडरवाला से मिले हैं। अकाली नेताओं से तो बराबर मिलते रहे हैं और जब कभी मिले तो

उन्होंने उनको आश्वासन दिया कि हम हर प्रकार से सहायता करेंगे, आपके साथ कोलोबोरेशन करेंगे और इस तरह से उन्होंने देश की सिक्योरिटी को खतरे में डाला। इसके साथ ही उन्होंने ऐसे लोगों से संबंध स्थापित किया, जिससे हमारे देश को सिक्योरिटी खतरे में पड़ गई।

मान्यवर, अब आप देखें कि किस तरह से इनको जब इनकी पार्टी के लोगों ने यह समझा कि सिक्योरिटीरिस्क हो गए हैं। उन्होंने अपनी कांफ्रेंस में स्प्लिट को और उसके बाद नेशनल कांफ्रेंस दो भागों में बंट गई। एक तो उनके बहनोई अलग हो गए, इनको निकाल दिया नेशनल कांफ्रेंस से और फिर थोड़े दिनों के बाद 12 एम०एल०एज० नेशनल कांफ्रेंस से अलग होकर गवर्नर के पास गए और कहा हमने कि अपना समर्थन उनसे विद्वृत्त कर लिया है। उनकी पार्टी का बहुमत नहीं रहा, आप उसे डिसमिस करें। गवर्नर ने डा० अब्दुल्ला को बुलाया और उन एम०एल०एज० से बात करने को कहा। उन्होंने बात की, सब से टाक को। मालूम हुआ कि उनके पेरों से जमीन खिसक गई है। तो उन्होंने गवर्नर से कहा कि आप डिसमिस कर दें। लेकिन गवर्नर डिसमिस कैसे कर सकते थे अण्डर कंस्टिट्यूशन उन्होंने काम करना था गवर्नर ने कहा कि आप देख लीजिए, आपका बहुमत नहीं है। ऐसे गवर्नर ने जब कहा, रिनाइन किया और दूसरी बहुमत वाली सरकार बनाई, जो इस वक्त काम कर रही है।

मान्यवर, आपको सुनकर ताज्जुब होगा कि क्या चोजें उन लोगों ने लगाए गवर्नर से क्या कहा? उसका थोड़ा सा वर्णन मैं आपके सामने कर देना चाहता हूँ। पहला एलामेशन यह है कि ये एंटी

नेशनल एलामेंट को सपोर्ट कर रहे हैं। गवर्नर ने पूछा कि आप छोड़ रहे हैं, तो क्यों छोड़ रहे हैं, तो जवाब था ये एंटी नेशनल एलामेंट को सपोर्ट कर रहे हैं। ये इन-एक्टिव चीफ मिनिस्टर हैं। इनकी रीजिम में जे० एंड के० का कोई भला नहीं हो सका और तीसरा उन्होंने कहा कि ये पिलोराइडिंग करते हैं, मोटर साईकल के ऊपर बठ जाते हैं और पोछे किसी मायिका का लेकर चलते हैं... (व्यवधान)

श्री उपसभापति : अब संक्षिप्त करिए।

श्री रामानन्द यादव : यह कहा कि एंटी-सेन्टर पोस्चर कर के ये कश्मीर का भला नहीं कर रहे हैं इस लिए हम लोग इनके खिलाफ हैं। उन्होंने यह भी कहा कि बहुत बड़े सिक्योरिटीरिस्क हो गये हैं, इनके पिता जी ने जो रिलेशन कश्मीर और सेंटर में एस्टेब्लिश किया था, हिन्दू और मुस्लिमों के बीच सद्भावना कायम की थी, जो सेक्युलर एटमासफिर कश्मीर में बनाया था उस को यह डिमोनिश कर रहे हैं, हम इस को डिमोनिश नहीं होने देना चाहते। मान्यवर, आप भी जानते हैं कि कश्मीर के लोग सेक्युलर लोग होते हैं। हमारे मद्द् साहब हैं, दूसरे हैं, जब धाड़र मिलते हैं तो कभी नहीं समझते कि फर्क है। वह कश्मीर के रहने वाले हैं, हम बिहार के रहने वाले हैं लेकिन जो आउटलुक है वह विलकुल सेक्युलर है। ऐसा सेक्युलर आउटलुक वह डिमोनिश कर रहे थे। इस लिए उन के ही कुलामस ने उस डिमोनिशन को बर्दाशत नहीं किया। यह भी उन्होंने कहा कि आज के ए० एफ० के लोक गुप्त रूप से उन से मिलते हैं। इस लिए हम अपना समर्थन विद्वृत्त करते हैं। सेनेशनलिस्ट एलामेंट, कम्युनल एलामेंट के साथ इन्होंने गठबंधन कर लिया है इस लिए हम इनका साथ छोड़ रहे हैं।

[श्री रामानन्द यादव]

खालिस्तान मूवमेंट के जो लोग हैं उन को परोक्ष रूप से ट्रेनिंग दी है। देश की संवैधानिकी खतरे में पड़ती है। ऐसी हालत में हम अधिक दिनों तक इन्हें गद्दी पर नहीं रहने देना चाहते। मान्यवर, इस तरह के एवांगेला उन्हांने लगाये।

अब मैं सरकार से कुछ प्रश्न पूछना चाहता हूँ। हमारा पहला प्रश्न यह है:—

whether Government has proof that in J.K. Gurmit Training Camps organised by Sikh extremist Pak military personnel, expert in Guerilla warfare, imparted training in the grab of Sikhs to the Punjab extremists;

whether Government of India has supplied the list of anti-nationals, secessionists, Pakistani infiltrators to Dr. Farooq Abdullah to arrest those elements who had become security risk to the country;

whether it is a fact that Dr. Abdullah did take no action on that supplied list;

whether it is a fact that Dr. Farooq Abdullah allowed the terrorists to escape to Pakistan across the Jammu and Kashmir border;

whether Dr. Abdullah failed during his regime to flush out Akali and KLF terrorists from Jammu and Kashmir;

whether Dr. Abdullah took little interest in the administration of his State and thus developmental activities during his time stopped totally in Jammu and Kashmir;

whether it is a fact that during the demonstration organised by the Sikh extremists anti-national secessionists and KLF elements in Srinagar openly snatched a gun of an army man from his hand, and when it was brought to the notice of Dr. Abdullah no action was taken by him;

whether it is a fact that during the demonstration anti-national slogans

and pro-Pakistani slogans and also slogans like 'farzi nata toro, Kashmir chhoro' were raised and Dr. Abdullah took 'ito' notice of it;

whether it is a fact that Mr. Handoo, the right-hand man of Dr. Abdullah and the Transport Minister whose name I do not remember, sat at the aerodrome for the whole day when the IA airbus was hijacked;

whether it is a fact that two journalists who were to travel by the same plane cancelled their trip on the advice of Mr. Handoo and these two journalists were close friends of Dr. Abdullah.

MR. DEPUTY CHAIRMAN: Now comrade, please.

SHRI RAMANAND YADAV: Please wait.

यह बहुत इंपोर्टेंट चीज है। आज राष्ट्र खतरे में है। आप इसे रियलाइज करते हैं, यह रियलाइज नहीं करते।

श्री उपसभापति : आप सवाल पूछिए।

SHRI SHARIEF-UD-DIN SHARIQ (Jammu and Kashmir): Sir, he should be given sufficient time for mud-slinging against the secular forces. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please put your questions.

SHFJ GULAM MOHI-UD-DIN SHAWL (Jammu and Kashmir): Rest assured we "will not interfere, whatever abuses he hurls. My only request is that when my turn comes, he must listen to me. That is all. He can abuse any way he likes. But he should listen to us. (*Interruptions*)

SHRI RAMANAND YADAV: Whether it is a fact that when Harfun Manila, one of the hijackers of the plane, disclosed his identity, the plane was allowed to land at Lahore.

Whether it is a fact that Harfun Maulla was trained Pakistani hijacker.

Whether it is a fact that at no stage the Indian Ambassador was allowed to talk with the hijackers at the ahore airport although he was present there in connection with the release of the passengers and whether it is a fact that only Pakistanis and the American Ambassador negotiated with the hijackers for the release of the plane and the passengers.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): How is it connected with Dr. Abdullah?

SHRI RAMANAND YADAV: Whether it is a fact that during the regime of Dr. Abdullah anti-national, communal, secessionist elements entrenched themselves in the police and general administration of the State (Ud b%ause of his open support to them, members of the Sikh Student Federation were appointed in Government service and enlisted members of the Awami Action Committee were appointed up to the Inspector's rank in the police of Jammu and Kashmir state.

Whether the Government is aware of the fact that the whole administration was polluted by Dr. Abdullah by appointing anti-national, secessionist, pro-Pakistani elements on key positions of the State administration.

Whether in the camps organised by the Sikh Student Federation in J&K, Khalistani 10-paise stamps were freely distributed. When it was brought to the notice of Dr. Abdullah, he took no notice of it.

Whether American Ambassador was invited to Srinagar by Dr. Abdullah before the flushing out of extremists from the Golden Temple and he declined to go there telling Dr. Abdullah that he would be misunderstood by the Indian Government? It means he wanted to cover it. Is it a fact that both the American Ambassador and the British High Commissioner visited the Kashmir valley several times before in the year 1983? Is it a fact that they went on a political

mission and they organised demonstrations and all these things?

मैं आखिर में एक बात कहना चाहता हूँ कि मुझे दुख है कि हमारे अधीनस्थ के जो लोग हैं ये लोग देश की मुख्य धारा किधर जा रही है, उसको नहीं समझते। किस तरह से इंटरनेशनल फोर्सों हमारे खिलाफ षडयंत्र कर रही हैं, फिर भी ये सैक्युरिटी रिस्क को नहीं समझ सके। आज ये भारत सरकार को हर तरह से कमजोर करने की कोशिश कर रहे हैं। मैं अपने इन मित्रों से कहूँगा कि अपनी बुद्धि को परिमार्जित करें और देश के लोगों के हित में सरकार से सहयोग करें ताकि देश की अखंडता पर किसी तरह का आघात न लगाया जा सके।

SHRI DIPEN GHOSH (West Bengal) : Sir, I am on a point of order. Normally the practice of this House has been that to the person who puts certain questions initially the Minister replies first and then other party representatives, whose names are there, put their questions. But, afterwards, for our convenience we took it that all questions will be put together and the Minister will be replying at the end. Now, Mr. Ramanand Yadav has put certain important questions. If the replies are given by the Minister initially, then it will be easier for us to take part in the debate. So, naturally, I would request the Minister to reply to Mr. Ramanand Yadav ... (Interruptions)...

MR. DEPUTY CHAIRMAN: More important questions will be raised... (Interruptions)... No, no.

SHRI P. V. NARASIMHA RAO: More important questions are being expected from other Members. I shall not be guilty of discrimination or saying or thinking that only these questions are important.

MR. DEPUTY CHAIRMAN: Shri Satya Prakash Malaviya,

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Public Importance

SHRI LAL K. ADVANI (Madhya Pradesh): It is not a question of importance or unimportance but this was the practice since about a couple of months back. But I think in this particular case, considering the nature of the debate, the issues raised by the hon.- Member are really such that if the Government enlightens the House we would be able to participate more effectively.

SHRI RAMANAND YADAV: You tell your point of view.

SHRI DIPEN GHOSH: I am asking for his replies. Why are you... (Interruptions)...

SHRI P. V. NARASIMHA RAO: Advaniji, please. It will make no difference. Let us follow the practice... (Interruptions)...

SHRI PARVATHANENI UPEND-RA: He should answer all these questions.

SHRI P. V. NARASIMHA RAO: I would prefer to reply at the end.

SHRI GULAM MOHI-UD-DIN SHAWL: It will facilitate our discussion because, as I said, the charges are very serious in nature but baseless.

SHRI V. GOPALSAMY (Tamil Nadu): It is very strange that Mr. Yadav is not interested in knowing the answers.

श्री सत्य प्रकाश मालवोय (उत्तर प्रदेश) : माननीय उपसभापति महोदय, जम्मू-कश्मीर प्रदेश में केवल दो बार विधान सभा के आम चुनाव हुए। पहली मर्तवा 1977 में और दूसरी बार चुनाव हुए जून, 1983 में। जून, 1983 के पूर्व, जनवरी 1983 में दिल्ली मेट्रोपोलिटन काउंसिल और नगर महापालिका के चुनाव हुए। जिन डाक्टर फारूख अब्दुल्ला के लिए यह कहा जा रहा है कि देशभक्त नहीं हैं, वे राष्ट्र भक्त नहीं हैं, फारूख अब्दुल्ला विदेशी ताकतों से मिले हुए हैं यही डा० फारूख अब्दुल्ला जनवरी 1983 में माननीय प्रधान

मंत्री जिस पार्टी को अध्यक्ष हैं, कांग्रेस (आई), उसकी पार्टी के जो यहां से उम्मीदवार चुनाव लड़ रहे थे दिल्ली मेट्रोपोलिटन काउंसिल और दिल्ली नगर महापालिका के लिए, उनके चुनाव के समर्थन में इस देश की राजधानी में, दिल्ली में डा० फारूख अब्दुल्ला का भाषण हुआ था। (व्यवधान) उसके कुछ दिन के बाद जब विधान सभा के चुनाव की घोषणा हुई तो सत्ता कांग्रेस पार्टी और नेशनल काँग्रेस पार्टी के बीच में आपस में सीटों का बंटवारा हो रहा था। वह बंटवारा मैं नहीं जानता किस वजह से पूरा नहीं हुआ। आपस में मतभेद हुआ होगा। मैं समझता हूँ डा० फारूख अब्दुल्ला एक बहुत ही कूटनीतिज्ञ और होशियार व्यक्ति थे। वह समझ गए कि भविष्य में हम को बिल्कुल कठपुतली मुख्यमंत्री की तरह रहना पड़ेगा, इस कारण समझौता टूटा। जून 1983 में चुनाव हुए और उन चुनाव के बाद जम्मू और कश्मीर प्रदेश की जनता ने अपने मन के, इच्छा के हिसाब से वहाँ की सरकार को चुना। उसके जो नतीजे सामने आए उसमें 47 सीटें नेशनल काँग्रेस को और 26 सीटें सत्ता कांग्रेस पार्टी के एक पैथर पार्टी को एक पीपल्स काँग्रेस को और एक सीट मिली किसी आजाद उम्मीदवार को। जो कुल मिला कर प्रतिशत था वह 42.45 परसेंट नेशनल काँग्रेस को, 26.62 परसेंट वोट मिले सत्ता कांग्रेस पार्टी को। लेकिन जिस दिन यह चुनाव घोषित हुए और जिस दिन से डा० फारूख अब्दुल्ला एक विरोधी पार्टी के मुख्य मंत्री बने जम्मू-कश्मीर में, उसी दिन से साउथ ब्लाक में बैठ कर षडयंत्र किया गया कि जम्मू और कश्मीर में डा० फारूख अब्दुल्ला की सरकार को नहीं चलने देना है, नहीं चलने देना है, नहीं चलने देना है। इस देश का कानून

है, चुनाव की प्रक्रिया है, रिप्रेजेंटेशन ऑफ पीपल्स एक्ट है उसमें इस बात का प्रावधान है कि अगर कोई व्यक्ति चुनकर आता है और अगर उसका चुनाव अवैध समझा जाता है तो लोगों को पूरा अधिकार प्राप्त है कि वह अदालत में जाए और जाकर चुनाव याचिका दाखिल करे और फैसला करा ले। इस देश में आप जानते हैं कि एक न्यायपालिका है और ऐसी न्यायपालिका है जिसने तत्कालीन प्रधानमंत्री श्रीमती इंदिरा गांधी के फैसले को 12 जून को अवैध करार दिया। लेकिन इलेक्शन पंटीशन कांग्रेस पार्टी की तरफ से दाखिल हुए, चुनाव याचिका दाखिल की गई। जहाँ-जहाँ हारे सब जगह चुनाव याचिका दाखिल हुई। लेकिन दूसरे दिन सड़कों पर निकल कर फर्जी प्रचार शुरू हुआ की फारूख अब्दुल्ला ने बेईमानी करके वहाँ की सरकार पर कब्जा कर लिया है। इस देश का दुर्भाग्य यह है कि अगर हम उनके परिवार के साथ रहें, उनके परिवार की पूजा करें, उनके परिवार का काम करें तो हम से बड़ा देशभक्त कोई नहीं है चाहे हम राष्ट्रद्रोही ही क्यों न हों। लेकिन अगर हम राष्ट्रभक्त हैं और इनके परिवार की पूजा नहीं करते तो उससे बढ़ कर गद्दार कोई नहीं है। मैं इसका एक उदाहरण देता हूँ। तारिक अब्दुल्ला फारूख अब्दुल्ला के छोटे भाई हैं। शेख अब्दुल्ला के साहबजादे हैं। तारिक अब्दुल्ला पाकिस्तान के नागरिक थे और यही तारिक अब्दुल्ला ने 64 या 66 में संयुक्त राष्ट्र संघ में मांग की कि Jammu and Kashmir is not an integral part of India, it is an integral part of Pakistan.

पाकिस्तान के नागरिक की हैसियत से जम्मू-कश्मीर को पाकिस्तान में मिलाने की बात करते हैं। क्योंकि वह श्रीमती इंदिरा गांधी का साथ देते थे इसलिए उनसे बढ़ कर कोई दूसरा देशभक्त नहीं है और फारूख अब्दुल्ला से बढ़ कर कोई दूसरा आदमी देशद्रोही नहीं है।

श्री गुलाम रसूल कार (नाम-निर्देशित) : वह सरकारी मुलाजिम था ... (व्यवधान)

श्री सत्य प्रकाश मालवीय : इस देश में जब तानून बनाया गया था तो उस समय जो सारे संविधान के निर्माता थे उन्होंने कभी सपने में भी नहीं सोचा था विधान सभा में कौन मुख्य मंत्री बहुमत में होगा और कौन मुख्य मंत्री अल्पमत में होगा इसका फैसला राज भवन में होगा लेकिन इसके साथ-साथ मैं इस बात को दोहराता हूँ कि इस देश के एक बहुत ही मशहूर भूतपूर्व सांसद श्री मधु लिमये ने एक लेख लिखा है "समस्याएं और विकल्प" जिसमें ... (व्यवधान)। मान्यवर, आप मुझे संरक्षण प्रदान करें। इसमें राष्ट्रपति शासन के दुरुपयोग के बारे में लिखा है। कुछ सप्ताह पहले यानी जम्मू-कश्मीर के चुनावों के बाद प्रधानमंत्री ने जम्मू कश्मीर का दौरा किया। उसमें उन्होंने बहुत ही प्रक्षेपक और अवांछनीय भाषण किया जो दूर-दर्शन पर भी प्रसारित हो चुका है। श्रीमती इंदिरा गांधी ने कहा कि यदि केन्द्रीय सरकार चाहेगी तो वे गैर-कांग्रेसी सरकार आधे घण्टे तक भी नहीं चल पाएगी। जैसे कि यह हिन्दुस्तान और यह संविधान श्रीमती इंदिरा गांधी की खानदानी जायदाद है ... (व्यवधान)।

श्री गुलाम रसूल कार : ब्रिटवीन दो लाइन मत पढ़िये।

श्री सत्य प्रकाश मालवीय : इस देश के संवाददाता जो कहते हैं या इस देश के समाचार पत्रों में जो बातें प्रकाशित होती हैं, वे गलत हो सकती हैं, असत्य हो सकती हैं, लेकिन दूरदर्शन और आकाशवाणी पर जो टिप्पणी होती है जिसको सिक्रिप्ट कहते हैं, जो उसके जरिए प्रसारित होती है, उस पर तो आप विश्वास करेंगे। श्रीमती इन्दिरा गांधी ने जम्मू-काश्मीर में कहा कि यदि केन्द्रीय सरकार चाहे तो आधे घण्टे में यह सरकार बर्खास्त हो सकती है... (व्यवधान)।

श्री गुलाम रसूल कार : आउट ऑफ कंटैक्स्ट मत पढ़िये।

श्री सत्य प्रकाश मालवीय : मान्यवर वहाँ पर हिंसा का वातावरण पैदा किया गया, तनाव का वातावरण पैदा किया गया। सड़कों पर हिंसा हुई। श्रीमती इन्दिरा गांधी बारबार इस देश की जनता को सीख देती रहती हैं कि सड़कों पर चल कर जो इस देश की निर्वाचित सरकारें हैं उनको गिराने का काम इस देश की जनता को नहीं करना चाहिए। उन्होंने कहा है कि जो विधिवत निर्वाचित सरकारें हैं उनको गिराने का काम सड़कों पर चल कर या जुलूस निकाल कर नहीं करना चाहिए... (व्यवधान)। यह आपके नेता का प्रवचन है। मेरा निवेदन यह है कि हिन्दुस्तान के प्रधान मंत्री की कथनी और करनी में बहुत बड़ा अन्तर है, बहुत बड़ा फर्क है। उसके

बाद वहाँ के राज्यपाल को बदला गया। राज्यपाल श्री बी०के० नेहरू को बदला गया। एक ऐसे आदमी को राज्यपाल बनाया गया जिसके बारे में शाह कमिशन की रिपोर्ट है, जस्टिस शाह की रिपोर्ट है। एक वोल्यूम, दो वोल्यूम और तीन वोल्यूम... (व्यवधान)।

श्री गुलाम रसूल कार : जनता, मेरा पाइण्ट ऑफ आर्डर है... (व्यवधान)

श्री सत्य प्रकाश मालवीय : जम्मू-काश्मीर में विधिवत निर्वाचित सरकार को खत्म करने के लिए, जनता की रिप्रेजेंटेटिव सरकार का खात्मा करने के लिए वहाँ पर उनको भेजा गया। मान्यवर, मैं जम्मू-काश्मीर के संविधान की तरफ आपका ध्यान आकर्षित करना चाहता हूँ। राज्यपाल ने शपथ ली थी—

"...I will faithfully excuse the office of Government (or discharge the functions of the Governor) of Jammu and Kashmir and will to the best my ability preserve, protect and defend the Constitution..."

मैं आपको बताने जा रहा हूँ कि राज्यपाल ने किस तरीके से जम्मू-काश्मीर के संविधान को सुरक्षा की या उसको प्रोटेक्ट किया है, उसको डिफेण्ड किया है। उस संविधान के अनुच्छेद 35 में कौंसिल ऑफ मिनिस्टर्स के बारे में लिखा है—

"35. Council of Ministers to aid and advice the Governor.—(1) There shall be a Council of Ministers with

the Chief Minister at the head to aid and advise the Governor in the exercise of his functions.

"(2) All functions of Governor expect those under sections 36, 38 and 92 shall be exercised by him only on the advice of the Council of Ministers."

Article 36 is about appointment of Ministers.

SHRI P. V. NARASIMHA RAO: I have stated in my statement that this action by the Governor was taken under the Constitution of the Jammu and Kashmir State. Now I would like to bring to your notice that so far as Government is concerned, I do not propose to go behind the decision or the action taken under the Constitution of the State. If the hon. Members want to exercise their freedom of speech, it is up to them, but I would like to appeal to them that no useful purpose would be served by going into that whether it is under article 164 or the corresponding section under the other Constitution. Sir, whether it is under 164 or the corresponding section, in the other Constitution the Governor takes a particular decision depending on his judgment at his discretion. As I said, it is not going to serve any purpose because no answer would be made by the Government on this point except to say 'that we have no jurisdiction. We do not want to make any comment on the action of the Governor. After that it is up to you and upto the hon. Members.

SHRI. PARVATHANENI UPENDRA; Sir, I am on a point of order. If we cannot discuss the Governor's action what else we can discuss?

SHRI M. S. GURUPADASWAMY (Karnataka): Sir, may I in all humility say that the remarks of the Hon'ble Minister for Home are not proper and correct. The most important development in Kashmir is the dismissal of the Government of Dr. Farooq Abdullah and all these things that he has said in the beginning of the statement are totally irrelevant. Sir,

my point is that the most important event is the removal of Dr. Farooq Abdullah's Government and we cannot discuss anything else except this. This is the main theme.

MR. DEPUTY CHAIRMAN: The Minister has explained his position.

SHRI M. S. GURUPADASWAMY: Sir, he cannot circumvent the debate of the House.

SHRI P. V. NARASIMHA RAO: Sir, I am not circumventing the debate of the House. That is why I said the discussion on this particular point will be no more and no less than an exercise of the freedom of speech of hon. Members. So far as Government are concerned, it is Government's view that we have no jurisdiction in going behind the decision. That is why I am not going to reply.

SHRI PARVATHANENI UPENDRA: Sir, the Hon'ble Minister cannot say that Government have no jurisdiction. The Minister has to reply to the debate.

MR. DEPUTY CHAIRMAN: That is the position.

SHRI DIPEN GHOSH: Sir, I am on a point of order.

SHRI PARVATHANENI UPENDRA: Sir, if the Minister is not going to reply, there is no use proceeding with the debate. What is the basis for discussion? What else we can discuss.

SHRI DIPEN GHOSH: Sir, I want to make one point clear. The Calling Attention Motion has been admitted in view of the recent developments in Jammu and Kashmir. These recent developments include the dismissal of the Jammu and Kashmir Government headed by Dr. Farooq Abdullah. Sir, from the statement it is also mentioned in paragraph 5 that the Jammu and Kashmir Government headed by Dr. Farooq Abdullah has been dismissed. As my hon. friend, Shri Gurupadaswamy has also mentioned that the greatest events which have taken place in the Jammu and Kashmir recently and of late, is the

[Shri Dipen Ghosh]

dismissal of the Government. That is the Council of the State. This is the Council of the State and Jammu and Kashmir as a State is included.

MR. DEPUTY CHAIRMAN: But what about the constitutional position. That is the point.

SHRI DIPEN GHOSH: Sir, the point is that the Governor of Jammu and Kashmir is appointed by the President of India under the Constitution of India. We are entitled to discuss the conduct of the Governor in the Council of States and it is enjoined upon the Minister of Home Affairs to reply to the questions raised by the Members here in that connection.

MR. DEPUTY CHAIRMAN: Mr. Advani.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, I can appreciate the Home Minister being somewhat discreet when he replies to the various questions posed by the Members. Maybe even the hon. Member who initiated the debate has raised so many issues and so many questions which the Home Minister may regard as totally irrelevant to the subject-matter of the debate today and not reply at all. But so far as the Calling Attention notice is concerned, for one thing, the framing of the Calling Attention notice itself is not exactly as most of us had given. We had referred to the dismissal of Dr. Farooq Abdullah and we had described it as a violation of constitutional norms and, therefore, we brought it within the purview of Parliament—not merely a State matter. But in the Secretariat, maybe to accommodate all the different Calling Attention notices, it was framed as regarding "recent developments in Jammu and Kashmir". On the basis of that, the Minister has made a statement. Now, my point of order is that in this statement, in paragraph 5 he has referred to the fact that "the Governor of Jammu and Kashmir dismissed the Ministry

headed by Dr. Farooq Abdullah on 2-7-1984 and sworn in Shri G. M. Shah as Chief Minister to form a new Government under the provisions of the Constitution of the State of Jammu and Kashmir." There have been so many other events also in Jammu and Kashmir. He has not referred to them, but he has identified this and rightly so, I would say. If he had omitted to mention this, I would have, right at the outset, objected to it and I would have said, "No purpose would be served". But he has mentioned it himself. Therefore, he has allowed this House to discuss the constitutionality of it. Sir, In article 355 of the Constitution of India, it is stated;

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

And when you talk of the provisions of the Constitution, it does not mean merely the letter of the Constitution or the specific provisions in articles 1, 2, 3, 4 and so on. But it is also refers to the norms of the Constitution which are evolved in course of time. We will be referring to all the Speakers' conferences and Governors' conferences. And here the Governor happens to be an appointee of the President of India. Suppose, for instance, the Governor does something absolutely unconstitutional against the Jammu and Kashmir Constitution, against the Constitution of India, do you mean to suggest that we cannot discuss it? So, I entirely appreciate that he need not answer every question and formulation. He knows best. But at the same time, right at this stage when the matter was raised, and which is the crucial matter, as to how Farooq Abdullah's Government was dismissed, for the House Minister to raise this in a manner as to stall the debate right here, I think, is not proper. Therefore, under article 355. . ,

SHRI P. V. NARASIMHA RAO: Now I have understood the point. I have not stalled the debate. I am not going to stop Members from making the speeches that they have come prepared to make.

SHRI DIPEN GHOSH: You want to circumvent the debate.

SHRI P. V. NARASIMHA RAO: No. What I am saying is, here is a constitutional difficulty. I am drawing the attention of the House even in the beginning so that I may not be blamed that they have made so many points and I have not replied to them. That is why as a matter of abundant caution, right in the beginning I have placed the constitutional position and my difficulty for the consideration of the Members; I have not gagged them; I have not stopped them from making any speeches that they want.

SHRI JASWANT SINGH (Rajasthan): Sir,...

MR. DEPUTY CHAIRMAN: Now the matter is over. Mr. Malaviya. The position has been clarified. (*Interruptions*)

SHRI JASWANT SINGH: It has not been clarified. Points of order are the right of each individual Member.

MR. DEPUTY CHAIRMAN: What is your point of order? Now this point is over. What is your next point of order?

SHRI JASWANT SINGH: I accept this matter is over now. If you exercise a little patience, I will explain.

1.00 P.M.

श्री उपसभापति : मैं कहां नाराज हो रहा हूँ, आप नाराज देखते हैं यही गड़बड़ है। आपको हर कोई नाराज दिखाई देता है। ... (व्यवधान) वह डिस्कशन ओवर हो गया है, यह जो प्वाइंट उठा था। अब दूसरी बात उठानी है तो उठाइये।

एक माननीय सदस्य : घबड़ाए नहीं।

श्री जसवन्त सिंह : मैं घबड़ा जाता हूँ, जल्दी सहम जाता हूँ।

श्री उपसभापति : दूसरा हर एक को घबड़ाया दिखाई देता है, खुद नहीं दिखाई देते हैं।

SHRI JASWANT SINGH: Mr. Deputy Chairman, in today's debate we have witnessed three unusual steps: the first, regarding the intervention by the honourable the Home Minister. My esteemed colleague has already referred to it; so I shall not reiterate it. The second to which I shall draw your attention is that we have witnessed, by implication, the intervention of the honourable the Home Minister which came only when there was a critical reference to the Governor's conduct...

SHRI P. V. NARASIMHA RAO: No, no. Please don't really go to that extent. It was mentioned for the first time. As I said, by way of abundant caution I made my position clear. If somebody had really praised this action of the Governor to the skies, even then I would have stood up.

MR. DEPUTY CHAIRMAN: I think that is enough. Now let us proceed.

संक्षेप करिए, काफी हो गया है।

श्री सत्य प्रकाश मालवीय : इतना टाइम तो प्वाइंट आफ आर्डर में चला गया। अभी मैं केवल चार मिनट बोला हूँ।

श्री उपसभापति : अब आप खत्म कर लीजिए।

श्री सत्य प्रकाश मालवीय : मैं यह निवेदन कर रहा था कि चूंकि माननीय गृह मंत्री के वक्तव्य में इस बात की चर्चा की गई है :

"The action taken by the Governor of Jammu and Kashmir..."

श्री उपसभापति : जल्दी आगे पूछिए ।

श्री सत्य प्रकाश मालवीय : सुनिए तो, मान्यवर, आप क्यों घबरे खोते हैं । माननीय गृह मंत्री जो बहुत अच्छे वकील रहे हैं अधिवक्ता रहे हैं और मैं इस बात को साबित करने की कोशिश करूंगा कि जम्मू-काश्मीर के राज्यपाल की कार्यवाही असंवैधानिक है । जम्मू-काश्मीर में . . . व्यवधान इस बात का प्रावधान है कि केवल तीन बात को छोड़ कर वहाँ के राज्यपाल is bound by the advice of the Council of Ministers. 15 आदमियों ने लिख कर दिया । एक जून की रात को टेलीफोन पहुंचता है भवनर साहब के पास कि हमारे जीवन को खतरा है रात भर हम लोग आकर राज भवन में रहना चाहते हैं, वहाँ सोना चाहते हैं, हमें सुरक्षा दीजिए । गवनर साहब ने कहा कि आपको सुरक्षा तो पूरी दी जायेगी लेकिन सुबह पांच साढ़े पांच बजे राजभवन में दाखिल होइए । सुबह पांच साढ़े पांच बजे 12 आदमी जिन्होंने दल बदला, जो दल बबलू थे . . . (व्यवधान) ये 12 आदमी दो अन्य और 15वां जो वहाँ की विधान परिषद् के सदस्य थे हमारे जी० एम० शाह, ये 15 वहाँ जाते हैं और राज्यपाल को कुछ लिख कर देते हैं । डा० फारूख अब्दुल्ला उस वक्त वहाँ पर मुख्य मंत्री थे जब वे वहाँ जाते हैं तो राज्यपाल महोदय को उन्होंने दो सलाह दीं । उन्होंने यह कहा कि आपकी जो बात है यह संदेहास्पद है । यह भाभला राजभवन में तय नहीं होना है, यह राजभवन के बेडरूम में तय नहीं होगा बल्कि जम्मू-काश्मीर की विधान सभा में तय होगा । उन्होंने केवल दो सलाह दीं । एक सलाह दी कि मैं विधान सभा बुलाने को तैयार हूँ, जब आप कहिए मैं बुला लूँ और मैं अपना विधान सभा में बहुमत साबित कर दूँगा और दूसरा उन्होंने कहा राज्यपाल महोदय से कि अगर आप इससे सहमत

नहीं हैं तो मैं अपने प्रदेश के लोकतंत्र के जो मालिक हूँ जो प्रदेश की जनता है उनके सामने जाने के लिए तैयार हूँ, आप विधान सभा को भंग कर दीजिए और चुनाव करा दीजिए ।

मैं खुद यह साबित करने की कोशिश कर रहा हूँ कि जम्मू-काश्मीर का जो संविधान है उसके अन्तर्गत विधान सभा बुलाने के लिए अगर कोई मुख्य मंत्री अपनी सलाह राज्यपाल को देता है तो राज्यपाल वाउंड है उसकी सलाह मानने को, तो जो तीन प्रावधान हैं मैंने जिनके बारे में ध्यान आकर्षित किया है । उसके अलावा बाकी सब प्रावधान के अन्तर्गत मुख्य मंत्री की सलाह से वाउंड होना चाहिए था । मुख्य मंत्री ने कहा कि आप विधान सभा बुलाइये, राज्यपाल महोदय नहीं मानें, मुख्य मंत्री ने कहा कि विधान सभा भंग करिए, राज्यपाल महोदय नहीं मानें, मुख्य मंत्री ने कहा कि आप चुनाव कराइये राज्यपाल महोदय नहीं मानें । . . (व्यवधान) मान्यवर, 1968 में स्पीक्स कांफ्रेंस हुई थी और श्री संजीव रेड्डी उस वक्त लोक सभा के अध्यक्ष थे उन्होंने उसकी अध्यक्षता की थी और उनका यह भाषण है, मान्यवर, इसको पढ़ कर मैं समय नहीं खराब करना चाहूँगा लेकिन वहाँ पर यह तय हुआ कि विधान सभा में कौन अल्पमत में है और कौन बहुमत में, इसका फंसला विधान सभा में होगा । उसके बाद, मान्यवर, एक राज्यपालों की कमेटी है, उसने फंसला किया कि इस बात का फंसला विधान सभा में जा कर के होना चाहिए । लेकिन कितनी भी लोकतंत्र की मान्यताएँ हैं, जो भी संविधान था, उसका खण्डन किया गया संविधान की हत्या की गई और 26 जून को वहाँ मुफ्ती मोहम्मद सईद साहब कांग्रेस पार्टी के अध्यक्ष हैं—पड़ली जुलाई को जाकर के फारूख अब्दुल्ला की सरकार गिरती है, लेकिन 26 जून को हिन्दुस्तान भर के

समाचार-पत्रों में मुफती मोहम्मद सईद साहब का खूब प्रकाशित हुआ—

There shall soon be a pleasant surprise in the Government of Jammu and Kashmir.

यानि जम्मू-काश्मीर की सरकार में बहुत शीघ्र एक सुबद परिवर्तन होने जा रहा है क्योंकि यह बेचारे सब दुख में बैठे हुए थे ।

फारूख अब्दुल्ला को गिराने की मंशा क्या थी ? फारूख अब्दुल्ला जो लोकतंत्र को मानता है उनके लिए इस देश में घूम-घूम कर के काम कर रहे थे, फारूख अब्दुल्ला कोशिश कर रहे थे कि जम्मू-काश्मीर को यहां की मेनस्ट्रिम से निकाल करके भारत राष्ट्र की मेनस्ट्रिम में लाकर जोड़ा जाए, लेकिन चूंकि वह इन्दिरा गांधी परिवार के भक्त नहीं थे, इन्दिरा शासन, इन्दिरा सरकार का जो दुर्नीति था, उसका पर्दाफाश कर रहे थे, इसलिए मान्यवर, फारूख अब्दुल्ला को सरकार को गिराया गया ।

अंत में एह बात मैं और अजं करना चाहता हूँ । जम्मू-काश्मीर में एक एंटी-डिफेंशन ला है । जहाँ तक मेरी जानकारी है, न तो केन्द्र में और न जम्मू-काश्मीर को छोड़ कर किसी और राज्य में एंटी-डिफेंशन ला बनाया गया है । एंटी-डिफेंशन ला में इतना का प्रावधान है कि जैसे ही कोई विधान सभा का सदस्य अपना दल बदलेगा, उसके विधान सभा को पदसिद्ध समाप्त हो जाएगा ।

श्री उप सभापति : वह तो अदालत में पेश मामला है । . . . (व्यवधान) ।

एक माननीय सदस्य : चरण सिंह कसे बने थे ?

श्री सत्य प्रकाश मालवीय : मैं बताऊंगा कि कसे बने थे । . . (व्यवधान) । मान्यवर, इस देश में . . . (व्यवधान) . . . केवल 15 आदमियों की सूची बहा पर दो गई और वह आदमी डर के मारे रात भर राज भवन में घूमते हैं, राज भवन के बड़रूम में घूमते हैं, और पन्द्रह आदमी बाहर निकलते हैं राज के मुख्य मंत्री और मंत्री बन कर के ।

माननीय चौधरी वरण सिंह ने जब सूची प्रस्तुत की थी, तो 288 लोक सभा के सदस्यों की सूची उन्होंने प्रस्तुत की थी । माननीय चरण सिंह जी ने जो मंत्रिमण्डल बनाया था, उसमें केवल 30 या 35 को मंत्री बनाया था । यहां पर 12 दलबदलुओं की सरकार बनाई और सब के सब कैबिनेट स्तर के मंत्री, न उसमें कोई स्टेट मिनिस्टर और न कोई डिप्टी मिनिस्टर ।

इसलिए, मान्यवर, मेरी इस सरकार से मांग है कि जम्मू-काश्मीर की जो हालत है, वह बहुत ही खराब है, वहां पर अशांति का वातवरण है और उसके कारण सारा देश प्रभावित हो रहा है । एक सप्ताह पूर्व वहां पर पांच लाख जनता निकली थी और ठोक उसी तरिके से नाग लगाया था कि—

“इन्दिरा गांधी गद्दी खाली करो, सिंहासन खाली करो, जनता कहती है ।” उसी तरिके से काश्मीर में पांच लाख लोगों ने नाग लगाया है । इसलिए, मान्यवर, डॉ० फारूख अब्दुल्ला की बात को मैं दोहराता हूँ और निवेदन करता हूँ कि केन्द्र सरकार को सद्बुद्धि हो, जो केन्द्र सरकार में बैठे हुए हैं, उनको सद्बुद्धि आए और वह जम्मू-काश्मीर की आज फरजी ढंग की सरकार जो बनाई हुई है, उसको खारिज करके इस देश को जो मालिक है—देश की जनता—उसकी स्वाहिण के मुताबिक चुनाव करवाये । जहाँ तक वह हल्ला करते हैं मैं

[श्री सत्य प्रकाश मालवीय]

इस बात का आरोप नहीं है। उनके नेता ने परतों यहाँ कहा था कि उधर के लोगों से कुछ सोख लिया है, तो इधर से कुछ सड़बड़ बात हो जाती है, तो काहे को सोखते हो। जो अच्छा सोख है, उसको सोखो।

श्री उपसभापति: सदन को कार्य-वाही 2 बजेकर 10 मिनट तक के लिए स्थगित की जाती है।

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

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

MR. DEPUTY CHAIRMAN: Yes, Mr. Gopalsamy,

SHRI V. GOPALSAMY. Mr. Deputy Chairman, Sir, the coup conspiracy, well designed and planned in New Delhi, to topple the Government of Dr. Farooq Abdullah was very efficiently accomplished by the chosen agent of the Government, Mr. Jagmohan, who is famous for his demolishing act, for demolishing the buildings and huts in Delhi, and now he has fulfilled the task of demolishing a State Government.

Sir, the Governor went against the Constitution of the State and the precedent of, 1977 and also against the guidelines of the Speakers' Conference and also the Governors' Conference. Unlike the case in our Constitution, section 35(2) of the State Constitution provides like this:

"All functions of the Governor except those under sections 36, 38 and 92 shall be exercised by him only on the advice of the Council of Ministers."

The Constitutional experts are clear that the Governor was bound to

accept the advice of the Chief Minister even if he had lost the majority in the State Assembly. That was done in 1977 when Mr. Sheikh Abdullah advised the Governor to dissolve the Assembly so that fresh elections could take place.

Sir, in this connection, I would like to quote no less a person than the former Speaker of the Lok Sabha which would be very relevant at this juncture:

"In no circumstance will it be left to the Governor to determine whether the Chief Minister continues to enjoy the support of the majority of the members or not. Even if the members make their opinion known to the Governor in writing, it is the prerogative of the Assembly to decide the issue."

Sir, a Committee of Governors was set up by the President which had submitted its document in 1979. These Governors are hand-picked by Mrs. Gandhi. In that document, Sir, they have clearly stated:

"When the Governor is satisfied, by whichever process or means, that the Ministry no longer enjoys the majority support, he should ask the Chief Minister to face the Assembly and prove his majority within the shortest possible time."

Here was a Chief Minister, Dr. Farooq Abdullah, who was very much ready to face the Assembly. *(Interruptions)* Please listen. It will be very relevant if I quote the same document which was submitted by the Governors in 1971. I quote:

"In the case of a Chief Minister heading a single party Government which has been returned by the electorate in absolute majority if the ruling party loses its majority because of defection by a few members and the Chief Minister recommends dissolution so as to enable him to make a fresh appeal to the electorate, the Governor may grant a dissolution. The mere fact that a

few members of the party have defected does not necessarily prove that the party has lost the confidence of the electorate."

(Interruptions)

You are creating new theories. You are splitting parties. You are weaving a new theory. This is your democracy. .. *(Interruptions)* You are the prime accused, the Congress(I). You are the real culprit. *(Interruptions)* You have destroyed democracy in Jammu and Kashmir. You do not have the patience even. When Mr. Ramanand Yadav was speaking and he was making accusations against the Farooq Government, I kept quiet; I did not interrupt. Why don't you have that patience and listen. You have no regard and respect for democracy. *(Interruptions')* You people belonging to the Congress Party have no respect for democracy. You do not have any respect for democracy. *(Interruptions)*

AN HON. MEMBER: You are misguiding the House. *(Interruptions)*

SHRI R. MOHANARANGAM (Tamil Nadu): Sometimes due to provocation they can use certain words. If they interfere like this, the Rules will have to be changed. When we discuss this problem, let us discuss the problem. I think it is better not to interrupt. *(Interruptions)*

SHRI V. GOPALSAMY; Here is a letter of Mr. Jagmohan to Dr. Farooq Abdullah of July 2nd; the time is 7 A.M. I quote:

"When we met and discussed the matter you advised that I impose Governor's rule under section 92 of the J- K. Constitution and keep the Legislative Assembly under suspended animation. I would be grateful if you kindly send me your confirmation in this regard writing immediately."

Dr. Farooq, in his immediate reply, confirmed that he had advised Governor's rule but clarified that his first demand was that the "Assembly be summoned forthwith".

What has taken place? He has totally ignored, criminally ignored, the democratic norms, and he has thrown to winds the guidelines which are given by the Speakers' Conference and also by the Governors' Conference.

Sir, now I understand that whenever a Government is a non-Congress Government, if it is not toeing the line of the Central Government, that Government will be immediately toppled. This toppling game started in the year 1951 itself. I have great respect for Pt. Nehru who was a democrat. Even then he fumbled. In 1951, when a conflict between Mr. Bhim Sen Sachar and Gopi Chand Bhargava took place in Punjab, his Government was toppled. In 1959, when the non^Congress Government took over in Kerala, it was toppled. And it is a paradox that Mrs. Indira Gandhi was the President of All-India Congress Committee. So the same toppling game is continuing throughout the country. *(Time bell rings)*. The Pondicherry Government was toppled, the Communist Government was toppled, the Swatantra Government was toppled, the DMK Ministry was toppled and the AIDMK Ministry was toppled. The only remedy is that article 356 should be scrapped, thrown to the dust bin and those Governors who become the tools of the Central Government may... *(Interruptions)* The dictum of Machiavelli that ends justify the means has become the golden gospel of the Congress(I) Government and Madam Indira Gandhi. " You did it to achieve the end and then you say that it was done because of these things. I would like to ask the hon. Minister whether it is a fact that Mr. Jagmohan communicated to Dr. Abdullah in that letter that he was ready to dissolve the Assembly. Then there were instructions from Delhi not to do that. There were instructions from Delhi to call Mr. Shah to form the Government. He has acted as an agent of the Central Government. Madam Gandhi's Government has committed

[Shri V. Gopalsamy]

a fraud on democracy. Posterity will not forgive her. Patriotism is not the monopoly of Congress (I) party. You accuse anybody and everybody as anti-national. You have created another Punjab. You have created your own troubles. You have sown the dangerous seeds and you are going to reap the consequences.

SHRI GULAM MOHI-UD-DIN SHAWL: Sir, I hope that my friends on the other side will try to understand me. (*Interruptions*) Or don't try to understand me.

MR. DEPUTY CHAIRMAN; Please address the Chair. Do not talk to them.

SHRI GULAM MOHI-UD-DIN SHAWL: There is absolutely no hatred in my mind. As far as the toppling game is concerned, after operation Blue Star in Punjab, we have unfortunately seen this operation Jagmohan in the State of Jammu and Kashmir wherein a duly elected, constitutionally elected, Government was toppled down at mid-night, at 11.30. It is said that some 12 persons including two persons nominated approached the Governor at night and told him that they have no confidence in Dr. Farooq Abdullah. In the morning at 7.00 A.M. (Kindly consider this aspect) the Governor calls the Chief Minister. And who is sitting there. He is no less a person than the Chief of Nol them Command, General Chibbar. What was the idea in that? Do you realise that?

MR. DEPUTY CHAIRMAN: Please do not refer to the Army personnel by name. They are not involved in this.

SHRI GULAM MOHI-UD-DIN SHAWL: We are not to refer to the Army. We are not to refer to the Constitution. What are we to talk about?

SHRI DIPEN GHOSH: We cannot refer to the Constitution of Jammu and Kaiihmlr. We cannot refer to the

Governor of Jammu and Kashmir. Even we cannot refer to the Prime Minister. The name of the Prime Minister cannot be mentioned. What is this? Then please tell us under what confines we should act in the Parliament.

MR. DEPUTY CHAIRMAN; You know it better.

SHRI GULAM MOHI-UD-DIN SHAWL; It is a sad story that we will be heroes only if we sing the songs of the Congress. Thank you, Sir. I was saying that at that time, at 7.30 A.M., he was continuing to be the Chief Minister. The para-military troops were flown to Kashmir to every nook and corner. Don't say that these are press reports. I am myself a witness to it. I was in Srinagar. I went there on 2nd of July at 9.00 A.M. I was there. And what was there? The whole city was covered by the Army; Army vehicles were moving about, and we were not allowed to alight from the buses. We were

इधर का

माल ले जाइये, उधर का माल नहीं देंगे।

old in a vernacular:

The idea was, do not come out of the buseg as there is curfew. (*Interruptions*)

SHRI ANAND SHARMA (Himachal Pradesh); A new element is being introduced. (*Interruptions*)

MR. DEPUTY CHAIRMAN; You go on.

SHRI GULAM MOHI-UD-DIN SHAWL: I want to draw your attention, Sir. So, it was curfew. Who imposed this curfew throughout the city? And the new Chief Minister was sworn in at 6.30 P.M. Till then, the whole city and the whole area was under curfew. Schools, colleges and other institutions were closed, who had ordered this thing? We asked this question. We were told that it is the Governor. It was on these grounds that a correspondent asked the new Chief Minister on 14th of July, in his Press Conference "Are

you ruling the State or is it the Congress from the Centre?" Now, whatever way his answer, the question is that at that time the Centre had managed the whole show and Dr. Farooq Abdullah was asked to resign. Now we ask in right earnest: What fault and what crime had we committed? Our only fault and only crime was and continues to be that Dr. Farooq Abdullah was elected by a thumping majority of 47. (*Interruptions*) And the Congress lost the poll. And kindly consider this. Just after that we had a publication, "The toppling game in the State of Jammu and Kashmir." What did they say when Congress lost the battle after that election? It was a bitter pill for them to swallow. (*Interruptions*) I have every regard for you, gentlemen. I have no quarrel with you... (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please go on.

SHRI GULAM MOHI-UD-DIN SHAWL; Specially those who understand that, they know what I say. The question is that it was a bitter pill for them to swallow, much less to digest, that majority of National Conference were duly elected in the State Legislature. And the second crime was that Dr. Farooq did not join the Congress camp. On the contrary, he aligned himself with those forces in the country who are for democratic principles and justice... (*Interruptions*) Sir, I have a publication with me. You shall have the patience to see this. This is the 'Blitz' of 14th July, 1984 therein is a photo of somebody with Bhindranwale or somebody with somebody. And it is given here that it is Dr. Farooq Abdullah at one of the half a dozen conclaves that Jarnail Singh Bhindranwale had at the Golden Temple. Sir, those who have visited the Golden Temple can see that, this is not the photograph of the Golden Temple at all. The ex-Chief Minister is there. He can see that this is not the Golden Temple at all. (*Inter-*

ruptions) This is part of maligning campaign after the Congress was defeated (*Interruptions*) Mr. Darbara Singh is here. He can tell that this is not the Golden Temple. Anybody can see. All those Sikhs and Hindus who have visited the Golden Temple can say that this is not Golden Temple... (*Interruptions*)

SHRI DARBARA SINGH (Punjab): sir, I rise on a point of order.

SHRI GULAM MOHI-UD-DIN SHAWL; As far as the publication is concerned...

SHRI DARBARA SINGH: Sir, I am on a point of order. The hon. Member has mentioned my name. I should explain that Mr. Farooq Abdullah went to Amritsar on the excuse of a marriage and went to the Golden Temple. After he returned from the Golden Temple he met me and said that he has gone there to persuade the Akali party to come to terms and to sit round the table. I told him that you have not said that much but you have said that, be firm on your demands as a sacred community and we are going to help you. This is what he said. And not only once, he went there thrice, to the Golden Temple... (*Interruptions*).

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): You should be ashamed.... (*Interruptions*); you also stand condemned... (*Interruptions*).

SHRI DARBARA SINGH; Hon. Member, must know the behaviour in the House; he must know the language to use. He has come to this House and he must know how to use the language; he must learn culture... (*Interruptions*); otherwise we also know what to do. What is he thinking of?... (*Interruptions*).

SHRIMATI MARGARET ALVA (Karnataka): Sir, he used the language which... (*Interruptions*).

MR. DEPUTY CHAIRMAN: I have not heard anything, and nothing has

[Mr. Deputy Chairman]
gone on record. Nobody has heard it.
It is not on record. Therefore, I am
not going to hear it from you.

SHRI GULAM MOHI-UD-DIN
SHAWL: Don't interfere, don't inter-
rupt, Madam. At least I hoped that
you will understand me.. . (*Interrup-
ts,ts*).

SHRIMATI MONIKA DAS (Kar-
nataka); Sir, he used the words...
(Interruptions).

MR DEPUTY CHAIRMAN. Please
hear me first. Nothing has gone on
record. Why do you want to repeat it
and bring it on record?

SHRIMATI MONIKA DAS: What
he is saying is all nonsense. . . (In-
terruptions).

SHRIMATI MARGARET ALVA; I
am sorry> Mr. Deputy Chairman, the
words used., .

MR. DEPUTY CHAIRMAN: All
right; you bring a motion. First of
all I told you that whatever he has
said, I did not hear and nothing has
gone on record. If you want to re-
peat it and bring it on record that
is different.

SHRI JASWANT SINGH. Sir, on a
point of order. . . (*Inlernplinns*).

SHRIMATI MONIKA DAS; He was
saying all nonsense... (Interrup-
tions)

कुमारी सरोज खारडे (महाराष्ट्र) :
सम्माननीय सदस्या से हमें यह उम्मीद नहीं
थी कि वे ऐसी भाषा का इस्तेमाल कर सकते
हैं। . . . (व्यवधान)

LEADER OF THE HOUSE (SHRI
PRANAB KUMAR MUKHERJEE):
Sir, may I have your indulgence? In
this case some Member has unguard-
edly uttered some words. The point
is not, whether it has gone on record
or not. The point is, some Members
have said that they have heard cer-
tain words, certain expressions, which

have been used, which are not only
unparliamentary, but which should
not be used at all. It should be a
civilised language. In this case, the
best course would be for the Mem-
ber to withdraw such expressions,
even if it has not gone on record. He
should apologise. It is understand-
able that in a debate of this kind,
temperatures may run high. But one can-
not use certain words which are abu-
sive. I would respectfully submit.
Some Members from this side have
>:n\ (hat they have heard this ex-
pression. I would not like to utter
this. That is why, I say, it will be
in fairness if the hon. Member with-
draws this?.

(*Interruptions*)

SHRI JASWANT SINGH: The Lea-
der of the House has made a point
which is unexceptionable, that if there
be a word used which is unparliamen-
tary, it will not be part of the pro-
ceeding. I do not think there is
anybody who will dispute that point.
The point that is being disputed by
me, in my attempt to raise a point of
order is, a very eminent Member of
the House, who has been a former
Chief Minister of Punjab, rose on a
specific point of order and gave an
explanation about the conduct of a
certain gentleman who is under re-
ference. (*Interruptions*). My point of
order is, the point which I am trying
to assert is, the treasury benches, fre-
quently take recourse to telling the
Chair, as to how it should conduct it
self. (*Interruptions*) Let me finish.
(*Interruptions*) It is the Chair's pre-
rogative to rule out that which is
unparliamentary. You, from the
Chair, have categorically said that
you have not heard what is alleged to
be the case.

MISS SAROJ KHAPARDE:
Ail of us heard.

SHRI JASWANT SINGH: The
treasury benches continue to make
efforts to make you hear what you
have not heard. (*Interruptions*) If
it's not part of the treasury benches'
function...

SHRI MUKHTIAR SINGH MALIK (Haryana)- You have not toe courage to ask him

के लोगों ने मुना है। (व्यवधान) आप यहाँ आकर वाली देते रहे और हम चुप बैठे रहे, कैसे हो सकता है (व्यवधान)।

श्री उषतभापति : एक आदमी बोले तब तो मैं सुनूँ। इतन आदमी एक साथ कहेंगे तो मैं कैसे सुन सकता हूँ। ((व्यवधान)।

SHRI JASWANT SINGH: My specific point is, is it part of the treasury benches' function to make you hear what they want you to hear and to make you say what they want you to say? It is not part of the function of any Members of the House to attempt to make the Chair conduct the proceedings of the House, as per their wish, in the manner they want. The Chair will conduct the Business of the House in accordance with the Chair's understanding, as to how the business should be conducted. It is not given to the treasury benches.

SHRI N. K. P. SALVE (Maharashtra) : We have long been in Parliament to know that it is the business of the Chair to conduct the proceedings of the House. Therefore, the hon. Member would do well to remember that we do know that it is none of our business to tell the Chair how it should be done. The Leader of the House was not on the ground of expunction which is your jurisdiction. He was on a higher plane. The Leader of the House said that in the rush of the moment if a word slipped out, which the Member alone will know, the best course would be not only to withdraw it but to apologise. This is a clear submission of the Leader of the House to you, Sir, and to the Member concerned. Now this statement has been distorted by Mr. Jaswant Singh and he says that this side is trying to teach the Chair to conduct the House. This is extremely unfair, unjust and unworthy of him.

SHRI GHULAM RASOOL MATTO: If the reference of the hon. Leader...

MR. DEPUTY CHAIRMAN. Just a minute. Mr Matto, please sit down.

SHRI GHULAM RASOOL MATTO: Sir, what I want to submit is, I am one not one of those who would make abuses or use any derogatory remarks. I have said and I repeat what I have said, Mr. Darbara Singh... (Interruptions). Please sit down. (Interruptions) Please listen to me...-in your lime the Golden Temple was converted into an arsenal, you should not speak in those terms. That is all that I have said. What is the harm in it? Even if the President of India had said the same thing. .. (Interruptions). What is the harm in it?

MR. DEPUTY CHAIRMAN: I think, now the Member, should be satisfied because he has said that what he had said was that much, nothing else. Therefore, we accept that version.

SHRI MUKHTIAR SINGH MALIK: Give a warning to the Member (Interruptions).

SOME HON. MEMBERS: Sit down.

SHRI N. K. P. SALVE: We accept that. We fake that he is a gentleman.

MR. DEPUTY CHAIRMAN: Yes. Mr Shawl."

SHRI GULAM MOHI-UD-DIN SHAWL: I was submitting that after the election of Dr. Farooq Abdullah getting the majority in the House and after having been installed as the Chief Minister it was very difficult for the Congress to swallow this bitter pill, much less to digest it. So, vilification continued and this politics was taken to street. It was started in the valley as well as in other parts of the State.

Here, Sir, I have certain extracts from the speeches of these people belonging to Congress.

SHRI SYED SIBTEY RAZI (Uttar Pradesh): Sir, I am on a point of order. It is a relevant point of order.

[Shri Gulam Mohi-Ud-Din Shawl]

He has just said that he is going to quote certain extracts of the speeches of certain persons. I would like to know what is the authenticity of those speeches from which he is going to quote? (Interruption) Sir it is the (convention of this House that if any controversial thing is going to be brought to the notice of the House, the general permission of the Chair is taken. Have you granted him the permission to quote such things here which are misleading?

MR. DEPUTY CHAIRMAN: Let us see what he is going to quote. He will give full reference

SHRI GULAM MOHI-UD-DIN SHAWL; I am quoting the official organ of the Congress there in the State, 'Khidmat' "The struggle against the National conference activities will continue without any break." That was on 29th June, 1983. This is said by Shri Mufti, President of the Congress (I) there. "Normalcy cannot be allowed to be restored unless election; are held afresh." Then he says, "the

Government (I) will not rest, बैठने दोगे unless the results of the election are undone." This is again 'Khidmat' "In any case we will not accept the defeat before the National Conference Government." And then the biggest... (Interruptions). We are proud of ... (Interruptions). And what is the charge? That Dr. Abdullah has strengthened the hands of those who want to weaken the Centre for separatist ends. They just want—this is about the Conclave, not about anything else—to destroy the stability of the country. This is *Khidmat* dated 20th August, 1983. "The Opposition Conclave in Srinagar is a conglomeration of anti-national forces which are bent upon destroying the unity and integrity of the country." This was with regard to the Conclave that we had aligned ourselves with them. Not resting on ours, they went to the court of law

under writ petitions against those elections. All the National Conference MLAs 47 in number including that of the Chief Minister were challenged in those writ-petitions. Now kindly consider one aspect of it. The new Deputy Chief Minister of the State, Shri Thakur, came here on the 13th, 14th and 15th of July and addressed a press conference. He was put this question. Kindly consider this thing. "What about the writ petitions against those 12 MLAs who have defected?" He said: "They are withdrawn". Now this is strange. Under the Congress rule overnight villains are heroes and overnight heroes are villains. Why? What was wrong with those elections? We have the best example here, the Congress nominated member of Parliament, he will continue to hold that stand. Sitting here did not file any writ petition even though he too was defeated. He said that there was no rigging. He was himself a candidate. But what happened to those writ petitions? The twelve are withdrawn! Their elections have now become valid! There was no rigging about them! And about others there was rigging. This is how things are going on. Since they joined the Congress they became heroes... (Interruptions)

MR. DEPUTY CHAIRMAN: Please conclude now.'

SHRI V. GOPALSAMY: Bogus Congress.

SHRI SYED SIBTEY RAZI: It was because of the internal rift in the National Conference. Now there are two National Conferences. It has to be decided which is the real National Conference—the one led by Mrs. Khalida Shah or the one led by Dr. Abdullah... (Interruptions) And the people think that Dr. Abdullah... (Interruptions)

SHRI GULAM MOHI-UD-DIN SHAWL; The Congress had filed the writ petitions and Mr. Bhandare was their counsel. And Mr. Thakur says that they have been withdrawn.

MR. DEPUTY CHAIRMAN: That matter is over. Now please conclude.

SHRI P. N. SUKUL: The Government has not withdrawn the writ petitions. The petitioners might have withdrawn them. What do you mean?

MR. DEPUTY CHAIRMAN: It is none of our concern. Anybody can file any writ petition. Please conclude now.

SHRI GULAM MOHI-UD-DIN SHAWL: There is the question that Dr. Farooq Abdullah had lost the majority on 2nd July. We have the best precedent and convention, thanks to the then Government at the Centre when in 1977 Sheikh Abdullah had in a House of 77 only one person with him—i.e. Mirza Afzal Beg belonging to the National Conference—and all the other 75 members belonged to the Congress and other parties in the State, and when Congress at that time backed out and said, "we do not have any confidence in the Chief Minister as the Leader of the House", the then Governor and the Central Government—thanks to the Central Government at that time; the people of Kashmir owe much to them on this aspect—dissolve,} the Assembly on the advice of the Chief Minister who had only one person with him in the year 1977, because under the constitution of the State of Jammu and Kashmir the Government is bound to listen to his advice. Here I have a book.

MR. DEPUTY CHAIRMAN: That has been read. Please don't read it again.

SHRI GULAM MOHI-UD-DIN SHAWL; I will quote it. It is by no less a person than Justice Anand. *(Interruptions)*. This is the *development of the Constitution of Jammu and Kashmir* by Justice A. S. Anand who, at that time, was a scholar. He gave this as a thesis and got a doctorate for this and now it is in the form of a book. He became a High Court Judge later and now he is the Acting Chief Justice. I hope that

confirmation will not be lacking because he has written things here which are unpalatable to treasury benches. Here are pointed out the Governor's powers and the difference between the Indian Constitution and the Constitution of that State. "No person shall be..." *(Interruptions)* ...

SHRI MADAN BHATIA (Nominated): Point of order... *(Interruptions)* —

MR. DEPUTY CHAIRMAN: Don't disturb him... *(Interruptions)*...

SHRI T. THANGABALU (Tamil Nadu): Sir, Point of order. *(Interruptions)*...

AN HON. MEMBER: They are doing this deliberately. *(Interruptions)* ...

MR. DEPUTY CHAIRMAN: May I request some hon. Members on this side... *(Interruptions)*... Please take your seats. At least you know the courtesy that when I stand, everyone has got to sit down.

SHRI GULAM MOHI-UD-DIN SHAWL: They only....

MR. DEPUTY CHAIRMAN: Please sit down yourself. When a Member rises on a point of order... *(Interruptions)* ... First of all hear me. When a Member wishes to raise a point of order, I may permit him, may not permit him. But, please permit me to decide to allow or not to allow him... *(Interruptions)*... Don't stand up everytime as if he needs the support of others to raise his point of order. ... *(Interruptions)* ... Have patience. Let him say ... *(Interruptions)*... All right you also speak along with him.

SHRI MADAN BHATIA: Mr. Deputy Chairman, Sir, I have been listening to the speeches. I have never interfered with the speech of any hon. Member from any side of this House, but the hon. Member at this stage has come to the discussion of a relevant provision of the Jammu and Kashmir Constitution concerning the

[Shri Madan Bhatia]

powers and the conduct of the Governor of Jammu and Kashmir. I respectfully submit, Sir, that this raises a question of far-reaching constitutional importance so far as the powers, the jurisdiction and the privileges of this honourable House are concerned, I am sure the hon. Member swears by article 370 of the Constitution. Under article 370 of the Constitution the President has been given the power to provide, by means of an Order, as to which provisions of the Constitution of India would apply so far as Jammu and Kashmir is concerned. The President of India had made this Order in 1954, as amended from time to time. This particular Order says that the following provisions of the Constitution of India would apply and the following provisions of the Constitution of India will not apply. There is one portion of this Order which says, "Articles 153 to 217' of the Constitution of India shall stand omitted so far as the State of Jammu and Kashmir is concerned." It is these particular articles of the Constitution of India which embody the fact that there shall be a Governor of the State, there shall be a Council of Ministers to aid and advise the Governor of the State and that the Governor shall act on the aid and advice of this Council of Ministers, and the Council of Ministers shall hold office under the pleasure of the Governor. These particular provisions of the Constitution of India have been omitted so far as Jammu and Kashmir is concerned. So far as the powers of the Governor of Jammu and Kashmir are concerned regarding the fact as to whether the particular Council of Ministers can continue or cannot continue, that power does not flow, I respectfully submit . . . (*Interruptions*) . . . You can say whatever you like . . . (*Interruptions*) . . .

SHRI GULAM MOHI-UD-DIN SHAWL: I know what I speak.

SHRI MADAN BHATIA: That power of the Governor of the

State of Jammu and Kashmir does not flow from article 164 of the Constitution, but from an independent Constitution *viz.*, Jammu and Kashmir Constitution. The hon. Member, Mr. Advani, has relied upon article 355 of the Constitution only to justify the power of this honourable House to discuss the conduct of the Governor, and I respectfully submit . . . (*Interruptions*)

SHRI V. GOPALSAMY: It is a speech. It is not a point of order.

SHRI MADAN BHATIA: You are not prepared to listen even to the Constitution. Article 355 says...

MR. DEPUTY CHAIRMAN: Leave that. Mr. Bhatia, what is your point of order?

SHRI MADAN BHATIA: I am closing, Sir. It says: "It shall be the duty of the Union of India to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution." "This Constitution" means Constitution of India, from which article 161 has been omitted so far as Jammu and Kashmir is concerned. And so far as Jammu and Kashmir is concerned, it is not this Constitution which is applicable but the Constitution of Jammu and Kashmir. Article 355 does not apply.

SHRI K. MOHANAN (Kerala): What is the point of order?

SHRI GULAM MOHI-UD-DIN SHAWL: I am grateful to my hon. friend for enlightening us that there is Constitution of Jammu and Kashmir. For his satisfaction we have our own flag and the Constitution. And as far as the Constitution of Jammu and Kashmir is concerned, I am discussing the same thing. I am submitting under article 9-2 or section 92 what the powers of the Governor are. And for those powers...

MR. DEPUTY CHAIRMAN: That point is covered. Do not repeat the same point. (*Interruptions*) He has covered all these points. He has already said all these points.

SHRI GULAM MOHI-UD-DIN SHAWL: Now, if they show patience, I would finish. I had pointed out it at the inception, that will not take much time but it is not my fault.

MR. DEPUTY CHAIRMAN: Go on.

SHRI GULAM MOHI-UD-DIN SHAWL: After elaborate discussion the author comes to the conclusion that "the discussion indicates that the Governor in Kashmir is the constitutional Head of the State. Whereas in the case of the Indian Union "it is possible to contend that the Constitution does not sufficiently guard against the President becoming a dictator", in the case of Jammu and Kashmir, it would seem that the limitations on his powers by sections 35(2) and 96(2) of the Constitution of Jammu and Kashmir reduce—I hope they understand what it means—the possibilities of the Governor becoming a dictator to a minimum." I hope, as far as the language is concerned, it is so clear. So, under the Constitution of Jammu and Kashmir, he was bound... (*Interruptions*)

MR. DEPUTY CHAIRMAN: He has already said that. You can draw the conclusion.

SHRI GULAM MOHI-UD-DIN SHAWL: ...he was bound to summon the Assembly at that time, and as per the Speakers' Conference of 1968 enjoying on a Governor to get the proof of the majority or minority of MLA on the floor of the house and not in his bed room, the Governor ought to have followed that in letter and spirit. Thirdly, if he would have listened to them, he could dissolve the Assembly. Now, Sir, much has been said as far as maligning and mud-slinging campaign is concerned, that Farooq Abdullah aligned with various forces, first it was the conclave, and it was said that all these forces in the country are anti-national. Sir,

we would be the last persons 3 P.M. to get certificates for patriotism from Congress. We will be the last persons. Nobody on this side will ever think

of much less talk and demand, a certificate of patriotism from these people in Congress. What we demand is clearly aligning of forces which are for secularism, democracy, peace and progress of the country. We shall be happy to align ourselves with such parties, come what may;

Now, here in the State is one person that is the target of their abuses is Moulvi Farouq. Kindly consider this. They may get disturbed if I tell them the whole story. But let me tell you that this Moulvi Farouq was an associate of the Congress previously. In 1977...

SHRI GHULAM RASOOL KAR: Absolutely wrong.

SHRI GULAM MOHI-UD-DIN SHAWL: Have patience. I will let you know everything. Kwns in 1977. (*Interruptions*)

श्री गुलाम रसूल कार : 1977 में पहले आपको सजा हो गई थी । . . . (व्यवधान) गलत बात है . . . (व्यवधान) मीलवी फारूक शेख साहब के साथ कभी नहीं थे । 1977 में तो सजा हो गई थी इनको . . . (व्यवधान) ।

SHRI GULAM MOHI-UD-DIN SHAWL: You have said that thing. The question is that in 1977, Shri Morarji Desai, the Prime Minister of this biggest democracy, visited Moulvi Farouq—I repeat, Moulvi Farouq—at Rajveri Kadal in his home, and he was a Member of the Janata Party, and it was not wrong. He was not a secessionist. He was an aligned member and put up candidates. And one person was duly elected M.L.A. from Srinagar on Janata ticket. This is for his information.

SHRI GHULAM RASOOL KAR: No.

SHRI GULAM MOHI-UD-DIN SHAWL: There is argument. That is why I did not want to enter into an argument and take more time of the House.

[Shri Gulam Mohi-ud-din Swawl]

Then, in May, 1983, Mr. K. C. Pant—he is not here—was in charge of Congress campaign there. He and Mr. Mohammed Shafi Qureshi, the Congress candidate for Parliament, both visited Moulvi Farouq. They, asked for his assistance. It was refused. Instead Farouq aligned himself with us. And because of this Moulvi Farouq overnight became the villain of peace.

That apart, there is the Jamate Islami. The President of the Jamate Islami comes from home town of our nominated Member of Parliament.

SHRI GHULAM RASOOL KAR: Am I the President of the Jamate Islami?

SHRI GULAM MOHI-UD-DIN SHAWL: No. You understand me. Not you. A gentleman from your town, Mr. Gilani, is the President. Five MLAs were duly elected in 1972 to the State Assembly. Then it was the Congress regime here. What is our fault? We have defeated all the Jamate Islami candidates and they have forfeited their securities. Not a single Jamate Islami MLA is there in the State Legislature. (*Interruptions*)

Kindly consider. Farouq Abdullah is maligned, and the Government is toppled. We are not sorry for that, absolutely not sorry, because if you thwart, if you smash, if you topple, if you trample the democratic norms, principles, the country is to suffer, not we. We suffer in the process.

My friend has referred to certain cases. There was the Kashmir Conspiracy Case. Sheikh Abdullah's government was toppled on 9th of August, 1959. There was later on in 1958 the Kashmir Conspiracy Case. I was accused in that case. For six long years we were in prison, from 1958 to 1964. And what was the ultimate result? The charge was not that Sheikh Abdullah had aligned with Pakistan, not that he was aligned with America, not that there was a conspiracy to secede Kashmir or to create Pakistan. No. It was that he

tried to topple the duly elected Government of Bakshi Gulam Mohammad. That was the charge. What was the ultimate result of that? Finally, the case was withdrawn. It is not true that we were released and Sheikh Abdullah was released? Then as an emissary of that great Pandit Jawaharlal Nehru he was sent to Pakistan. We need not go into the details now. For what purpose he was sent to Pakistan? But he was such a trusted colleague. First he was a villain and then he was a hero because the case was baseless. As far as political cases are concerned, we are not unhappy, because there is no moral turpitude involved. In those cases I was involved. In any case that was political. Now, for the information of this hon. Member because it is burning in his heart that he wanted to utter something about this case and about others. My point is that soon after the Delhi Agreement was arrived at there was coup on the 9th August, 1953. The Government was toppled. Now, for 22 years we had suffered. The people of Kashmir suffered. There was repression, oppression and suppression in all walks of life. Do you know how things went for 22 years. How the elections were held during that period of 22 years. It is a well-known fact, that there was me Khalique D.C. who made MLAs. Khalique was the Deputy Commissioner of a particular district who would reject the nomination papers and declare these people as elected. We were imprisoned in 1971 and 1972. You held the Parliamentary elections and the local elections then. My point is that for 22 years we had to bleed and bleed profusely in the whole State. Then we did not get out of the trouble till there was Kashmir accord of 1975. Sir, kindly hear me for some minutes. You know what Kashmir accord is? A person in the history of this country, for the first time, and it is rather for the second time because in 1947 Sheikh Abdullah was installed in power without being a Member of the Legislative Assembly. But still he came to power without being a Member. There

Was no Congress at that time. There was no Kashmir Congress. There was Congress at the Centre only. But having regard to the great personality and great leadership and past history of Shiekh Abdullah power was entrusted to him in 1974. Then his Government was toppled on the 9th August. On 25th January rather 25th February 1975 power was entrusted again to Sheikh Abdullah under that accord. What is that accord? A person who was not a Member of any political party or a Legislature was entrusted with power. But he was handed-over power and was made the leader of the Congress Legislature Party in the State. He was having only one Member with him that is Mr. Mirza Afzal Beg. He was also not a member of the Legislature. Later they fought elections and got elected. That was the certificate given by the Congress Government at the Centre to the Congress Government in the State for its misrule of 22 years. We are so grateful to you at that time, you released us after 22 » years. We had insisted that you have committed a wrong in 1953. Do rectify it. But what are you doing now? You are again repeating the same story. That is my charge. You are doing the same kind of thing, repeating old game. What you did to Shiekh Abdullah. He was a very great man. As far as G. M. Shah is concerned, I hope you too understand he is a lesser fry. But what is the purpose of having him as the Chief Minister? What do you want from him? What is not so great ultimate objective that you have in your mind?

MR. DEPUTY; CHAIRMAN: Please conclude now.

SHRI GULAM MOHI-UD-DIN SHAWL: As far as split is concerned, since 1969 we have been seeing splits in the Indian National Congress. But at that time, who is the ruler or, I should say, who wields the power or with whom does the majority go? It is the person who has the majority in the State legislature or in Parliament.

Whosoever has the majority in the split section is the ruler or the leader of the ruling party. Here 12 persons go out and 33 persons are with Farooq. The split is in favour of minority G. M. Shah or with majority Farooq Abdullah? (Interruptions)

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI GULAM MOHI-UD-DIN SHAWL: Shrimati Indira Gandhi headed the Government at that time because the majority of MPs went to her side in the Congress. So it was under that rule too, under that convention too, under that precept too 'that it was binding on the Governor to side the majority. Happily, as I submitted earlier with due deference, we do not have a Jagmohan in the Chair.

MR. DEPUTY CHAIRMAN: Mr. Shawl, you should be careful in using phrases. I suppose, being in the Opposition cannot give you the right to say anything (Interruptions) Please withdraw those words. (Interruptions) Mr. Shawl, no I will not allow it. Withdraw those words that you used about the Chair just now. (Interruptions) I say it is a reflection on the Chair. You withdraw it.

SHRI GULAM MOHI-UD-DIN SHAWL: No, no, I will be the first person to make a reflection. But if you consider it so, I withdraw it. That is all right. My point is only...

MR. DEPUTY CHAIRMAN: Be careful in using words.

SHRI GULAM MOHI-UD-DIN SHAWL: In that sensitive State, this kind of instability is created by the action of a particular person at the behest of the Central Government. Are you going to rectify it by recalling the Governor? That is number one. secondly, knowing full well that it is a minority Government, though the backing of the Congress is there, ... (Interruptions) Only 12 persons... (Interruptions)

MR. DEPUTY CHAIRMAN: please conclude now, Mr. Shawl.

SHRI GULAM MOHI-UD-DIN SHAWL: Oil is being taken in tankers to the valley of Kashmir and money-baggs are being flown to Srinagar. This business of purchasing MLA is going on daily. There is horsetrading in that State for MLAs. Are you going to stop this? The second thing is, _____

MR. DEPUTY CHAIRMAN: Mr. Advani.

SHRI GULAM MOHI-UD-DIN SHAWL: I am putting questions.

MR. DEPUTY CHAIRMAN: Please don't record him. Mr. Advani will go on record.

SHRI GULAM MOHI-UD-DIN SHAWL: *

MR. DEPUTY CHAIRMAN: Please take your seat. I have heard you for more than half an hour.

SHRI GULAM MOHI-UD-DIN SHAWL: *

MR. DEPUTY CHAIRMAN: Don't record him.

SHRI GULAM MOHI-UD-DIN SHAWL: »

MR. DEPUTY CHAIRMAN: Mr. Advani, please, I will not allow Mr. Shawl. I have heard him for more, than half an hour.

SHRI GULAM MOHI-UD-DIN SHAWL: *

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, I will go by the statement that has been made today by the Minister. The statement has two important aspects one aspect relating to the unity and security of the country and the other aspect being the constitutional and legal aspect in relation to the removal of Dr. Farooq 'Abdullah's Government and his replacement by the Shah Government. Sir, the concluding paragraph of this statement made by the Home Minister says:

"It is the Government of India's concern that in the sensitive border

•Not recorded.

State of Jammu and Kashmir, peace and good order prevails and the nefarious designs and activities of those who are seeking to undermine the integrity of India are effectively checked."

I am sure that this concern is shared by all the Members of this House, by every single Member of this House, including my colleague from the National Conference who has just spoken. I remember very well that—last year, or was it in 1982, when I gave a Calling Attention Notice on the Jammu and Kashmir Resettlement Bill—it was a Bill till then—the Prime Minister herself had referred to the patriotism of the people of Jammu and Kashmir and if I recall a right she had paid compliments to the National Conference as well. Having said that, if anyone were to read this statement, he would feel that the first four paragraphs are a preamble to the fifth paragraph, though specifically it does not say so. Specifically, it does not say that because of the activities of these anti-national elements, Dr. Farooq Abdullah has been removed. But anyone who were to read the statement would get the impression that Dr. Farooq Abdullah has been removed because he was colluding with anti-national elements. If there were any doubts about this statement because it is written and naturally cautious because it is from the Government; then Mr. Ramanand Yadav dispelled all those doubts. He left no scope whatsoever for anyone to entertain any illusions on this score. Sir, here is a situation which follows from paragraph 4 which I would like to read out to this House. We are discussing the whole thing in a kind of vacuum. According to the Government:

"Since July 1983, (Farooq Abdullah Government was elected in June, 1983 and it means that within one month of his taking over) the Central Government had been impressing upon the State Government to take firm and effective action against the anti-national, secessionist and extremist elements:

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Till June 1984, the Home Minister sent nine communications to the Chief Minister in this regard. (We do not have a single communication. We have not heard of the contents of any communication. , But nine communications had been formally sent to the Chief Minister.) However, the action taken was inadequate and often belated and, therefore, made little impact. The activities of these elements, therefore, continued unabated; including hijacking of an Indian Airlines plane."

Now, Sir, this is a very grave charge levelled against Dr. Farooq AbduUahs Government. I cannot hold brief for any Government- which is actually guilty of this kind of endangering and jeopardising the security of the country, including the hijacking of the plane, which; of course; took place one day after the Dr. Farooq Abdullah's Government was sacked. The date does not matter. If really Dr. Farooq Abdullah's Government has been guilty of this, I would think that this was a more appropriate case for a White Paper on Kashmir and for the dismissal of the Farooq Abdullah Government. It was not necessary for Mr. Jagmohan to procure defections and to create a Government of defectors, that the 12 people should defect and say that they don't hold allegiance to Dr. Farooq Abdullah and that they support Dr. Shaw and his Government is formed this way. I would like to beg of this Government that this is not a technical issue. . The issue basically is: Can national security, national integrity, democracy and Constitutional norms coexist or ar* they incompatible? I, for ' one, believe that national security and national integrity are very important. But we have to preserve these within th? democratic framework that we have accepted, abiding or adhering scrupulously to the Constitutional norms that we have given unto ourselves.

In this particular case, what has happened is that the Constitutional norms are disregarded. You can have

two views on whether that particular anti-defection law should be there or not. When we were framing the law here—either your Government o-r my Government—when we' thought of » law and when we were framing the Bill against defection—both in your case in 1973 or 1974 when the Bill was introduced and again in my case when the Bill was introduced in 1977> or 1978, in both the cases we had provided for a split. We had envisaged a situation where within a party there could be wide differences leading to' its split. Therefore, we had provided that such a split would not be regarded as defection. But the Jammu and Kashmir law does not provide for it. Perhaps thj_s may be one of the reasons why it has gone to the court of law. This may be one of the issues before the court of law whether In guch a case it Would be deemed a defection or not. That law ha_s not been struck down. It i_s before the Supreme Court. The High Court of ' Jammu and Kashmi_r ha_s upheld it so thiat it is th_e law of the land.

Here the Governor of the State who is expected to uphold the law of the land, first usurps all the powers of the Assembly. It is said that the resolution passed at the Speakers' Convention is not binding on him. It is not binding, I agree. Therefore I scrupulously and cautiously use the term 'Constitutional norms'.

I remember that at the Speakers' Conference of 1968 the Speaker of Jammu and Kashmir also was present. The Chairman of the Legislative Council of Jammu and Kashmir was also there. And when again in 1971 under the Chairmanship of Dr. V. V. Giri the Governors' Conference was held, one prominent participant in that conference was Mr. Bhagwan Sahay, wh_o >wa_s then the Governor of Jammu and Kashmir.

When Jagmohan was face to face with a situation where certain section of National Conference had said; "We no longer owe allegiance to Dr. Farooq Abdullah", in all respects he

[Shri Lal K. Advani]

should have told them: "I will examine and I will see to it that" right thing is done". And Dr. Farooq Abdullah straightway admit, to Jagmohan because he told him: "If this is true and if all these 12 people have deserted me, obviously I have lost my majority". -He obviously felt so. But then he told him: "I should be given an opportunity to prove it On the floor of the House or, in the alternative, you dissolve the Assmbl-y." I think he is entitled to both these rights. The Speakers' Conference gives him the first right and the Jammu and Kashmir Constitution gives him the second right. What has happened is that his advice was thrown out so much so I was surprised to find in the P. S. written by the Governor the following. In this post script to his letter of the 2nd July, he says; "We have since met and discussed the matter. You advise that I impose Governor's rule under section 92 of the Jammu and Kashmir Constitution and keep the Legislative Assembly under suspended animation. I shall be grateful if you send your confirmation in this regard in writing immediately".

If we are to go by the various reports, he himself was inclined to impose the Governor's rule, but New Delhi, had different views. This is where New Delhi come, in because even before the Governor took these steps, he had been on a visit to Delhi, where he met several snior dignitaries. If you put the whole thing together, right from the date on which Farooq Abdullah Government was elected the conclusion is inevitable. I would not like merely to draw conclusions. I would only like to read out to you an editorial comment made by a paper which is generally favourable to the ruling party and its owner happens to be a Member of our House, and it is . "The Hindustan Times." Snortly after the plenary session of the Congress (I) in Calcutta, on the 31st December 1983, it wrote under the caption "Foolish Demand" like this:

"Dr. Farooq. Abdullah is not to the good books of the Congress (I). But that is hardly a justification for some Congressmen to seek the dismissal of his Government and the imposition of the President's Rule in Jammu and Kashmir. Those who raised that demand at the plenary session of th* party in Calcutta do not seem to know the rudiments of constitutional propriety ____"

I mention the word "propriety" once again. It goes on to say:

"...nor do they realise what is good for their own party. Dr. Abdullah may not be the ideal Chief Minister."

And, Sir, I would agree with the paper. (*Interruptions*), Dr. Abdullah may not be the ideal Chief Minister. (*Interruptions*). Just listen. You are clapping me on this point. But even then, my criticism is this. (*Interruptions*)

SHRI N. K. P. SALVE: It is clear that the BJP never liked him. (*Interruptions*)

SHRI LAL K. ADVANI; It further says:

"But he is in power."

SHRI N. K. P. SALVE: We know that the BJP could never reconcile itself to a Muslim Chief Minister.

SHRI LAL K. ADVANI; Sir, I am afraid this is hitting below the belt. (*Interruptions*) That is all that I am say, that I can think of. The editorial further says:

"But he is in power."

This is important because the people elected him and his party to the office. My quarrel with" your Government is that you are trying to subvert the verdict of the people from the very first day, and from the very first day you have not reconciled yourself to that. (*Interruptions*). Then, Sir, it says:

"The law and order situation may not be satisfactory. But look at the recent disturbances which show that the Congress (I) workers con-

tributed substantially to these clashes."

It is not Mr. Shawl saying it and it is not Mr. Matto saying it. But it is "The Hindustan Times" which is Baying it. It says that it is the Congress (I) workers who have contributed substantially to the clashes. It says:

"The crux of the matter is that the Congressmen have not yet reconciled themselves to the National Conference's victory in the Assembly elections."

This is the crux of the matter; this is the crux of the whole matter.

SHRI SYED SIBTEY RAZI: It was a rigged election. How can we get reconciled to it? (*Interruptions*)

SHRI LAL K. ADVANI: Sir, my friend has made a very relevant point, a very pertinent point. He says that the elections of 1983 were rigged, that they were 'rigeed elections. If it were so, then we owe it to the people of Kashmir to dissolve the Assmby on the basis of the rigged elections and have a fresh election. (*Interruptions*). It is all the more necessary that we should not continue with an Assembly of this kind which is on the basis of a rigged election (*Interruptions*). I entirely agree.

SHRI V. GOPALSAMY: What is the reply from that side, Sir.

SHRI SYED SIBTEY RAZI: Our Minister will reply to it. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Mr. Advani, you proceed with your speech.

SHRI LAL K. ADVANI: Sir, I will come to my second point now.

SHRI H. HANUMANTHAPPA: Let him tell us how the Janata Government dismissed the Urs Government. (*Interruptions.*) How do you justify the removal of the nine State Governments by the then Janata Government? (*Interruptions*)

SHRI PARVATHANENI UPENDRA: You must know . . .

SHRI SYED SIBTEY RAZI: How do you justify the removal of the nine elected Governments in the States when they were in power in 1977? (*Interruptions*)

SHRI PARVATHANENI UPENDU RA: You must remember that elections were held and puppet Governments were not installed in the States then.

MR. DEPUTY CHAIRMAN: All right. All of you, please take your seats. Yes, Mr. Advani.

SHRI LAL K. ADVANI: Sir, it is said that there was a split in the Nationl Conerence and a section became the true National Conference and the other the bogus National Conference, etc., etc. But I would say that the question as to which is the true National Conference or which is not the true National Conference is a matter to be decided by the Election Commission and not by the Governor. And, Sir, what did the Governor do? The Governor usurped the authority of the Assembly; he usurped the authority of the Election Commission; he usurped the authority of the Speaker, and he usurped the authority of the presiding officer, all rolled into one.

क्या हो गया ? ब्रह्मा की तरह चार

मुख ही गए ? क्या हो गया ?

So, Sir, I would think that, in this situation the right course for him was to have accepted the Jammu and Kashmir Constitution and, as advised by the Chief Minister, dissolve the House and hold an election. That is always the right remedy. I would like to make my point clear. My friend has invoked the Jammu and Kashmir Constitution. I would be the happiest man the "day I do not have to reer to a separate Jammu and Kashmir Constitution and article 370 is abrogated. (*Interruptions*). He will not agree. But I hope Mr. G. M. Shah wil agree. (*Interruptions*)

[Shri Lal K. Advani]

Sir, I remember when I had raised the issue of Jammu and Kashmir Resettlement Act and at that time the Government also agreed with the view expressed by us here and which was formally incorporated in the letter written by the then Governor, Mr. B. K. Nehru, to the Jammu and Kashmir Assembly when he returned the Bill and said that if this Act becomes law, if it is enacted, it would jeopardize the security of the country, it would open the floodgates to spies, saboteurs and fifth columnists—these were the words he used.

Now, you were critical of Dr. Farooq Abdullah Government. We were critical of it on the very same score. Now you have removed the Farooq Abdullah Government. A Government is now in office which is your creation, it may not be a Congress Government but it is your creation. (*Interoptions*) My charge is that a change has been done only because Dr. Farooq Abdullah's Government was not willing to play to your tune. That is all. (*Interventions*)

Now, you were critical of Dr. please.

SHRI LAL K. ADVANI: I give a simple touchstone. *Sadharan kasauti hat*. The Act that you yourself say is something which is going to jeopardize the security of this country...at least that one single Act, the Jammu and Kashmir Resettlement Act, you ask him to repeal today. He can do it just by an ordinance. It is a touchstone. Repeal that Act. After all, the Supreme Court can only decide on the constitutionality and the legality of that Act, not its content. And politically. It is harmful, it is injurious to national interest. And, therefore, No.1, I would say that the Jammu and Kashmir Resettlement Act should be abrogated should be repealed, by an ordinance, and No. 2, what is standing in the way of Jammu and Kashmir's permanent integration with India, complete integration with India, that article should also be removed. For my friends here I have a word of caution and advice. I had occasion to

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listen to some of the speeches made at the meeting of the Opposition parties in respect of this particular episode. We were unanimous—that what has happened is wrong. But in one of the speeches I heard people recalling 1953. I would advise them, don't recall 1953. You should remember "that in 1953 what happened had the unanimous support of the rest of the country-unanimous, and even a large part of Jammu and Kashmir. Even my friends here from the Communist Party—there were not two Communist Parties at that time—also supported Government's action in; 1953. And it was from 1953 onwards that the process of integration started. He was reading out the Order. From 1954 that Order became applicable. Earlier, the Supreme Court's jurisdiction was not there, earlier the Election Commission's jurisdiction and earlier article 356 could not be applied. Earlier, there were the Prime Ministers or the Sadr-e-Rists. It is only after 1953 that gradually Jammu and Kashmir started moving towards parity with all other States. I would regard this as a true touchstone. If you are concerned with national integrity, unity and security, I would say that you should move further in that direction and let there be complete integration of Jammu and Kashmir. Then it would be a different matter. As things are, I am not willing to accept it. Bring out a White Paper and give me all the 9 communications that you have written to them Under the Constitution, you have the authority to issue directions to them. Kashmir. Then it would be a different it would mean break-down of the constitutional machinery. You can take action under the constitution. Not that you had to do it by surreptitious means. You did it at mid-night by getting hold of all the people and by imposing curfew in order to keep them there. This is not the right course. Therefore, I strongly oppose the removal and dismissal of Dr. Farook Abdullah in the manner in which it has been done and I would stand firmly in our resolve to see that national unity and integrity is protected. Thank you. Sir.

SHRI DIPEN GHOSH: Mr. Deputy Charman, Sir; I have carefully read the statement made by the Home Minister, Mr. Narasimha Rao. I have also carefully and attentively heard what my esteemed colleague, Mr. Ramanand Yadav, has stated. He was not present to hear other Members.

SHRI SUSHIL CHAND MOHUNTA (Haryana): He is present now.

SHRI DIPEN GHOSH: I am happy that he is present. What my colleague, Mr. Advani, has said holds good. We have to read the fifth paragraph after going through the four paragraphs. It has to be read with what Mr. Ramanand Yadav has said. Since Mr. Ramanand Yadav belongs to the ruling party at the Centre. I take it for granted that what Mr. Ramanand Yadav has said or has gone on record to say is the statement of the ruling party at the centre..

SHRI RAMANAND YADAV: No. Those were bare facts given in the newspapers.

SHRI SYED SIBTEY RAZI: I want an information from the learned Member. Is he making the learned on behalf of his Government or as an hon. Member of this House?

SHRI DIPEN GHOSH: Let him say that he did not represent the ruling party's views.

SHRI RAMANAND YADAV: As a Member of this House, I spoke on my Own behalf. Mind it.

SHRI DIPEN GHOSH: In view of what has been stated in the statement, I take it for granted. This statement comes from the hon Minister. He has mentioned some of the things. Mr. Ramanand Yadav also made some allegations. Is the Government prepared to bring out a new White Paper on the events that have taken place in Jammu and Kashmir. In the White Paper which the Central Government published just a few days ago, nothing has been mentioned about the events which have been referred to here as having taken place in the con-

trary, I have a reply given by the then Home Minister in the Lok Sabha in reply to a starred Question No; 153 on 7th- March, 1984.

It was not far away.' It was on the 7th March. 1984. And I quote it. The question was: "Will the Minister of Home Affairs be pleased to state (a) whether Government have received a memorandum on deteriorating law and order situation in Jammu and Kashmir, and (b) if so, Government's reaction thereto." And the reply was, and I quote, "(a) Government have received a memorandum which was presented to the President in January, 1984 by a delegation about the situation in Jammu and Kashmir."* And what is more important, Sir, is answer to part (b) which I quote: Government of India have been in correspondence with the State Government on various issues vitally concerned with national security, integrity and sovereignty. The State Government have recently started taking action against some members, workers of the anti-national and secessionist groups and organisation/" "Sir I quote this again. "The State Government have recently state- taking action against some members, workers of the anti-national and secessionist groups and organisations. The situation is constantly under watch and review by the Central Government."

Now, Sir, in the context of this thing, I read from paragraph 4 of the statement which says: "Till June 1984, the Home Minister sent nine communications to the Chief Minister* in this regard. However, the actions taken by the State Government was inadequate and often belated.' and, therefore, made little impact." But this was not made known. This was not made known by you predecessor,

SHRI P. V. NARASIMHA RAO: There is no contradiction.

SHRI DIPEN GHOSH. You will say that there is no contradiction. But, I now come to the question about Dr. Farooq Abdullah. I am not going to

[Shri Dipen Ghosh] bold brief for person. But I have got the clippings since 1983 from where it is completely evident that there were efforts, there were hectic efforts, between the National Conference led by Dr. Farooq Abdullah and the Congress (I) to make an alliance so that they could fight together the Jammu and Kashmir State Assembly elections. These are on record. And particularly I quote from a report appearing in a newspaper which is very close to the ruling party, "The Hindustan Times" of February 3, 1983. I quote:

"Farooq Abdullah is campaigning for Congress (I) Jammu and Kashmir Chief Minister, Farooq Abdullah, has appealed to the electorate here to vote for the Congress (I) candidates in the Metropolitan Council and Municipal Corporation elections scheduled for February 5. Dr. Abdullah, who flew in here told a mammoth gathering at Urdu Bazar that the unity of the country was important and this could be maintained under the leadership of Mrs. Indira Gandhi. He said that Hindus and Muslims should join hands to fight communalism." Although there were differences between the Congress and his Party, he had supported the Congressmen in 1980—July election. Dr. Abdullah said, "To make mistakes was human. But the people should excuse these mistakes and help the Congress (I)." (interruptions)

Sir, there is no wrong in it But there is only one thing. When and why Dr. Farooq Abdullah fell foul of the Congress (I) at the Centre? (Interruptions). I am a competent to speak it.

SHRIMATI USHA MALHOTRA (Himachal Pradesh): You have asked a question. (Interruptions)

SHRI P. N. SUKUL (Uttar Pradesh) You put it to Dr. Farooq Abdullah.

श्री रामानन्द यादव : आप यह बतलाइये कि पहले आपकी रशिया के प्रति सहानुभूति थी उस को चीन के प्रति चेंज करने में कितना समय लगा ।

SHRI DIPEN GHOSH: May I know who will be replying to my questions—Minister or other Members?

So, the question is, when and why Dr. Farooq Abdullah fell foul of the Congress-I, and for that matter, of Prime Minister, Mrs. Gandhi. To me, he had committed two sins: one sin was that he did not agree to give more seats to the Congress—I as desired by the High Command when there was an effort to make alliance between the two parties, and the second sin was—and that is very important—Mrs. Gandhi would have been pleased if Dr. Farooq Abdullah had kept himself confined to the boundaries of Jammu and Kashmir. He fell foul of Mrs. Gandhi because Dr. Farooq Abdullah joined hands with all Opposition parties on all-India plane to build united movement against the anti-people and authoritarian policies of the Central Government ... (Interruptions)

SHRI SYED SIBTEY RAZJI: Only to overthrow the Government elected by the people; to capture the power; that was the only object, (interruptions)

SHRI DIPEN GHOSH: Actually, I am not inclined to battle over the sophistry whether the defection of 12 or 14 members hit the anti-defection law of Jammu and Kashmir Government, or whether it was imperative upon the Governor of Jammu and Kashmir to accept the advice of the Chief Minister for dissolution of the Assembly; I am not going to battle over this sophistry as some of my colleagues have sought to do. To me it is immaterial. Why? it is because the question, whether a State Government will be there or not, whether it is in Jammu and Kashmir or in Sikkim or in Pondicherry or in Har-

yana or for that matter in any other State, whether it is ruled by Congress or rules by any non-Congress-I party, is hardly decided by legal and Constitutional quibblings; it is decided by one person at the Centre and in the case of Jammu and Kashmir, it has; she has decided. (*IntrrupHons*)

SHRI SYED SIBTEY RAZI: How do you survive? (*Interruptions*)

SHRIMATI KANAK MUKHERJEE (West Bengal): It is because of the people.

SHRI DIPEN GHOSH: I invite all of you; you try... (*Interruptions*). Sir, I can not speak like this.

MR. DEPUTY CHAIRMAN: Please don't interrupt.

SHRI DIPEN GHOSH: Mr. B. K. Nehru was too upright to oblige the Prime Minister's ego and so, a pliant Governor was 'necessary' and she found in Jagmohan and Jagmohan did it as several other Governors did in Pondicherry, in Haryana, in Sikkim, since 1959. When Mrs. Gandhi was the President of the Congress and her father was the Prime Minister the first Communist Government in Kerala in 1959 was dismissed.

AN HON. MEMBER: What about dismissal of 9 Governments... (*Interruptions*)

SHRI M. M. JACOB (Keralfe): The machinery of the Government was paralysed.

SHRI DIPEN GHOSH: What happened in 1967 in West Bengal. You ask the Leader of the House.

SHRI T. THANGABALU: What lappened in 1977? Nine State Assemblies were dissolved. What is your answer for this? (*Interruptions*)

SHRI DIPEN GHOSH: Sir, I know a rule that when "a Member wants to say something, he should do so from his chair, from his seat. I have been seeing that some Members belonging to the treasury benches have been flouting this particular rule. (*Interruptions*)

SHRI K. MOHANAN: Mr. Thangabalu's seat is not there.

SHRI DIPEN GHOSH: I attribute the dismissal of the Jammu and Kashmir Government led by Dr. Abdullah to petty partisan interests of the party running the Union Government. The action reveals the anti-people and authoritarian attitude and policy of the Union Government. The fact that the ruling party at the Centre has scant regard for Parliamentary democracy has been proved time and again. (*Interruptions*) But I say, it is dangerous ... (*Interruptions*) to continue with this type of acts only to satisfy the narrow partisan interests of the ruling party at the Centre, particularly, in a sensitive border State like Jammu and Kashmir. I think, this is a blatant attack on democracy and this attack in a sensitive border State like Jammu and Kashmir will lead to the alienation of the Kashmiri people and will provide a fertile ground for the divisive and separatist forces which are at work in that part of the country and destabilise the national unity and integrity of the country. Sir, you are aware and our hon. Minister, Mr. Narasimha Rao is also aware that my party was the first party on the national plane to point out the danger of the divisive and separatist forces with the backing of the imperialist forces behind them, which are operating in our country, as far back in January, 1982, at the Party Congress held in Vijayawada. It is on record. No national party at that time pointed out this thing. And subsequent events have proved it.

SHRI P. V. NARASIMHA RAO: We did it. (*Interruptions*)

SHRI DIPEN GHOSH: But what you did actually? My question to the hon. Minister, Mr. Narasimha Rao and hon. Member Mr. Ramanand Yadav is, will you kindly look, in retrospect, to the policies and activities pursued by your party during the last so many years in this direction? Did you, party not try to win the

[Shri Dipen Ghosh] Mizo National Front leader, Mr. Lal- I denga? Did your party not make an alliance with the Tripura Upajati Samiti in order to gain some more seats as against the leftists? Did your party not make an alliance with the Gorkha League which wanted the separation of Darjeeling and the constitution of a separate Gorkha State? Did your party not make an alliance with the Uttara Khand Parishad, which was demanding a separate Uttara Khand State? Did your party not make an alliance with the Jharkhand Mukti Morcha in West Bengal in order to get only one seat in Midnapore district as against *ne leftists (interruptions) If you check up the Election Commission's records, you will find it. (Interruptions) Mr, Kalp Nath Rai, why are you asking them to disrupt my speech? If you ask me, I will sit down. He is showing his hand to stop my speech.

SHRI PARVATHANENI UPENDRA: He is the band master, he goes on showing his hand. (Interruptions)

SHRI DIPEN GHOSH: If you say I will get seated. Why are you asking him and showing hand to stop me? (Interruptions)

MR. DEPUTY CHAIRMAN: Now please complete.

SHRI DIPEN GHOSH: I have seen how much time you have allotted to others. You have to allow me that much time.

MR. DEPUTY CHAIRMAN: No, no, please complete.

SHRI DIPEN GHOSH: Why, what, is- wrong?

MR. DEPUTY CHAIRMAN: You have covered all the points.

SHRI DIPEN GHOSH: This point I have never said.

MR. DEPUTY CHAIRMAN: Not the point, but other points you have

SHRI P. V. NARASIMHA RAO: This was not covered because this does not come within the purview of this Calling Attention.

SHRI DIPEN GHOSH: Yesterday, when the Punjab situation was discussed, all this came up, how the ruling party at the Centre has been serving the interest of the disruptive and divisive forces in our country at various places. This all came up yesterday. I am only trying to remind them because it has come up in the statement.

So, Sir, in view of what has been stated here and in view of the danger which the Union Home Minister has expressed, I want to ask a very simple question to all of you because I have been seeing so many people who fought for independence. Do you really believe that you can strengthen or you will be in a position to strengthen the national unity and integrity of the country with the help of those 12 or 14 defectors, the saleable commodity as they are?

SHRI P. V. NARASIMHA RAO: This is very unfair.

SHRI DIPEN GHOSH: This is the question because the people who can split . .

SHRI P. V. NARASIMHA RAO: Mr. Ghosh, "they are not here" to defend themselves. You should not call them names. You cannot say whatever you like... (Interruptions)

SHRI DIPEN GHOSH: You have raised this question and that is why I am also raising this question. Do you really believe. . .

SHRI P. V. NARASIMHA RAO: Don't say that thing.

SHRI DIPEN GHOSH: Can you strengthen the unity and integrity of the country with the help of those traitors who can split the party, who can split the family in exchange of some lakhs of rupees? is there any guarantee that they will not split the

at home more

money? And still you are supporting them. What moral value are you going to set up before the people of this country? You are making the Members of Parliament, you are making the Members of Legislative Assemblies, you are making the representative's of the people a saleable commodity.

SHRI SYED SIBTEY RAZI: Sir, I am *on* a point of order. My point of order is that this is a Calling Attention Motion. The convention of this House had been that certain questions were put to the Minister and the Minister used to reply to those questions. Now, Sir, what is going on here? All the mud-slinging, all the misleading statements are being raised. I think the jurisdiction or the purview of the Calling Attention Motion does not permit making of such type of distorted speeches, (*Interruptions*). I will like to request the Chair to see to this. It has been said by the Opposition that the Chair has to control the House and, therefore, you should use your good office and see that such things are not brought in the House like this.

MR. DEPUTY CHAIRMAN: Please complete now. Do not make such observations. (*Interruptions*)

[The Vice-Chairman (Shrimati Margret Alva) in the Chair] .

SHRI VITHALBHAI MOTIRAM PATEL (Gujarat): Madam, Vice-Chairman, I am on a point of order. Hon. Member, Mr. Dipen Ghosh, just now said so many things about the Honourable elected representatives of the Jammu and Kashmir Assembly. Normally we should not discuss these things when the elected Government of a particular State is there. It is all right if you have allowed it to be discussed, but he should not abuse, he should not cast aspersions against the MLAs who are also honourable elected representatives. Interrup-

SHRI DIPEN GHOSH: That is because I belong to the party which cannot be bought. (*Interruptions*). I am going to conclude.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): I know how much time has been allotted to you.

4.00 P.M.

SHRI P. V. NARASIMHA RAO: You are saying- you are going to conclude, but when?

"SHRI DIPEN GHOSH: This is wrong, Madam. Once earlier I pointed out that the Minister of State for Parliamentary Affairs was inciting other Members to disrupt my speech.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): He cannot instruct me. Please, you finish your speech.

SHRI DIPEN GHOSH: He was advising you.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): I am sorry, nobody is advising me. He told me that his time is up.

SHRI DIPEN GHOSH: Who is he to say that?

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA).. One minute. Did I not tell you just that myself? Even before he talked to me, did I not tell you?

SHRI NIRMAL CHATTERJEE (West Bengal): On a point of order. It is not your conduct he is referring" to. He is referring to the conduct of the Minister of State for Parliamentary Affairs whether or not he should be saying those things to you. So why are you defending yourself? You give your verdict on his conduct. That is what he desires. Are you going to give a verdict on his conduct?

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): You are interrupting your own Member. Mr. Ghosh, you go on with your speech, and finish it.

SHRI DIPEN GHOSH: I am going to conclude. I want to remind them that the Congress Party had committed a similar fraud in Jammu and Kashmir in the year 1953 when they arrested Sheikh Abdullah after ousting him from the office of the then Prime Minister of Jammu and Kashmir. It is not that the Congress Government at the Centre did not try other options. They tried with many options while keeping Sheikh Abdullah behind the bars. But what happened? Sheikh Abdullah had to be brought back to the Chief Ministership of Jammu and Kashmir. And now the question has come whether it was imperative upon the Governor of Jammu and Kashmir State to accept the advice of the Chief Minister. But what happened in 1977? With the withdrawal of support from the National Conference by the Congress, was not the Jammu and Kashmir Assembly dissolved on the request of Sheikh Abdullah as the Chief Minister though at that particular time he was reduced, or his party was reduced to a minority? However, they had to do it. And again I am forewarning the Government and I am forewarning all of you that you are going to commit a similar mistake in the case of his son. Can you tell me, as the situation obtains today in Jammu and Kashmir, who else other than Dr. Farooq Abdullah can keep the mass of the Jammu and Kashmir with the people of India? Who else is there? You tell me.

SHRI P. N. SUKUL: Shri G. M. Shah.

SHRI DIPEN GHOSH: Yes, that answer I wanted to have from your side. Who was Mr. G. M. Shah?

SHRI PARVATHANENI UPENDRA: That is the biggest joke.

SHRI DIPEN GHOSH: He was the General-Secretary of the Plebiscite Front.

SHRI GHULAM RASOOL KAR: Congress (I) is there.

SHRI P. N. SUKUL: Majority of the M.L.As. are with him.

SHRI DIPEN GHOSH: I know, if not better, at least not less than what you know.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Mr. Ghosh you told me that you are concluding.

SHRI DIPEN GHOSH: Because he said "G. M. Shah" that is why I had to reply. So now I come to the specific questions. The first question is: is it not a fact that in 1977 when Sheikh Abdullah's Government in Jammu and Kashmir was reduced to minority on withdrawal of support by Congress to him, the Assembly was dissolved and a fresh election ordered? If so, does it not indicate that in not responding to a similar request, the present Governor of J&K resorted to a discriminatory act and did the Centre call for a report from the Governor to justify such an act? 2. Whether the Centre had received any report from the Governor of Jammu and Kashmir as to the fact that the National Conference headed by Dr. Abdullah had lost majority in the Assembly, thereby necessitating his Ministry's dismissal and, if so, on which date and whether the Centre had given the green signal in this regard? 3. Whether it is a fact that on 1st July, a day before the actual date of dismissal, a large number of Border Security Force, Central Reserve Police Force and other paramilitary force personnel were requisitioned and, if so, whether the reasons therefor were indicated to the appropriate authorities? 4. Whether it is a fact that a large number of Madhya Pradesh and Uttar Pradesh police forces were despatched to Srinagaron 1st July and, if so, who ordered it? 5. Whether it is a fact that in order to despatch the above forces, regular flight schedules of the Indian Airlines were changed and four Airbuses and two Boeings were put to service and, if so, who ordered it? 6. Whether

it is a fact that on 12th July, when some leaders of the opposition parties visited Srinagar and were lodged in a hotel there, they were prevented from meeting the people and their representatives, their telephone lines disconnected and electricity cut off and, if so, under whose orders? 7. Whether it is a fact that the people were not allowed to observe Martyrs Day—Martyrs Day which was being observed by all the Kashmiri people for the last 53 years and which is a very auspicious day—and certain prohibitory orders were clamped on that particular day and, if so, why? Thank you, Madam.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Madam Vice-Chairman, it is with a heavy heart that I have to participate in this discussion. For the past three or four days^ very important issues were focussed. Whether we discuss the question of Punjab or Sri Lanka or Kashmir, the Prime Minister draws, as she did in her very vehement speech yesterday—I was listening to it in the Lok Sabha—the attention of the entire nation to the dangers that are threatening us. Even though she did not mention any country, she used the term "Imperialism, neo-colonialism, fundamentalism and communalism constitute a serious threat to our security and national unity." If it is with that spirit that we should analyse every problem and find a solution. The same will apply to the question of Kashmir also.

The action of the Governor, whether he acted under the Kashmir Constitution, whether he violated it or not, is not so relevant. What is the result of his action, what is the effect on the people of Kashmir? It is, in my humble opinion, doubly provocative. The first provocation is dismissing the Ministry headed by Mr. Farooq Abdullah. The second provocation is installing the Ministry under Ghulam Mohd. Shah—he is so endearingly called Gul Shah. I come from a distant

State. For us, whether it is Kanyakumari or Kashmir or Assam or Punjab, they all are dear to us. We treat them as part of India. And without Kashmir one cannot reconcile to the concept of Indian unity. That is why from 1946 we have been taking steps to prevent foreign forces invading Kashmir. There are people who are jubilant that that issue is still before the United Nations Security Council.

Let me recall the history because those who forget history, those who forget traditions, cannot show the way for the future. Kashmir has a long history. It has been a target of attack by the British and American imperialism right from 1946. I still remember how we took out protest demonstrations in the South when Pt. Jawaharlal Nehru was prevented from entering Kashmir in 1946 and he was arrested by the British police and brought back. A similar thing happened recently when E. M. S. Namboodiripad of the CPI(M) and M. Farooq, one of the secretariat members of the Communist Party of India, when they went there to study the situation personally, were not even allowed to leave the hotel. They were not provided with telephones; lights were cut off. They sought to meet the Governor. They are important leaders^ of two parties. For the present generation of Congressmen, this history may not be known. Do they know that the Communist Party has been standing with you, has stood with you in all your actions in Kashmir including the arrest of Sheikh Abdullah? Why? Because we were serious about the imperialist dangers to our country. And such party leaders, you do not allow. Do you think that G. M. Shah is better and more interested in the unity than E. M. S. Namboodiripad and M. Farooq? Is that your attitude? It is an indication of political bankruptcy on the part of these leaders who are sitting in Delhi. You may say anything against the Communist Party, but you cannot question our devotion to unity, integrity and

[Shri M. Kaiyanasundaram] security of our country. We have laid our lives, and we are still prepared to lay our lives. That is the situation. When we are trying to bring Dr. Farooq Abdullah—save him and bring him—to the national mainstream, what is your attitude? Should you not encourage and help it? Have you succeeded? You have tried all these things for 22 years in Kashmir. Have you succeeded? Is it not a fact that again Sheikh Abdullah had to be brought back in 1975 through that accord and put in power? What realistic attitude the Government of India should take is the main question, to satisfy or to respect the sentiments of the Kashmir people. Whether they are Muslims, Hindus or Sikhs, they must stand united to defend the unity of the country and to chase those pro-Pakistani and secessionist forces who are penetrating into the State.

Let me recall for the benefit of the present Congressmen who cannot understand even the significance of the decisions. They think that under the umbrella of the Prime Minister, Mrs. Indira Gandhi, they can commit any crime and run away with it because she is there, she will get votes and win elections. That seems to be the attitude of the Congressmen. What will be the reaction of the people of Jammu and Kashmir, if they listen to the attacks on Mr. Farooq and the National Conference? True, the National Conference was split. What will be the attitude of responsible leaders of the nation?

I am putting this question to the Congress (I) leaders. Was not Mr. Farooq Abdullah till recently running around No. 1 Safdarjung Road calling the Prime Minister, "Mummy, mummy", even more endearingly than Mr. Rajiv Gandhi? What is the crime that he has suddenly committed? He is a young man, may be inexperienced, and he may not be able to understand the difficulties. In Punjab with

all the experience of stalwarts like Mr. Darbara Singh, they were not able to prevent the infiltration. It may be true. I am not having any brief. But is there an alternative to Mr. Farooq Abdullah who can keep the people of Kashmir united and bring them to the main stream of Indian unity? That is the question which should be answered properly.

I want to recall a statement made - by Pt. Jawaharlal Nehru for the benefit of the Members who are here. People like us have seen and heard it ourselves personally in those days. This is what Jawaharlal Nehru said:

"One fact however which contributed to our success at last, as much as the military operations, was the maintenance, under the leadership of Sheikh Abdullah, of the civil administration and the morale of the civilian population."

This is after driving out the Pakistani hordes away from Srinagar. This is what he said. Further, he goes on saying. I quote:

"The civilian population completely unarmed, with an enemy within a few miles of the city. . ."

That is, the city of Srinagar.

"... behaved in a manner which showed extraordinary courage and coolness. They did so because they had a great leader and because -Hindus, Muslims and Sikhs, all joined together under him to throw back the enemy and save Kashmir, their common heritage."

This is more important. This fact is one of the most remarkable events of recent times in India and one from which the rest of the country may well take a profitable lesson. These immortal words should be the guiding spirit in dealing with any situation arising from communal forces and disruptive forces, and those who profess in the name of Pt. Jawaharlal Nehru, should have a proper attitude

... the split in the National Conference. There is nothing to choose between the two. That is my humble opinion. If Mr. Farouq Abdullah is dangerous, the other group is more dangerous. As some of our other Members have said, there are people who have become saleable. How to trust them?

Mr. Home Minister is a clever man. He has proved to be competent to hold any portfolio. I congratulate him for his cleverness and ability. I am sure this was not wrought by the bureaucracy but by an able politician who can understand. So, he marshalled all the points against Farouq Abdullah. Even there if you could not avoid linking that these reasons, to be reasons for the action taken by the Governor, so what is the use of blaming the poor Governor? He has done a job as he was directed to do. But this Army did in Punjab and added to our cause. But here he has brought difficulties to the Government and to the cause of national unity, by committing this mistake." Madam, may I suggest that if the Governor had just remained by dismissing the Farooq Abdullah Ministry it would not have been so harmful. Even then it is a violation of democratic norms and parliamentary democracy. But that can be tolerated. But what is worse is by installing a Ministry insulting the sentiments of the people of Kashmir whether Hindus, Muslims or Sikhs. Don't they be discrediting Farooq Abdullah? You want to win the support of Hindus. You are dividing Hindus-Muslims and Sikhs of the entire population. This is very harmful for the population of the State. For the objective it is sought to be achieved by these changes. So, I demand that to give confidence to the people of Kashmir immediately recall the Governor of Jammu and Kashmir, Mr. Jagmohan and send him somewhere. I do not suggest that Army should be sent back to barracks. Can these Ministers move about? Whereas Farooq Abdullah is

able to move. But these Ministers need military escort to go about. Their houses had to be protected. But we must appreciate Dr. Farooq Abdullah who maintained peace in the State. It is because of him there is peace but not because of your police or military or G.M. Shah's Ministry. So, before it is too late I would appeal to the Government of India to recall the Governor, Mr. Jagmohan immediately. Let the elections be held even if it means some time. Take your own time. But let there be a President's Rule not under the Governor. Look at the changed situation. My hon. Minister, Mr. Narasimha Rao has told the Prime Minister also what Mr. L. K. Advani told you. He had hit two birds in one shot. He was opposed to the special status for Kashmir. He is attacking you and trying to win the support of Muslims. Where are you now? Now you are throwing the Leftist Party and BJP together by your mistakes. Congress alone cannot discharge its obligations to mobilise the nation against the dangers that are threatening our country's security and unity. So please be humble and take proper decision. Therefore, I would request that the Governor may be recalled and elections could be ordered. Of course, take your time till then let it be under Centre's rule.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Shri Upendra.

SHRI PARVATHANENI UPENDRA: Madam, Vice-Chairman, I have no doubt that the Congress and the ruling party at the Centre have indulged in themselves in the most dangerous gambling by getting Dr. Farooq Abdullah's Government dismissed by the Governor at a time when the country is passing through bigger crises emanating from the Punjab situation and also the unsolved Assam problem. I do not take it as an isolated case. This is a manifestation of the intolerance of the Congress Party and its leadership of the

[Shri Parvathaneni Upendra]

Governments headed by non-Congress Parties. It has not happened for the first time. It happened in 1959 in Kerala. It happened in 1967 in West Bengal. It happened in Sikkim. It happened in a number of Congress-ruled States also where Congress Chief Ministers who did not toe the line of the leadership or who posed a threat to her leadership or who tried to become leaders on their own, were sought to be removed by the imposition of President's Tule and the misuse of article 356. We hold the Prime Minister in high esteem. Coming from a State which she represents in Parliament and also as a State which has sheltered in a condition of distress when the whole country rejected her, we know her better. We have worshipped as "Amma", the mother. But we also know a tings of her personality, the trait of intolerance. She cannot countenance opposition, she cannot stand criticism and she is always at the game of destabilising Governments which she does not like.

SHRI BUOY KRISHNA HANDIQUE (Assam): Why are you making it personal?

SHRI PARVATHANENI UPENDRA: This is the background in which it happened. Therefore, as soon as she became President of the Congress, she got the Kerala Government dismissed, and since then, this game is going on. If you take the situation in the States ruled by non-Congress Governments, today many pinpricks are being given. We often hear the Finance Minister needling West Bengal on the question of overdrafts. We see Shalinatai Patils being let loose in Karnataka and trying to purchase MLAs. I hold the hon. Home Minister in high esteem. He never makes any irresponsible statement. But his deputy goes to our State and gives threats.....

DR. (SHRIMATI) NAJMA HEP-TULLA (Maharashtra): About Sha-

linitai Patil, that case was referred to in Parliament. He is a new Member; he may not know. He should see the old records. The Finance Minister said it was a wrong allegation. Therefore, he should not say that.

SHRI PARVATHANENI UPENDRA: There were tapes to that effect.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Tapes are no proof.

SHRI PARVATHANENI UPENDRA: We have the spectacle of his deputy going to Andhra Pradesh and threatening the Government of Andhra Pradesh: "if you don't improve law and order, the Centre will intervene." I have given a rejoinder: "you better improve law and order in Delhi." Today there was a question stating that the law and order situation in Delhi has deteriorated during the last six months. Therefore, Madam,

SHRI BUOY KRISHNA HANDIQUE: You cannot allow him to say anything he likes.

DR. (SHRIMATI) NAJMA HEP-TULLA: Can he say anything under the sun?

SHRI PARVATHANENI UPENDRA: Please. Otherwise I will have to take half an hour. I will finish in ten minutes if there is no interruption.

(THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): You please finish.

SHRI PARVATHANENI UPENDRA: They are not allowing me to speak. Please control them. It has become a habit with them. We listen to them. It has become a silently. Why do they intrrupt? I am a gentleman. I want them to behave like gentlemen and ladies.

So this is not an isolated case. This is a manitestation of the intolerance of the Congress <JT> and the Central Government of the non-Congress (I) Governments. Here in Kashmir also, it happened

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like a coup, a conspiracy, I can substantiate it by the trend of events which happened. The whole plan was finalised here when the Governor visited Delhi on June 28 itself. Even before that, on January 23 this Government was sought to be dismissed on the grounds which the hon. Home Minister has stated in the first four paragraphs of his statement today. That would have been the preamble of the action on that day. Probably he must have taken it from the statement prepared and kept ready at that time, when they wanted to dismiss the Government on the grounds of anti-national activities and sheltering of anti-national elements in Kashmir. But because of the resistance of the Governor, the then Governor, they could not do it: They held back the plan and the non-cooperating Governor was changed and a more pliable man was sent to execute the plan. This was a well-planned conspiracy; otherwise, there was no reason for these "dirty dozen", as somebody called them, to go to the Governor's residence in the night and ask him for shelter in the Governor's residence for the night. If they were bold enough, if they were guided by convictions and principles, they should have gone to him at day time. Why did they have to go to him in the night and ask for shelter in the Raj Bhavan? That itself shows that the Governor was a party to the conspiracy. The way he ordered for the crack police regiments from Madhya Pradesh and Uttar Pradesh on July 1st itself, even before the Chief Minister was sacked. Even when the Chief Minister was there, without the consent of the State Chief Minister, police forces were brought to the State from outside. All these indicate that the Centre is a party to the conspiracy. They wanted to remove the only Muslim Chief Minister who is getting popular in the country which is posing a threat to the Congress-I in the election because of his position in Kashmir. They were so scared of his growing popularity in the country particularly among the Muslims. Therefore, they wanted to remove him as soon as possible and this diabolical plot was hatched. Some honourable Members have already pointed out how the

Governor flouted not only the provisions of the Constitution of Jammu and Kashmir but also the recommendations of the Speakers' Conference, the recommendations of the Committee of Governors set up by the President and also the recommendations of the Administrative Reforms Commission. I need not go into all these details. It is very clear that this act was unconstitutional, against all democratic norms and against all democratic principles. One month's time has been given to prove the majority of the Government. But we know what happens in such cases; the way things are happening, the way MLAs are being purchased at the rate of Rs. 15 lakhs or Us. 20 lakhs we can imagine what will happen on July 31st when the vote of confidence will be taken. Madam Vice-Chairman, it is possible to win the loyalty of the people by making them Ministers. You make everybody a Minister and they will be loyal to you. Therefore, there is no creation of not getting the vote of confidence. But where are we going by setting up such standards? Are we helping democracy in this country by helping and encouraging defections, by putting puppet governments in office?

It is very clear, this puppet Government cannot run very long. The Ministers, who are so afraid of facing the people, who are afraid of going to the Governor during the day time and who run to the Governor in the night, who work under the cover of curfew and under Section 144, they cannot survive very long. One day this Government has to go as it happened with a similar Government in the centre in 1979. You know the fate of the Government you propped up here for a while. That Government had to go in no time.

Therefore, I plead that this Government should be dismissed forthwith and fresh elections held. And the Governor who restored to an unconstitutional act and who flouted the provisions of the Constitution and acted against all democratic norms and conventions, should also be recalled forthwith. Thank you.

SHRI M. S. GURUPADASWAMY: Madam Vice-Chairman, the last para of the statement attracts me and in this para the last sentence attracts me more. The last sentence says. "I would, therefore, appeal to the honourable Members to view the present developments in the state of Jammu and Kashmir in the right perspective." I refer to the right perspective. What should be the right perspective in the case of Kashmir? Shri Narasimha Rao has not explained to the House what should be the right perspective that this august House should share with him. I want to ask him whether it is the right perspective to destabilise a Government which is elected? Is it the right perspective to dismiss a Chief Minister who was not given an opportunity to test his majority in the House?

MISS SAROJ KHAPARDE: What happened in 1977 in Karnataka?

SHRI M. S. GURUPADASWAMY: You know Karnataka very well, as much as I do. In Karnataka Devraj Urs committed lot of corruption and there was an enquiry ____ (*Interruptions*). We wanted election there and the people's verdict. Please do not divert my attention now.

Is it the right perspective to ask a dozen MLAs who are deserters, dissidents and defectors to go to Raj Bhawan at what time? At 3 o'clock in the night. (*Interruptions*) Please allow me to speak. They went to Raj Bhawan at 3 o'clock in the night when nobody is awake except ghosts and spirits. They went hiding at the early hours of the morning. Were they afraid? You have formed the Government with these people. That is your political perspective.

Shri Narasimha Rao says that Jammu and Kashmir is a very sensitive area. I agree with him. I share his view. It is a very sensitive area where peace, order and normalcy have to be maintained for all time to come. He has said it in the last paragraph. He has also said that unity and integrity of the country should be given top priority. We believe, as others believe on the other side, that every part

of this country should share the concept of socialism, nationalism and secularism. Jammu and Kashmir, being a very sensitive area, should maintain stability, order and peace and the Government there should get the support of the entire population of the State.

The Central Government has played with Jammu and Kashmir wrongly in the past. I do not want to repeat what others have said in this regard. It has been admitted. Let us learn from past history. Is it the right perspective, I ask you once again, not to concede the reasonable demand of Dr. Abdullah? What was his demand? He was told by the Governor that he had forfeited the right to majority. If that is so, that has got to be tested on the floor of the Assembly. You have given one month's time to Mr. Shah to test his majority. But Dr. Abdullah wanted immediate summoning of the Legislature. If he had been defeated, he would have gone, and he should go. But, if he had secured the majority, he should naturally survive and he should stay there as the chief of the Government there, as the Chief Minister of that State. You never gave that opportunity to him.

SHRI P. N. SUKUL: 31st July.

SHRI M. S. GURUPADASWAMY: You never gave that opportunity to him. He gave an alternative, a more credible alternative and a more democratic alternative to the Governor. He said: "If you do not want to accept the first option then give me the second option. Let me go to the poll, let me go to the people." But you did not allow him. You do not want an election there. You went his brother-in-law as Chief Minister about whom we know very little. Perhaps you know more about him. You believe that by his administrative skill and ability he would be able to establish law and order, peace and tranquillity in that territory. In the past, I know, during the regime of Shri Bakshi Ghulam Mohammad, when he was the Chief Minister there for long, there were secessionist activities and there I were extremist elements, communal ele-

ments, anti-social elements, operating there. I know that well, and we had debated it both in the Lok Sabha and in the Rajya Sabha at that time. Mr. Bakshi Ghulam Mohammad was chosen by the Centre, and we supported him. All of tis supported him. Even then there was trouble in Kashmir. What should have been done on this occasion? Please do not bother about your party; but think of the nation. If there had been secessionist elements, extremist elements, anti-national elements, anti-social elements or communal elements, you should have strengthened the hands of Dr. Abdullah. But you issued *firman*s from Delhi, from the Delhi Durbar. Nine letters have gone according to you. By issuing such *firman*s and letters....

DR. (SHRIMATI) NAJMA HEPTULLA: Madam, he says "Delhi Durbar". There is a hotel in Bombay by that name. Is he referring to it?

SHRI M. S. GURUPADASWAMY: You know restaurants better than I do. I do not know restaurant life. You know it well. You want to establish peace and order in that border State by your *firman*s, through your letters.

MISS SAROJ KHAPARDE: What is a *firman*?

SHRI M. S. GURUPADASWAMY: Your Government's letter is like a *firman*.

SHRI P. V. NARASIMHA RAO: If I get information that the security of the country is endangered by certain elements, then residing in Kashmir, and I request the Chief Minister to do something about it, is that a *firman*? Is that your interpretation of the Constitution of India?

SHRI M. S. GURUPADASWAMY: I would say then you had correspondence. If you are satisfied with that word, I would use that word. Are you satisfied with that word "correspondence"? If it satisfies you. I will use it. I do not want to use the word '*firman*' because it hurts you.

SHRI P. V. NARASIMHA RAO: You are not hurting my feelings. You are using the wrong word. You *are* an experienced parliamentarian and I do not expect you to use wrong words. But, if you want to use it, then use it.

SHRI M. S. GURUPADASWAMY: Thank you for your help. I only say that normalcy, tranquility, the law and order, the stability in the State can be established by strengthening popular Government, the elected Government—not by unseating it. The Governor has overstepped his limits. That has been gone into by my friends. He had no business to add a postscript to his letter. If he thinks that the Chief Minister has lost his majority, has forfeited his right to be the Chief Minister of the State and he has no right to make any recommendation to the Governor, how can the Governor suggest in the postscript of his letter that he many confirm whether he would like the imposition of Governor's rule? That is also recommendation. What is the motive behind this? You made up your mind at the Centre that Dr. Abdullah should not stay as Chief Minister. You would have allowed him to be the Chief Minister there if he had toed your line. This is narrow, partisan consideration. These things weighted with you. Why? At this hour? After all, we have witnessed the crisis in Punjab. By your action you are extending it to Jammu and Kashmir. By your act you have not brought about stabilisation, but destabilisation there. I do not think G. M. Shah wiH deliver the goods. He is a member of the Legislative Council. He does not belong to the Assembly. And his background is not known to many of us. Perhaps you know much better as I said. You have trusted him so much. Can he assure you that by his leadership Jammu and Kashmir will be stable, more peaceful and orderly and there will be no secessionist elements in future? Can he assure you that? I don't think you can assure the House either. I feel that various things are happening simultaneously now which are disturbing. You had to impose curfew. It has been continued day after day people cannot move about. There have

[Shri M. S. Gurupadaswamy]

been demonstrations. You have suppressed the demonstrations. There have been popular reactions. You have stifled them. But how long? What you have done is most undemocratic and unconstitutional. As I said in the morning, you have said many irrelevant things in the statement. The main thing there is to maintain democratic stability. But political destabilisation have resulted in dismissing Dr. Abdullah's Ministry. I do not want to go to the question of horse trading. This has been your habit or pre-occupation. I do not want to go into that. But as nationalists, as democrats, we believe that expediency and of narrow party considerations should not prevail while taking vital decisions. The nation should survive and live united and strong. I presume that all of you agree with me that democracy has got to be strengthened. It has got to be stable and democratic values should be preserved. It should be our task to see that parliamentary system of Government, parliamentary norms, standards and values are implemented scrupulously by all of us. If you say that the Janata Government has done wrong in the past, I am bold enough to confess that it was wrong. I say that the removal or dismissal of State Governments at that time—I am one of those who said this—was wrong. I confess it. I would like you to do the same. I would like you to show some courage and say that what you have done is wrong. Don't follow the politics of piracy. The politics of piracy would land you in trouble. It has landed you in trouble in the past. This strategy which you are practising in Jammu and Kashmir will land all of us in trouble. (*Time bell rings*). In the end, may I say: Withdraw the Governor. That is a popular demand. Recall him. He has not behaved honourably. He has been partisan. He is working as an agent of the Centre. He has never been independent. He is not going to be a good Governor. Kindly withdraw him. Secondly, remove the Government of Dr. G. M. Shaw. Thirdly, please plan for elections. These are my three demands. With these words, Madam, I thank you.

MISS JAYALALITHA (Jamil Nadu): Madam, Vice-Chairman, at the outset, I wish to make one point very clear. It is my own strong conviction as well as the staunch belief and precept of the AIADMK that such a constitutional provision should not be allowed to exist in a democracy, whereby a democratically-elected government which has won the popular mandate of the people can be dismissed and thrown out of office with a mere flourish of a pen on paper, with one single stroke of a pen, whereby the signature of one individual has the power to render null and void the mandate, the sanction and authority to govern a State which has been bestowed by several millions of people.

Jammu and Kashmir is one of the most sensitive border states of India. It is an indisputable fact that various foreign powers have been consistently trying to infiltrate and utilise this state to achieve their own nefarious ends, detrimental to the interests of India. We are faced with the threat of destabilisation both in the North-East and the North-West where secessionist movements are being carried on which amount practically, to unending armed insurgency. Jammu and Kashmir is one such region.

There can be no disagreement on the imperative need for particularly strong and tight security in this region. Anyone who has the welfare of India at heart will agree that we cannot afford any laxity in the matter of security. Vigilance in this state.

We must review some of the recent happenings in Jammu and Kashmir and the explanations that were given in relation to these incidents. As already stated by the hon. Minister for Home Affairs in his statement and by the numerous Members who have already spoken before me, several unpalatable and disturbing incidents have taken place in Kashmir within one year. Last year on August 15, during the Independence Day parade at the main stadium in Srinagar, when the then Chief Minister Dr. Farooq Abdullah was taking the salute, a crude bomb was hurled which went off in the midst of the stadium. One day earlier, on August

14th—Pakistan's Independence Day—three -were scenes of jubilation in various parts of Kashmir. The Pakistani National Flag was hoisted on Indian soil. 'Jut when our own Indian National Independence Day was being observed the next day, bombs were hurled to disrupt the celebrations.

Next there was also an attempt to blow up a transmission tower on top of Srinagar's Hari Parbat using high explosive. Again in October there was the infamous incident in Srinagar when the one-day cricket match between India and the West Indies was nearly abandoned as agitating hordes broke through the fencing and pelted the Indian players with stones. These militant elements raised slogans of "Pakistan Zindabad" and attacked our Indian cricketers.

SHRI SHARIEF-UD-DIN SHARIQ:
It is wrong,

MISS JAYALALITHA: Please allow me to continue. On that day our Indian players remarked, "Are we in India or Pakistan? We really wonder whether we are playing in our own country." Our cricketers could not go beyond making such mild comments. But when such disturbing incidents occur in succession, what is one to make of them? Are we not led to believe that anti-national elements were given a free hand to assert their presence and militancy in Kashmir?

What was the action taken with regard to these incidents? No timely action was taken. No proper investigation was conducted by the State Government. Finally the Union Home Ministry was compelled to begin an independent enquiry into these incidents. (*Interruptions*)

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Please do not interrupt the speaker.

MISS JAYALALITHA: When Maqbool Butt, the secessionist and the terrorist was hanged for murder in Tihar jail last February on 11th, he was glorified as a martyr in Kashmir by various groups who led demonstrations protesting against his execution and forced the closure of shops and offices.

Now, I personally am not trying to insinuate that Dr. Farooq Abdullah has any covert or over links with Pakistan. But it is very interesting to note that similar protests and demonstrations were held in Pakistan at the same time. All these happenings are a clear indication of the extent to which anti-national elements, secessionists, terrorists and extremists have been allowed to flourish and gain strength in Kashmir in recent times.

So far seven Indian Airlines planes and two Air India planes have been involved in hijackings. Five of them have been hijacked to Lahore in Pakistan. Out of these, in three incidents, it is noteworthy that the hijackers boarded a plane at Srinagar airport in Kashmir.

There were serious charges that secessionists and terrorists were being given combat training in several camps in Kashmir. To these accusations the then Chief Minister, of Jammu and Kashmir, Dr. Farooq Abdullah, replied that it was only religious training and could not be interfered with or stopped. Afghan rebels are being given training in arms in Pakistan. We all know the identity of the foreign powers which are supplying the weapons and the finances for such training. When the Government of Afghanistan makes this charge, what is the explanation that the Pakistan Government offers with regard to this? The same explanation that Dr. Farooq Abdullah preferred—that it is only religious training. Does this not provide food for thought?

With reference to the recent occurrences in Punjab, vast quantities of weapons and highly sophisticated arms were discovered which had been stockpiled by terrorists involved in the incidents there. There was another serious charge levelled by the Centre that the weapons were smuggled from Pakistan through Kashmir to reach Punjab. What was Dr. Farooq Abdullah's reaction to this extremely grave charge? Dr. Farooq Abdullah replied that it was not the responsibility of the State Government. He contended that the State Police was responsible only for maintaining law and order in the State and I could not be expected to keep a watch

[Miss Jayalalitha]

over smuggling activities. He insisted that it was essentially the Central Government's responsibility to maintain vigilance with regard to smuggling of weapons through the State of Jammu and Kashmir. Dr. Farooq Abdullah has been making repeated, declarations about his undiluted patriotism and his unshaken fervent belief in national unity and stability. Personally, I do not doubt Dr. Farooq Abdullah's loyalty to the nation, to India. But does not his reply to the Centre contradict his own claim about his patriotism? How are we to reconcile his assertion of unshaken loyalty to India with his reply to the Central Government? When the Centre discloses that weapons have been smuggled from a foreign country into India through the State of Jammu and Kashmir, the then Chief Minister responds with the contention that it is not the job of the State Government to keep a watch over such activities. What conclusions would one logically deduce from an answer such as this? Is this the reply expected from a patriotic Indian citizen holding the responsible office of Chief Minister of a sensitive border State?

I would request everyone concerned to carefully consider the sequence of events in Jammu and Kashmir during the past one year and the explanations that were given in relation to those events by the persons responsible for the administration of the State. Because I say this, it does not mean that we support the dismissal of the Farooq Abdullah Government. The AIADMK... *(Interruptions)* Please let me continue. I am not reading; I am speaking... *(Interruptions)*
5.00 P.M.

SHRI R. MOHANARANGAM: Please don't interrupt.

THE VICE-CHAIRMAN (SHRI-MATI MARGARET ALVA): Let her speak.

MISS JAYALALITHA: When I say this, it does not mean that we support the dismissal of Dr. Farooq Abdullah Government. AIADMK Government in Tamil Nadu was dismissed in 1980. What-

ever feelings we experienced then, when our State Government was dismissed, we feel the same when we consider the fate of the Farooq Abdullah Government in Jammu and Kashmir.

But we must also bear in mind certain other important points in this connection.

With reference to the change effected in the Jammu and Kashmir State Government many political parties in the country are denouncing it as a 'murder of democracy'. My question is this: How many of these parties have the moral right to do so? One of the parties which is crying itself hoarse about this murder of democracy is the DMK. It is the leader of the same. DMK who played a key role in bringing about the dismissal of the AIADMK Government in Tamil Nadu in 1980. The DMK leader camped in New Delhi for several days exclusively for this purpose. He persuaded those at the Centre to dismiss the AIADMK Government. The very next day, after the dismissal was announced, the DMK leader returned to Madras triumphantly. The next morning, when he landed at Meenambakkam Airport in Madras, he was accorded a rousing, tremendous reception and hailed as a conquering hero by his partymen. He was garlanded profusely. For what? For bringing about the dismissal of the AIADMK Government, a Government democratically elected with the overwhelming support of the people.

But the very same DMK leader today denounces the change in the Jammu and Kashmir State Government as a murder of democracy. Is this not the greatest irony, the biggest, bitterest joke of the 20th century?

The AIADMK firmly believes in the principle that any democratically elected Government should be allowed to function for its full period. This is our firm policy. At the same time, the AIADMK also maintains that any activity which leads to the disintegration of the country or endangers the security and unity of the nation should not be permitted—not only in a sensitive border State—but in any State in the Indian Union.

Another party which condemns this so-called murder of democracy is the Janata Party. The Janata Party, I presume, is a national party. At least that is what we were led to believe until recently. I have a great deal of respect and regard for the Janata Party leaders. But let us take a look at Karnataka. It is the Janata Party which is in power in that State. The Janata Government in Karnataka has decided to accept, in toto, the recommendations of the Sarojini Mahishi Committees report on job reservation opportunities in public sector undertakings. The recommendations essentially boil down to two dangerously disruptive demands, namely, that in public sector industrial and commercial undertakings in Karnataka, 80 per cent of jobs should be reserved exclusively for Kannadigas, and secondly, the remaining 20 per cent jobs should be given only to those who know the Kannada language. Both demands are dangerously chauvinistic and parochial, containing every element guaranteed to undermine Indian unity and destroy the common rights of Indian citizenship. Yet, the Janata Party Government in Karnataka has accepted these recommendations in toto. This is all the more amazing since the Janata Party claims to be an all-India party and therefore answerable to the people living in different States of the Indian Union.

If all States were to follow this principle, what would happen? The Indian Union would cease to be one country, but get reduced to different countries. Today, when the Farooq Abdullah Government is dismissed in Jammu and Kashmir under the provisions of the Constitution of that State, the Janata Party denounces this as a gross violation of democracy. Yet, as my hon. senior Member, Mr. Gurupadaswamy himself, admitted in Ms speech, when the same Janata Party came to power at the Centre in 1977, did it lot dismiss several non-Janata State Governments, making use of Article 356 of the Constitution of India? Arguments may be advanced differentiating between the merits — (Interruption) Mr. Reddy, your party leader has already spoken. I said, arguments may be advanced differentiating between the merits of each case. But the plain unvarnished truth is this. When

it had the power to do so, the Janata Party did not hesitate to make use of that power to do exactly what it is protesting against so vehemently, today.

Next, let us consider the Telugu Desam Party, which is most vociferous in denouncing this so-called murder of democracy. On his return from the United States of America, the Telugu Desam Party leader and the Andhra Pradesh Chief Minister, Mr. N. T. Rama Rao has gone on record as saying that India has made no progress at all in the 37 years of Independence. (Interruptions').

SHRI PARVATHANENI UPENDRA:
He never said that. (Interruptions),

MISS JAYALALITHA: It has appeared in all the national newspapers. Our Chief Minister was present when your leader said this in Madras. Our Chief Minister has contradicted it in a public meeting at Madras. (Interruptions). We have the tape of the speech. Both spoke on the same dais (Interruptions)

SHRI PARVATHANENI UPENDRA:
NTR only said that the country had not made progress to the extent it should have. This everybody says. (Interruptions) What is the relevance of all these things? (Interruptions) If a wrong statement has been made, it should be corrected. She is making reference to a person who is not here. What is the relevance of all this? She is bringing in the Janata Party. She is bringing in the Telugu Desam Party.

(Interruptions)

SHRI V. GOPALSAMY : I would like to put the record straight. She is misleading the House. (Interruptions)

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Nothing will go on record.

(Interruptions)

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

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): I can allow a point of order only when there is order. (Interruptions)

[Shrimati Margaret Alva]

Mr. Gopalsamy, let me make it very clear to you. You were not in the House when she was speaking. You have come here with some hearsay information. You go through the record and if you have any objection to anything which has been said, you make a statement at a later stage with the permission of the Chairman. Do not interrupt the speaker. (*Interruptions*) I will not allow you.

(*Interruptions*)

SHRI R. MOHANARANGAM: It is not for them to say what is relevant and what is irrelevant.

(*Interruptions'*)

SHRI PARVATHANENI UPENDRA : Madam, I am on a point of order. The hon. lady Member is entitled to indulge herself in a delicate exercise of fence sitting. We can understand her anxiety. But why should she say irrelevant things, making reference to a person who is not present here? (*Interruptions*). I have not finished, (*Interruptions*)

SHRI R. MOHANARANGAM : Madam Vice-Chairman, let me submit one thing. What is relevant to one person is irrelevant to others. What was relevant to Mr. Narasimha Rao was irrelevant to Shri Gurupadaswamy. What is relevant to Shri Upendra is irrelevant to tis.

SHRI PARVATHANENI UPENDRA: Let me finish. You give ruling afterwards. I was interrupted before I completed.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Please sit down. I would request the Members not to interrupt. Each one of you has spoken. When you spoke nobody interrupted you. You objected to the interruptions. Why don't you allow a person to finish the speech. Each party had a chance to say something. You can reply when your chance is there. This is not a debate. I cannot help it.

SHRI PARVATHANENI UPENDRA: She is throwing mud on everybody. (*Interruptions*).

SHRI R. MOHANARANGAM : When you were throwing mud nobody interrupted you.

SHRI P. V. NARASIMHA RAO: Madam Vice-Chairman, he was a real difficulty. Since he has already spoken, he thinks that he has the right now to interrupt others.

SHRI PARVATHANENI UPENDRA: She is reducing the Home Minister's trouble. I can understand that, but why to bring in Shri N. T. Rama Rao? It is all irrelevant to this debate. (*Interruptions*).

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) ; I would request the hon. Members not to interrupt. (*Interruptions*). It is difficult to deal with both the sides of the House. Let us finish the debate.

SHRI R. MOHANARANGAM : Let him not show animosity.... (*Interruptions*)

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) : Your speaker is quite capable of looking after herself. Let her complete.

MISS JAYALALITHA Madam, I was saying that the Telugu Desam leader, Andhra Chief Minister N. T. Rama Rao has gone on record....

SHRI PARVATHANENI UPENDRA: Again she is repeating. (*Interruptions*).

SHRI R. MOHANARANGAM : Allow her to speak. You don't know what she is going to say. Why do you oppose unnecessarily ? (*Interruptions*) .

MISS JAYALALITHA : They are lot allowing me to complete the sentence. (*Interruptions*).

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) : You have to sit down. Let her finish the speech. She has the floor. (*Interruptions*). You cannot stop a Member. They have freedom of speech. You can reply when you have a chance.

SHRI PARVATHANENI UPENDRA : She may be having allergy to NTR but that does not mean... (*Interruptions*).

MISS JAYALALITHA: What I am referring to was published in all the major newspapers in India. If this news was false, why did the people connected with his party not refute it earlier? This has gone uncontradicted and it has appeared in every paper in the country. What I want to say is that the Andhra Pradesh Chief Minister has gone to the extent of saying that American roads are more beautiful than the bedrooms of Indian houses. Yet Mr. N. T. Rama Rao tries to project himself as a patriot and a national leader. One can say that one's state or one's community or the poor and underprivileged sections of the country have not progressed sufficiently, but *how* can one say... (*Interruptions*).

TOE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) : No, no. Don't record.

HON. MEMBERS : (Not recorded)

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) : Please sit down. Nothing is going on record.

SHRI V. GOPALSAMY : *

SHRI R. MOHANARANGAM : *

SHRI PARVATHANENI UPENDRA.*

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) : Please sit down. I am on my legs. I want to make it very clear that we have had in this House a convention that if you have to object to something, you take the permission of the Chair and reply. (*Interruptions*) You can go through the records and if you have any objection to anything, you can reply with the permission of the Chair. You cannot stop a Member from speaking. (*Interruptions*) Please sit down. You cannot reply to every point.

SHRI PARVATHANENI UPENDRA: What is this? You allow the House to enjoy the tamasha today and we reply tomorrow!

SHRI R. MOHANARANGAM : When Shri Gopalsamy was speaking here, some of the Youth Congress(I) Members tried

*Not recorded.

to disturb him. I said to them that this is a sensitive issue, so please don't interfere. Any Member can speak what he likes. But this Member now is unnecessarily interrupting the lady Member and asking her not to speak.

SHRI V. GOPALSAMY: When she quotes the statement of NTR, I want to quote the statement of the Chief Minister of Tamil Nadu.

SHRI R. MOHANARANGAM : I will quote the statements of Mr. Karunanidhi. (*Interruptions*)

MISS JAYALALITHA: When Mr. Gopalsamy had his say, none of our party Members interrupted him. When Mr. Upendra spoke, none of our party Members interrupted him. (*Interruptions*)

My question is how can a person projecting himself as a patriot say that the country has not made any progress at all since Independence? It should be borne in mind that in 1947 the population of India was 30 crores. Today in 1984, the population is 75 crores. In the 37 years since Independence India's population has more than doubled itself.

Despite the severe economic restraints, in spite of having to shoulder the massive burden of caring for, feeding and housing such a vast population—nearly one-sixth of the entire human race in the world today—India has emerged as a colossus among the developing nations. Today India is considered a major force to reckon with, respected even by the world's Super Powers. Madam, please give me just two minutes more. Today India is considered a major force to reckon with and respected even by the world's Super Powers. India has taken gigantic strides forward in the fields of industry, energy, science and technology.

Despite our enormous handicaps, India has still succeeded in establishing itself as one among the ten nuclear countries in the world. We have sent a scientific team to Antarctica. We have sent an Indian into space. India has several magnificent achievements to her credit. How can anybody say that India has made no progress at all? Unfortunately, the Telugu

[Miss Jayalalitha]

Desam Party leader, the Andhra Pradesh Chief Minister, does not seem to regard all this as progress. ... *(Interruptions)* ...

Madam, this is my question: Does the leader of the Telugu Desam Party, who so openly declares that he is ashamed of his own country, have any moral right to speak about the murder of democracy in this country? Has he not murdered the image of India in the eyes of the world?

Now Mr. N. T. Rama Rao has gone to the USA again, for heart surgery. We wish him a speedy and total recovery and we extend our best wishes to him for a long life. Before his departure, while referring to the daily allowance in foreign exchange permitted to him by the Government of India, Mr. Rama Rao angrily asked, "Am I a coolie to be given such a paltry amount as daily allowance?" ... *(Interruptions)*...

SHRI PARVATHANENI UPENDRA : You stop her. ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) : Please conclude.

MISS JAYALALITHA : I am concluding.

SHRI P. BABUL REDDY (Andhra Pradesh) : Farooq Abdullah and N. T. Rama Rao are not responsible... *(Interruptions)* ...

MISS JAYALALITHA : I have mentioned these issues only in order to make one point. Amongst the various political parties which are raising a hue and cry about the murder of democracy in Jammu and Kashmir and claim to be interested in national unity and the welfare of India—I whether it be the DMK, the Janata or the Telugu Desam... *(Interruptions)*...

SHRI V. GOPALSAMY : You oppose emergency, you oppose emergency...
... *(Interruptions)* ...

MISS JAYALALITHA: While condemning the murder of democracy, these political parties should first do some soul-searching themselves—and others should also give deep thought to the same question—namely whether these parties can truly

claim to be national or democratic in character and outlook. I would like to remind them that people who live in glass-houses should not throw stones.

SHRI V. GOPALSAMY : You are living in a glass-house... *(Interruptions)*
You are on the silver screen. ... *(Interruptions)* (DIS-

MISS JAYALALITHA: He is making personal remarks.....

SHRI R. MOHANARANGAM: It is quite a different thing. We can also say... *(Interruptions)*...

MISS JAYALALITHA: On the question of Jammu and Kashmir, it has been announced that a session of the State Legislative Assembly will be convened very shortly and an opportunity will be given to both groups of the National Conference to prove on the floor of the House which group has a real majority and is constitutionally entitled to form the Government. ... *(Interruptions)* ... Don't interrupt now. ... *(Interruptions)*... Meanwhile the main issue has yet to be resolved—as to which is the real National Conference and whether the defectors have voting rights or not. Dr. Farooq Abdullah's Government has been far from ideal. I am not holding any brief for Dr. Farooq Abdullah. However, I do strongly submit that instead of allowing a Government based on defections to administer the State of Jammu and Kashmir, it would be better to place the State under Governor's rule until such time as the Centre decides fresh elections can be held. ... *(Interruptions)*...

I am winding up. I wish to point out that so long as such a provision which deals with dissolution of a State Assembly or dismissal of a State Government is retained, whether it be in the Constitution of India or it be in the Constitution of Jammu and Kashmir, it is bound to be used again and again by the Central Government, irrespective of which party is in power at the Centre. Given certain circumstances, no Central Government can resist the temptation to make use of this provision in the Constitution to suit its own ends. The Congress I Party has made use of article 356 to dismiss non-Congress I state Governments. The Janata Party has also made use of the same

provision to dismiss non-Janata state governments. We ourselves, the AI-ADMK, have been victims of this provision in the Constitution. The dismissal of the Farooq Abdullah Government in Jammu and Kashmir under the provisions of the Jammu and Kashmir Constitution is nothing new. It is not the first, nor is it going to be the last such instance in Indian History after Independence. As long as such a constitutional provision is allowed to remain. Therefore, if we really want to prevent the recurrence of such undesirable events again, the one and only way is to abolish, to scrap and completely do away with article 356 of the Constitution. There is no other way.

Now, finally, I wish to pose two questions to the hon. Minister for Home Affairs. Will the Centre consider placing the State of Jammu and Kashmir under Governor's Rule? And why delay the integration of Jammu and Kashmir into the Indian Union? Why not bring it under the purview of the Constitution of India in conformity with all the other States of the Indian Union?

SHRI GHULAM RASOOL MATTO:
Nice script for P. V. N. Rao; directed by M.G.R.

SHRI KRISHNA KUMAR BIRLA (Rajasthan): Madam Vice-Chairman, if I may digress, I would like to mention that I feel a little flattered as the Chairman of the Hindustan Times by two references that have been made by the hon. members. One hon. friend referred a certain editorial which had appeared in the Hindustan Times. I think probably it will gladden the heart of my friends here to see another editorial which has appeared today criticising the Congress (I) MPs for having withdrawn from the party to which they had been invited by Mr. Hegde. I would like to mention, Madam, that this is an independent paper since it wrote the article things have changed very much. Dr. Abdullah lost the majority. Probably, the hon. Members would have seen another editorial and an article by the editor in the same paper.

Another hon. Member had mentioned regarding a news-item which had been published in the paper. Madam, that was

a news-item. That was not expression of one's view. And probably what appeared in our newspaper, might have appeared in other papers also.

Coming to the point, Madam, since Parliament opened two or three days back, we have been hearing regarding Kashmir. On the opening day the House adjourned, then there was a walk-out, and the cry of murder of democracy. That is what we have been hearing. I would plead that let us consider the matter dispassionately, coolly and deeply ponder what exactly are issues involved. The hon. Home Minister is perfectly within his rights to say that he would not like to throw my light as far as the point regarding the Governor's action is concerned. I heard him yesterday. From the point of hearing his eloquence, probably I might have requested him to say a few words on this subject. But, as I mentioned, it is completely within his power to say what he likes.

Madam, what exactly happened on the 2nd of July is that 12 Members of the ruling party got fed up with the leadership that was being provided to them. Probably, it might have been owing to secessionist and anti-national atmosphere that was prevailing there. I would like to mention that in my opinion this was not a case of defection. Defection occurs when Members leave one party and join another party. Here these members did not join another party. There was a split in the party, and what they did was that from the leadership of Dr. Farooq Abdullah they joined another leadership. These members went to the Governor. They were joined by another independent person and 26 Congress(I) MLAs led by Moulvi Iftiqar Hussain Ansari. They pledged their loyalty to Mr. Shah. In a House of 78, where there is one vacancy, leaving only 77, it was clear that with the support of 26 Congress(I) Members, 12 National Conference Members who had changed their leadership and one independent. It was absolutely clear that Dr. Abdullah had lost the majority. Not only that, Madam, what is very important is that whereas Dr. Abdullah lost the majority, it was not as if they were a few factions and that nobody had a majority.

[Shri Krishna Kumar Birla]
This is very important. Dr. Abdullah lost majority, and Mr. Shah got majority as a result of the assurances which were made to him.

Now, as far as the Governor is concerned, he counted the number of people. He verified them. He also identified them to make sure that the people who had been paraded before him were the right people. Not only that, when Dr. Abdullah went there, he too satisfied himself that those who had pledged their loyalty to Mr. Shah were really genuine people and that it was not as if there was anything hanky-panky as far as this was concerned. According to one paper, Dr. Abdullah shook hands with these people.

SHRI GULAM MOHI-UD-DIN SHAWL: Absolutely wrong, (*Interruptions*) They were not shown the light of the day. That is wrong. "Hindustan Times."

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) : Mr. Shaw, please sit down. He does not interrupt anyone of you. Please sit down.

SHRI GULAM MOHMJD-DIN SHAWL: How independent the paper is, we know. It is called Congress bulletin.

SHRI KRISHNA KUMAR BIRLA: My paper was quoted by another hon. Member.

SHRI GULAM MOHI-UD-DIN SHAWL: I should say he was briefed by some persons wrongly. The MLAs were not shown the light of the day. They were somewhere else. (*Interruptions*) They were not shown anywhere. This is totally wrong.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Your party had a chance to speak. Please do not interrupt. It is very wrong to do so. He did not interrupt anybody. Please sit down.

SHRI GULAM MOHI-UD-DIN SHAWL: He says his paper is independent. It is not.

SHRI KRISHNA KUMAR BIRLA: I would have given compliments to Dr. Abdullah had he shown the spirit of sportsmanship by shaking hands. What is wrong in that. Nobody tested at

that time questioned that Dr. Abdullah had lost the majority. As to trying the majority on the floor of the House my own suspicion is that probably had the majority been tested on the floor of the House many of the Members would have been terrorists and pressure tactics would have been used on them. Dr. Abdullah's advice was that either dissolve the house or test the majority on the floor of the House Madam, I would like to point out that Dr. Abdullah was prepared for the Governor's rule. But he was not prepared to see his own brother-in-law installed in the 'gaddi'. It was a kind of family feud.

Madam, may I mention my views regarding dissolving the Assembly. On the 1st July Dr. Abdullah when he had the majority, he would have been absolutely justified and within his rights to say that the Assembly should be dissolved and the Governor would have had no option but to accept his advice. But once he lost the majority this right was completely taken away from him. Regarding the second point of testing the majority on the floor of the House once Dr. Abdullah loses his majority he had no right to advise the Governor on that and the Governor, therefore, had use to his discretion. Madam, in my opinion, the Governor did the right thing in the dismissal of Dr. Farooq Abdullah's Ministry and asked Mr. G. M. Shah to form the Ministry. He also stipulated that Mr. Shah was to prove his majority within one month. Now I would say that had there been any malafide on the part of the Governor he would have said to Mr. Shah that prove your majority when the House meets. That would have meant a delay of a few months. But the Governor said to Mr. Shah: test your majority within a short and stipulated time. The Governor, in my opinion, therefore, fulfilled his constitutional duties. I would say that the Governor allowed Dr. Abdullah to continue as Chief Minister with a minority Government that would have been murdering of democracy.

Madam, late Sheikh Abdullah was a personal friend of mine. There is no sec-

ret about it But I find that son of my true friend is lacking administrative qualities. I really feel very sorry. But here I mention it is not a question of personal friendship but the question of the country. Unfortunately the biggest weakness of Dr. Abdullah was that he was a poor administrator. One M.L.A., Malik Ghulamuddin said that probably in the last year, Dr. Abdullah was in the office for 13 days only and was out of station for the balance 352 days. He did not attend the office at all.

He was being asked by the Centre against safeguarding anti-social/national elements, against the terrorists and against the secessionists. We have heard certain brief report about that from the Hon'ble Home Minister. There were 9 Gurmat camps that were held, where terrorists were trained. Dr. Abdullah said that they were religious camps, not Gurmat camps-. I need not repeat what happened in the India v. West Indies match. The surprising part is that at that time Dr. Abdullah was also present and before his very eyes, all this happened. He could not take any action; he did not want to take any action. At that *time*, Madam, there was kite-flying that probably Dr. Abdullah might be dismissed. I would say that it was only restraint on the part of the Prime Minister that Dr. Abdullah was not dismissed at that time. After that when the Army took action in Amritsar, there was a lot of disturbance at a number of places, Srinagar, Jammu and Poonch, and no action was taken by the Government of J & K till the Governor gave a warning that unless the State Government took action, he would be compelled to call the Army in order to see that law and order was maintained. Madam, it appears from the statement made by the hon. Home Minister that almost a year back the State Government was warned about the dangers the State was facing (*Time bell rings*) Another three minutes. And in period of 12 months, nine warnings were sent to them. That means that almost every five weeks there was one warning sent. Unfortunately Dr. Abdullah was hobnobbing with amat-e-Islam and its student unit Jamat-e-

Tulba. Madam, if further evidence is ncw^tJ, we do not have to go very far. We know what happened as far as the Indian plane is concerned which was hijacked to Lahore. (*Interruptions*) I concede it was three days after Dr. Abdullah left. I immediately concede that point. But a miracle could not happen in three days. It was a legacy of the old misadministration which was still continuing. This shows, Madam, that as far as the administration is concerned, there was infiltration by extremists, secessionists and terrorists. In my opinion, it was a misfortune for the State of Jammu and Kashmir that Dr. Abdullah decided earlier to join hands with Mirwaiz Maulvi Farooq, who was the head of the Awami Action Committee and was -known to be a pro-Pakistani and anti-Indian politician.

Madam, when *my* friends talk about murders of democracy, I really feel amused and I would only plead with them* that they cannot have two standards, In 1977 a lot of pressure was put on all businessmen, that we were after all business men and we must go with the Government of the day: what prevented us from joining hands with the Janata Government: Madam, those days the Janata Government consisted of the Lok Dal, the Janata itself, the BJP and the Congress-S, all these parties together, which formed Janata Government put pressure on businessmen and some of the businessmen succumbed to it

SHRI S. W. DHABE (Maharashtra) :
The Congress-S was not there.

SHRI KRISHNA KUMAR BIRLA:
Okay, I stand corrected. As far as those businessmen who did not fall in line with the dictates of the Janata Government were concerned, their income-tax cases were reopened. I was one of the victims. And warrants were issued against us. I was one of the sufferers. (*Interruption*)—yes. Warrants of arrests were issued against them. And not only that, Madam, a suggestion was made that the Governments run by the Indian Congress Party in nine States should themselves resign.

[Shri Krishna Kumar Birla] And when the Congress Party heard about it, there was violent reactions. In a resolution passed in the Working Committee on April 19, 1977, they said that the move to dissolve the nine State Assemblies was politically motivated. Congress asked the partymen unitedly to meet this challenge not only in the interests of the party but in the broad national interests. Not having been satisfied with that, ultimately, on the 30th April 1977 the Acting President, Shri B. D. Ferti on the advice of the Central Government, signed the proclamation under Article 356 of the Constitution dissolving Assemblies of the 9 Congress-r-run States and bringing the States under President's rule. Now, as far as these Governments were concerned, they were in majority: they had majority before the Governor: they had majority on the floor of the House: they had majority at both the places. In spite of that, these Governments were dismissed and fresh elections were ordered. So, I would advise my friends, examine every matter in a dispassionate manner; don't be carried away by emotion. In this context, let me pose three questions. Is it or is not a fact that anti-nationalism, terrorism and secessionism were thriving in the State of Jammu and Kashmir? Is it not a fact that in spite of repeated warnings Dr. Abdullah could not control the situation? Is it not a fact that the plane was hijacked in spite of the caution which was sent to all airports as far as India was concerned. Does it not show laxity in the Government?

श्री गुलाम रसूल कार : मोहतरमा वाइस चैयरमन, मुझे उम्मीद है कि मेरे जिन दोस्तों ने इस बहस में हिस्सा लिया वह सब के साथ और इतमीनान के साथ मेरी बातों की तरफ तवज्जो देंगे ।

मुझे खुशी है कि काश्मीर के इस मामले पर मुझे भी बहस में हिस्सा लेने का मौका मिला और मैं इसमें हिस्सा लेते हुए, फारुख नेशनल कान्फ्रेंस की सरकार की कितनी बातों को यहां नजरन्दाज करूं और कौन सी

बातों को छोड़ूँ, जो गुच्छिष्टता एन साल में फारुख नेशनल कान्फ्रेंस सरकार की तरफ से रियासत काश्मीर में रोनुमा हुई । सिदाती तौर पर नेशनल कान्फ्रेंस फारुख सरकार के अन्दर जो स्पलिट हुई, कांग्रेस (आई) का उसमें कोई दोष नहीं ।

यह आज की बात नहीं, यह दो जुलाई की बात नहीं, मैं अपने रफ़ीकों से पूछना चाहता हूँ कि क्या यह वाक्या नहीं कि शेख साहब की सरकार में जब ख्वाजा गुलाम मोहम्मद शाह, सीनियर कैबिनेट मिनिस्टर थे और शेख साहब की अदम मौजूदगी में कैबिनेट मीटिंग्स में प्रेजाइड करते थे, तब से इख्तलाफ फारुख अब्दुल्ला का और ख्वाजा गुलाम मोहम्मद शाह के दरम्यान चला आ रहा था । जब शेख साहब ने अपनी जिन्दगी में डा० फारुख अब्दुल्ला को नेशनल कान्फ्रेंस का सदर इन्स्टाल किया, तब भी ख्वाजा गुलाम मोहम्मद शाह ने उनके साथ इख्तलाफ किया और जब इलेक्शन हुए और उसके रिजल्ट्स निकले, तो क्या यह वाक्या नहीं कि अखबारों ने इस बात की तरफ इशारा किया कि नेशनल कान्फ्रेंस के अन्दर ख्वाजा गुलाम मोहम्मद शाह का एक बावज़न, बाइतबार एक गुप है और जब से डा० फारुख अब्दुल्ला, बतौर चीफ मिनिस्टर के मुखिय हुए, तब से नेशनल कान्फ्रेंस के अन्दर एक किस्म का खिचाव और हेजान पैदा हुआ था और जी० एम० शाहका इख्तलाफ तब से चला आता था और क्या यह वाक्या नहीं कि आज से छः महीने पहले "जां विधान" एक हफ्तावर अखबार है, जिन 12 मेम्बर्स ने छः महीने के बाद गवर्नर के पास यह अर्जी दी कि हम डा० फारुख के साथ इख्तलाफ करते हैं । उनका फोटू वाजापत "जां विधान" में छपा नहीं और अखबार ने इस बात को जाहिर नहीं किया कि नेशनल कान्फ्रेंस के अन्दर स्पलिट है । यह कोई सजिश नहीं थी कि दो जुलाई को यह वाक्यात मंजर पर आ गये । लेकिन

یہ کون سے حالات اور واقعات تھے نیشنل کانفرنس کے اندر ایک رٹائرڈ اسپلٹ کا پیدا ہوا اور آپوزیشن کے ممبران نے ان واقعات کی طرف توجہ دے دی، جب شہین شاہ نے کرکٹ میچ ہوا تو کئی ہندوستان کے بھارتی کھلاڑیوں پر وہاں نعرے نہیں لگائے گئے، انہیں نہیں مارا گیا، پاکستانی بھارتی نہیں لہرایا گیا، گورنر کی موجودگی میں اور ڈاکٹر کونویں اور خوشکرمتوں یہ ہے کہ میں اتنا نہیں کرتا، آپ اتنا نہیں کرتے لیکن ٹیلی ویژن والوں کا ہمیں شک ہے کہ وہ چاہتے ہیں کہ کئی کے سامنے انہیں کرکٹ میچ کی سٹی پکچر رکھی جائے۔۔۔۔ (بصورت)۔ جو میں نے کہا تھا آپ میرے پریذیڈنٹ کو چیلنج کرتے ہیں۔ ساہو میں پالیسی میں تب آیا تھا جب آپ اسکول میں پڑتے تھے۔ جب میں تھریک میں تھا تب آپکا وجود کئی نہیں تھا۔ میرے پریذیڈنٹ کو آپ چیلنج کر رہے ہیں۔ میں دو بار پاکستانی جگ میں جھکی ہوا، ہینڈ بزنس میرے اوپر مارا گیا، دو بار بھاری چلائی۔ آپ میرے پریذیڈنٹ کو چیلنج کر رہے ہیں۔ 22 سالوں میں بار بار میں میں لوگوں نے کشمیر کی تباہی کی۔ 22 سال کے دور میں آپنے ریاست کو ابراہیم خان سے لے کر تھریک چلائی آپنے ریاست کو مانگی آپنے کئی پاکستان میں جانا چاہتے ہیں 22 سال کے بعد جب بنگلہ دیش کا کام ہو گیا۔۔ (بصورت)۔۔۔

آئی شہین شاہ : میں چیلنج کرتا ہوں کسی نے نہیں کہا کہ ہم پاکستان چاہتے ہیں یہ غلط بات دہرا رہے ہیں یہاں میں شک ہے۔۔ (بصورت) کسی نے نہیں کہا۔۔۔ (بصورت)

†[شہین شاہ رسول گار (نامزد)]

مستقیم - وائس چیمبر میں - مجھے اید ہے کہ میرے جی دوستوں نے اس بحث میں حصہ لیا وہ صبر کے ساتھ اور اطمینان کے ساتھ میری باتوں کی طرف توجہ دینگے۔۔۔۔۔ مجھے خوشی ہے کہ کشمیر کی اس مسئلہ پر مجھے بھی بحث میں حصہ لینے کا موقع ملا اور میں اس میں حصہ لیتے ہوئے فاروق نیشنل کانفرنس سرکار کی کئی باتوں کو یہاں نظر انداز کروں اور انہیں کئی باتوں کو چھوڑوں جو گزشتہ ایک سال میں فاروق نیشنل کانفرنس سرکار کی طرف سے ریاست کشمیر میں رونما ہوئیں - سیاسی طور پر نیشنل کانفرنس فاروق سرکار کے اندر جو اہمیت ہوئی کانگریس آئی کا اس میں کوئی دوش نہیں -

یہ آج کی بات نہیں - یہ دو چوٹی کی بات نہیں - میں اچھے رفیقوں سے پوچھنا چاہتا ہوں کہ کیا یہ واقعہ نہیں کہ شیخ صاحب کی سرکار میں جب خواجہ غلام محمد شاہ سینئر کونسلر تھے اور شیخ صاحب کی عدم موجودگی میں کونسلر میٹنگز میں پریزائنڈ کرتے تھے - تب سے اختلافات، فاروق نیشنل کانفرنس کا اور گل خواجہ غلام محمد شاہ کے درمیان چلا آ رہا تھا - جب شیخ

†[Transliteration in Arabic script.]

[شہری غلام رسول کار]

صاحب نے اپنی زندگی میں ڈاکٹر فاروق
عبداللہ کو نیشنل کانفرنس کا صدر
انستائل کہا تب یہی خواجہ غلام
مصطفیٰ شاہ نے ان کے ساتھ اختلاف
کیا اور جب انکسٹری ہوئے اور اس کے
ریٹرنس نکلے تو ٹوٹا یہ واقعہ نہیں
کہ اخبارات نے اس بات کی طرف
اشارہ کیا کہ نیشنل کانفرنس کے اندر
خواجہ غلام مصطفیٰ شاہ کا ایک باورن
با اعتبار ایک گروپ ہے اور جب سے
ڈاکٹر فاروق عبداللہ بطور چیف ممبر
کے منتخب ہوئے تب سے نیشنل
کانفرنس کے اندر ایک قسم کا کھینچاؤ
اور مہمان پھانسا ہوا تھا اور جی -
ایم - شاہ کا اختلاف تب سے چلا آتا
تھا - اور کہا یہ واقعہ نہیں کہ آج
سے چھ مہینے پہلے دہراؤان سے ایک
ہفتہ وار اخبار ہے کہ جی ۱۲ ممبرس
نے چھ مہینے کے بعد گورنر کے پاس
یہ مرضی ہے - کہ ہم ڈاکٹر فاروق
کے ساتھ اختلاف کرتے ہیں - ان کا
فوٹو باضابطہ دہراؤان سے میں چھپا
نہیں اور اخبار نے اس بات کو ظاہر
نہیں کیا کہ نیشنل کانفرنس کے اندر
اسپلٹ ہے - یہ کوئی سازش نہیں
تھی کہ دو چلائی کو یہ واقعات
ملاحظہ ہو آگئے - لیکن یہ کونسے
حالات اور واقعات تھے نیشنل کانفرنس
کے اندر ایک رجحان اسپلٹ کا پیدا
ہوا اور ایوزیشن کے معزز ممبران ان
واقعات کی طرف توجہ دیں جب

سوں نگر میں کرکٹ میچ ہوا
انٹر نیشنل کرکٹ میچ ہوا تو
کیا ہندوستان کے باورن کھلاڑیوں
پر وہاں نعرے نہیں کئے گئے -
انڈے نہیں پھینکے گئے پاکستانی
چھوڑنے نہیں لہرایا گیا گورنر کی
موجودگی میں اور ڈاکٹر فاروق کی
موجودگی میں اور خوش قسمتی یہ
ہے میں اصرار نہ کرتا آپ
امتیاز نہ کرتے لیکن تھلی ریٹرن والوں
کا میں مشکور ہونا چاہئے کہ قوم
نے سامنے انہوں نے کرکٹ میچ کی
مصنوعی پکچر رکھی . . (مداخلت) . .
جو میں نے پکچر نہا آپ
میرے پیٹریماٹرم کو چیلنج کرتے
ہوں - صاحب میں پولیٹکس میں
تب آیا ہوں جب آپ اسکول میں
پڑھتے تھے - جب میں تحریک میں
تھا تب آپکا رجوع کہیں نہیں تھا -
میرے پیٹریماٹرم کو آپ چیلنج
تو رہے ہیں - میں دو بار
پاکستانی چنگ میں زخمی ہوا -
ہیلت گریڈ میرے اوپر پھینکا گیا -
دو بار ٹولی چلائی - آپ میرے
پیٹریماٹرم کو چیلنج کرتے ہیں -
۲۲ سال آوارہ گری میں آپ
لوگوں نے کشمیر کی تباہی کی
۲۲ سال کے دور میں آپ نے ریاست
کو عایدگی پسند ہو جانے کو
تعمیرت دی - رائے شماری کی
تحریک چلائی آپ نے رائے شماری
سنانگ - آپ نے کہا کہ پاکستان میں

جانا چاہتے ہیں - ۲۲ سال کے بعد
جب بنگلہ دیش کا قیام ہو گیا
(مدخلت) -

شروی شریف الدین شارقى :
میں چیلنج کرتا ہوں کسی نے
نہیں کہا کہ ہم پاکستان چاہتے
ہیں یہ غلط بات دہرا رہے ہیں
یہاں - مسجد افسوس ہے
(مدخلت) یہ کسی نے نہیں
کہا (مدخلت)

उपसमाध्यक्ष (श्रीमती मप्रैट आल्वा) :
आप बैठिए ।

एक माननीय सदस्य : और इनकी
क्वालीफिकेशन नहीं है । यह 22 साल की
बात बेकार करते हैं, इनकी कोई
क्वालीफिकेशन नहीं है । ... (व्यव-
धान) ।

श्री गुलाम रसूल कार : मैं इसका
मुकाबला कर सकता हूँ । यह मुझ को
जानते हैं मैं इनको जानता हूँ । मैं
इनको अच्छी तरह से जानता हूँ । मैं
रिकार्ड पेश कर सकता हूँ इस हाउस में ।

†[شروی غلام رسول کار : میں
اس کا مقابلہ کر سکتا ہوں - یہ
مسجد جانتے ہیں میں ان کو جانتا
ہوں میں ان کو اچھی طرح سے
جانتا ہوں - میں دھارتی پیش
کر سکتا ہوں اس ہاؤس میں -]

उपसमाध्यक्ष श्रीमती मप्रैट आल्वा :
आप बैठिये . . . (व्यवधान)

श्री गुलाम रसूल कार : मैं उस प्वायंट
पर दौबारा आ जाऊंगा । फिर से

†[Transliteration in Arabic script.

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इतरखावा होंगे । मैं आपोजीशन मैम्बरों
के बोनाफाइडिज को चैलेंज नहीं करता
(व्यवधान) इनके पैट्रियाटिज्म को चैलेंज
करता हूँ । मैं उनके सामने उन वाक्यात
को लाना चाहता हूँ जिसे वे खुद फरमा
रहे हैं काश्मीर इज ए सैपेटिव पार्ट आफ
दो कंट्री । (व्यवधान) मैं बड़े दावे के साथ
बयान करता हूँ इन आपोजीशन के
मैम्बरों को कि काश्मीर के बारे में
एहतिघात से बात करनी हमारे लिए भी
जरूरी है आपके लिए भी जरूरी है । कोई
भी फारेन पावर हिन्दुस्तान के बाकी स्टेट्स
के मुकाबले में काश्मीर के बगैर बाकी
टैरिटरी पर दावा नहीं करती है ।
पाकिस्तान का रेडियो आज भी 24 घंटे
काश्मीर के लोगों को फंडामेंटलिज्म
पर और मुस्लिम सेंटिमेंट्स को
भड़का रहा है । अभी भी पाकिस्तान
का दावा है कल यह अखबारात
में आया था एक नक्शा में छापा था
जिसमें इसको हिन्दुस्तान का हिस्सा जाहिर
किया गया था । जनरल जिया ने चिटठी
लिखी प्रोटेस्ट किया कि उनको नक्शे में
यह नहीं दिखाना चाहिए । आपको एहति-
घात के साथ बात करनी चाहिए । काश्-
मीर में वे ताकते हैं जमायते इस्लामी है
जिमयेतूलता है सिबते इस्लामी है । 24
घंटे पाकिस्तान का रेडियो बराबर उनको
पेश कर रहा है । आप इन चीजों को नजर
अन्दाज मत कीजिए । फारेन पावर का
दखल है, जो कि जासूस है जिया का,
जो माइकल डेविड आज काश्मीर में
ठहरा हुआ है, आज भी पिक्चर में
छाया हुआ है वहाँ पर यह एक यू०
एस० ए० का अटैची पहले भी डा०
फारूख अब्दुला के फाल के बाद पहले जाकर
काश्मीर में ही नहीं मिला फाल के बाद
उनको मिला उन्होंने उन्हें भारी रकम
दे दी ताकि कांग्रेस का मुकाबला करे ।
लेकिन कांग्रेस के पास ... (व्यवधान)

श्री शरीफुद्दीन शारिक : वाइस चेयरमैन सर, सवूत के बगैर आनरेबिल मेम्बर की बातें हैं।... (व्यवधान)... वाइस चेयरमैन सर, यह सहादत के बगैर बयान देते हैं और हमेशा बीस साल से यह सहादत के बगैर बयान देते हैं। मैं मानता हूँ कि इनको नोमिनेट किया गया...

श्री गुलाम रसूल कार : आप जब नोमिनेशन का ताना देते हैं, मुझे भी इस बात का अहसास है...

श्री शरीफुद्दीन शारिक : आपको शर्मिंदगी होनी चाहिए।...

श्री गुलाम रसूल कार : मुझे शर्मिंदगी होनी चाहिए। लेकिन मिस्टर झाड़वाणी सेकुलरिज्म को चेलेंज नहीं करते हैं। मैं इनको वाक्यांत बताना चाहता हूँ कि कांग्रेस का बर्कर किन हालात में वहाँ लड़ रहा है। आपने कांग्रेस के बर्कर के खिलाफ क्या नहीं किया, भस्जिदें बंद कीं, कब्रिस्तानों में हमारे मूर्तों को दफन नहीं करने दिया गया... (व्यवधान)... हमारा कसूर यह है कि हम इत्तदार नहीं हैं, एतबार पर भरोसा करते हैं। हम शेख साहब को लिये 22 साल की आबारा-शर्ती के बाद...

[उपसभाध्यक्ष (श्री सैयद रहमत अली) पोठासोन हुए]

श्री शरीफुद्दीन शारिक : यह सारे देश की रिक्वेस्ट थी... (व्यवधान)... जुल्म से तवाह किया था, फिरकापरसती को तवाह किया था...

श्री गुलाम रसूल कार : भाइए, हमारा 22 साला दौर, कांग्रेस का 22 साला दौर, बकशी गुलाम मोहम्मद का दौर, छत्राजा गुलाम मोहम्मद का दौर, आप इस हाउस की एक कमेटी बनाइए, देखिए, हमने वाइस साल में सिर्फ चार अरब यथा हासिल किया काश्मीर के

डवलपमेंट के लिए और हमने 100 मेगा-वाट पावर पैदा की, हर तहसील, हेड-क्वार्टर को देखे, हर जगह सड़क पहुंचाई हमने दो मेडिकल कालेज... (व्यवधान) सुनने की हिम्मत रखिए... हमने एग्रीकल्चर को बढ़ाया, हर जगह पांच हाईस्कूल खोले, हमने प्राइमरी स्कूल खोले, हमने डाक्टर पैदा किए, हमने इंजीनियर पैदा किए। हमारा यह कसूर है कि हमने अपने बेटों को डाक्टरी की ट्रेनिंग दी, हमारा यह कसूर है कि हमने आपके बच्चों को इंजीनियरिंग की ट्रेनिंग दी। और आपके शेख साहब के इस एक साला दौर में 22 अरब रुपया उन्होंने हासिल किया। इसके बावजूद एक मेगा-वाट का पावर स्टेशन नहीं बना, एक स्कूल नहीं खुला, एक सड़क नहीं बनाई, कोई नया कारखाना आपने नहीं बनाया... (व्यवधान)

उपसभाध्यक्ष (श्री सैयद रहमत अली) : एक मिनट ठहरिए, गुलाम रसूल साहब। मैं मैंबर साहबान से दरखास्त करूँगा कि इस किस्म की इण्टरप्लान न करें और मैं दरखास्त करता हूँ कि आप मेरे साथ को-आपरेट करें, ऐसा इण्टरप्लान न करें तो ज्यादा मुनासिब होगा।

श्री गुलाम रसूल कार : इन्होंने क्वेश्चन किया और मैं उस क्वेश्चन का जवाब दे रहा था। आपने शेख साहब की बात की। शेख साहब को हुकूमत में लाए। शेख साहब को हम वापस लाए हिन्दुस्तान की पोलिटिकल एकता के लिए नेणतल इंटरेस्ट के लिए। लेकिन दुनिया भर की हिस्टरी में कहीं है कि अगर आपकी पार्लियामेंट में मेम्बर न हों, तो बाहर से एक आदमी को बुलाकर चीफ मिनिस्टर बनाएं। लेकिन हमने ऐसा क्यों किया फारदी इंटरेस्ट, फारदी इंटोसिटी आफ इंडिया। इसलिए किया और 22 साल हमने एतबार दिया जनता को...

श्री शरीफुद्दीन शारिक : फारूख साहब को भी ले आइए। ...

श्री गुलाम रसूल कार : यकीन मानिए आप, फारूख साहब जाए, तो हमारे यहां दरवाजे बंद नहीं है, हम कांग्रेस में एक जगह दे सकते हैं, अगर वे सिक्यूरिटीरिस्क से हाथ नहीं मिलाएंगे, प्रकानियों के साथ हाथ नहीं मिलाएंगे, मुल्क और स्टेट के इंटरैस्ट में काम करने और पाकिस्तान के साथ हाथ नहीं मिलाएंगे और दरभरदा उन लोगों के साथ मिल हुए हैं। जब कस्टम को हमारे लोभ छापा 6PM डालने के लिए गए तो डा० अबदुल्ला की रहनुमाई में उन के दांत तोड़े गए, हाथ तोड़े गए। लैडी कस्टम आफिसर को नंगा किया गया, वह मट्टू के घर हुआ, वह गुलाम रसूल मट्टू के घर हुआ। (व्यवधान) मैं इन बातों में ना आते हुए।

SHRI GULAM MOHIUDDIN
SHAWL: It should be recorded. It is a personal attack.

(Interruptions)

श्री गुलाम रसूल कार: पर्सनल अटैक की बात नहीं। फारूख अबदुल्ला साला है, वह कौन सी माली है। मैं अंग्रेजी नहीं जानता। मैं उर्दू बोलता हूँ, वह बाबाई साला है, यह कौन सी माली है।

(Interruptions)

SHRI GULAM MOHIUDDIN
SHAWL: If he has stopped so low, I hope the hon. Minister will reply to it.
(Interruptions)

श्री गुलाम रसूल कार : आप मुझे प्रोवोक मत कीजिए। आप मुझ से सवालगत मत पूछिए। (व्यवधान)

उपसभाध्यक्ष (श्री सैयद रहमत अली) : आप इस सवाल जवाब के बजाय अपनी तकरीर करें तो मुनासिब है। (व्यवधान) आप तशरीफ रखिए।

श्री गुलाम रसूल कार : (व्यवधान) उस ने रियासत की सियासत को चित राह पर डालने की मजमून कांशिय की थी अगर वक्त पर कदम न उठाया गया होता तो काश्मीर के लालाजारों से मुल्क हिन्दुस्तान के तईतफरत, हिन्दारत और दुस्मनी की हौलनाक आग नमूदार होती जिसके शोलों से काश्मीरी अबाम झुलस कर रहे जाती और वहां की कुम्बते नदामत से अपना खिर झुका लेती जिन्होंने बाहरी मफयहमता भाईचारे और मजहबी रवादारी के उसूलों को अपना जुजे ईमान समझा था।

मैं तफसीलात में जाने से पहले दू बात बाजेह करना चाहता हूँ कि काश्मिन (आई) ने हाल की सियासी तर्दीली की तरतीब और पेशकश में कोई हिस्स नहीं लिया। यह नेशनल वामक्रैस की अन्दरूनी झगडा था जो एक साल के बाद एक मंसिल पर पहुंचा। गुलाम रसूल साहब आप इस से इनकार कर सकते हैं। पीर साहब हजामुद्दीन ने डा० फारूख के खिलाफ इख्तिलाफ बाहिर किया गया तो क्या यह थाकया नहीं है कि उनके सवाल को जलाने की कांशिय की गई, उस पर पत्थर बरसाये गये उसके खिलाफ दरसाह आली में बाय काट का नारा दिया गया। डा० फारूख ने दिया। (व्यवधान) मैं जिम्मेदारी के साथ कह सकता हूँ। (व्यवधान) लोकल अखबारों में और नेशनल प्रेस में इसका इअहार हुआ। 2 जुलाई को उन्होंने अपनी डिमांड गवर्नर के सामने रखी कि हमारी सलिट हो गई, डा० फारूख की लीडरशिय में हमें एतमाद नहीं। मैं उस कान्फ्रेंस में कानूनी नुक्ते में नहीं फंसना चाहता। लेकिन गवर्नर का क्या कुसूर है। 13 एम० एल० ए० हाजिर हुए। उन्होंने डा० फारूख को बुलाया।

एक माननीय सदस्य : बँड रुम में।

श्री गुलाम रसूल कार : बंड रूम कहिए, दफ्तर कहिए, राजभवन कहिए खुलेआम बुलाया और कहा फारूख साहब आप फरमाइये इन 13 एम० एल० एज० ने आपके खिलाफ इख्तिलाफ राय की है, आपकी गवर्न-मेंट में से इन्होंने अपना रतमाद वापस लिया है। डा० फारूख ने गवर्नर को कहा असम्बली को मुअत्तल कीजिए, गवर्नर रूल कीजिए। जगमोहन साहब ने, वहाँ के गवर्नर ने उन को लिख कर भेजा कि जो बातें आप ने मुझे से कहीं हैं असम्बली की मुअत्तली के बारे में और गवर्नर के रूल के बारे में उन को लिखकर भेजें। तीसरी चिट्ठी क्या आती है वहाँ से कि आप असम्बली को डिजाल्व कीजिए। आप रियासत में गवर्नर्स रूल कीजिए। क्या यही जमहूरियत है। हम ने वहाँ जमहूरियत का साथ दिया। हम ने कांग्रेस आई में रह कर उसमें हिस्सा नहीं लिया हमारे मुल्क की अजीम नेता और जमहूरियत और सेकुलरिज्म की अलम्बरदार मोह-तरमा इन्दिरा गांधी ने फरमाया कि काश्मीर की मौजूदा सियासी तब्दीली नेशनल कांफरेन्स का अदरनी इंतशार और कसमकश के नतीजा है और वाक्या भी यही है कि हम ने जमहूरियत की बका और मुल्क के अजीमतर मफादात की खातिर हुक्मरां नेशनल कांफरेन्स का साथ दिया। उस की हिमायत की। उस सियासी ताबुन का यही मकसद है। रियासत की सेकुलर कुव्वतों की मजदूरी अपनी आला रिधायत की हिफाजत और रियासती एमाम को कौमी धारे में शामिल करने के अमल को तेजतर करने की हमारी तारीखी जुस्तजू कांग्रेस आई एक ऐसी जमात है कि जो एक्किदार नहीं एतवार में यकीन रखती है। जो हुक्मत में नहीं खिदमत के नस्बुलएन पर कायम है। उन उसूलों का बरमला इजहार कांग्रेस ने रियासत के हालिया सियासी तब्दीलियों में किया। अगर

हम अख्तियार के भूखे होते तो हम ने जरूर मौजूदा हुक्मत में अपना हिस्सा मखसूस करा लिया होता। तारीख गवाह है कि रियासत की नाजुकतरीन मरहलों पर हम ने अख्तियार की जगह ईस्तर को पसंद किया है। अगर हम अख्तियार के भूखे होते तो हम ने शेख साहब को वहाँ कुर्सी पर नहीं बिठाया होता। अगर आप क्रीकेट मीच से ले कर पंजाब के इन वाक्यात तक के हालात को देखें तो उन के दौरान जो हुआ उस को देखते हुए मैं अपोजीशन के मेम्बर साहबान से पूछना चाहता हूँ (व्यवधान) आप ने मुझे गंगाराम कहा। ठीक है। आप ने मुझे चैलेंज किया है। (व्यवधान) आप ने मुझे नहीं कहा तो किस को कहा? मैं जानना चाहता हूँ कि आप ने किस को कहा। आप याद रखिये कि मैं आप को यहाँ बात नहीं करने दूँगा।

श्री शरोफुद्दीन शारिक : कैसे बात नहीं करने दोगे। मैं जानता हूँ कि आप की हुक्मत है लेकिन यह बात यहाँ हाउस में नहीं चलेगी।

उपसभाध्यक्ष (श्री सयद रहमत अली) : गुलाम रसूल साहब, आप से मेरी दर-खास्त है कि दो तीन मिनट में आप अपनी तक्रीर मुकम्मिल करें और आप को आपस में किसी बहस में पड़ने की जरूरत नहीं क्योंकि बात बहुत लम्बी हो जाएगी। इतना वक्त हमारे पास नहीं है।

श्री गुलाम रसूल कार : हमने 75 में कौन सी बुनियादों पर शेख साहब का साथ दिया था। हम ने शेख साहब को इस बुनियाद पर फिर वहाँ खड़ा किया था कि नेशनल कांफरेन्स का एक तारीखी रोल रहा है। मैं भी नेशनल कांफरेन्स का ही प्रोडक्ट हूँ। मैं भी उस से पैदा हुआ हूँ, लेकिन उस का एक मुनहरा रोल था उस के पेशेनजर हम ने उन का साथ दिया।

(व्यवधान) आप मुझे उस का वालटियर तसलीम कीजिए। आप तो उस वक्त पैदा भी नहीं हुए थे। मैं रजाकार था। शेख साहब कुछ नहीं थे। शेख साहब एक जमात के लीडर थे। जमात के बिना कोई लीडर नहीं चलता है। आप को यह गलतफहमी है। शेख साहब जब लीडर बने जब हम ने कुर्बानि दी। इस गलतफहमी में आप न रहें। हमने शेख साहब को जिन्दगी में उन का मुकाबला किया। उस वक्त डा० फारूख नावालिग बच्चे थे। आप सवाल उठा रहे थे कि कैसे किया। हिन्दुस्तान के लिये कौन काम करेगा। गुजिश्ता साल में जब फारूख अब्दुल्ला की सरकार थी न आदमी हमारे वहां शहीद हुए। किस बुतिनाद पर शहीद हुए। हमने कोई पाकिस्तान का नारा दिया था? हमने कहा था कि ऐक्सट्रीमिस्ट एंटी सोशल एंड एंटी इंडिया एलीमेंट्स के खिलाफ एक्शन लिया जाए। हमने कहा था कि प्रो-पाक एलीमेंट्स के खिलाफ एक्शन लिया जाए। आप हमारी बातों पर ऐतबार नहीं करते। अमृतसर के एक्शन के बाद श्रीनगर में भक्तानात जलाए गए। श्रीनगर में गोलियां चलीं। 5 सिख मारे गए और कुल मरने वालों की तादाद 12 थी जिनमें से 7 नेशनल कांग्रेस के कार्यकर्ता थे।... (व्यवधान)

श्री शरो हूदन शारिफ : फारूख अब्दुल्ला की गवर्नमेंट ने एक्शन नहीं लिया उनके खिलाफ?... (व्यवधान)

श्री गुलाम रतूल कार : पंजाब में अमन पसन्द लोगों को, बेसहारा लोगों को ऐक्सट्रीमिस्ट मार रहे थे। उनके विरुद्ध कुछ नहीं किया गया। क्या ये वाक्यात नहीं हुए कि उन दिनों में श्रीनगर में 15 तारीख को हमारी आर्मी पर बम फेंके गए। चोफ मिनिस्टर ने कहा कि पटाखे थे। काफी हाउस में बम फेंका गया, उन्होंने कहा कि पटाखा था।

वहां के डी०आई०जी० का वयान मौजूद है। वहां हथियार पकड़े गए। वहां पर एंटी-सोशल एलीमेंट्स की गिरफ्तारियां हुईं, उनसे हथियार पकड़े गए बम पकड़े गए, पिस्तोल पकड़े गए, फारूख अब्दुल्ला की परदापोशी में ऐक्सट्रीमिस्ट एलीमेंट्स पनपे। उनके शासन के दौरान में ऐसी जमात उभरी जिनके अन्दर देशभक्ति नहीं थी। लिहाजा आप यकीन करिये। जिस रोज अमृतसर में हमारी फौज दाखिल हुई, उसी दिन वहां दो पुलिस के सिपाही मारे गए। वहां गुरु नानक निवास में ऐजिटेशन हुई और वहां कुछ लोग मारे गए। गाड़ियां जलाई गईं। श्रीनगर में आर्मी की गाड़ियां जलाई गईं और अनेक ट्रक जलाए गए। हमारी हवाई फौजों के दो ट्रकों को जलाया गया। उसमें हमारे अनेक जवान जखमी हो गए। इन वाक्यात को हमारे अपोजिशन वाले कैसे नज़रअंदाज कर सकते हैं।

कुटवा से पाकिस्तान की सरहद मिलती है। वहां से हथियार स्मगल हुए। वहां से हथियार स्मगल होकर पंजाब में गए। उन्होंने उनके खिलाफ कुछ नहीं किया। पाकिस्तान का एक खूनी अफसर डा० फारूख अब्दुल्ला की परदापोशी में फिरा। उन्होंने हमारे वहां के फोटो लिए उन्होंने प्रो-पाक एलीमेंट्स के साथ अपना नाता जोड़ा। मैं हैरान हूँ। अगर वाकई इन्होंने कभी भी रेडियो पाकिस्तान सुना होगा तो य बताये कि कौन सी ऐसी मजबूरियां थीं पाकिस्तान गवर्नमेंट के लिए कि वह फारूख अब्दुल्ला सरकार के बारे में प्रपोगण्डा करता था। पाकिस्तान रेडियो ने कहा कि 29 लोग मारे गए, और इतने लोग जखमी हुए। श्रीनगर की वैली में कोई हडताल नहीं हुई। लेकिन आपको इस कलमिनेशन पर अफसोस नहीं हुआ। किस हद तक वह कलमिनेशन है?

श्री शरीफुद्दीन शारिक : रेडियो पाकिस्तान आप सुनते होंगे, हम नहीं सुनते।

श्री गुलाम रसूल कार : मैं सुनता हूँ। इसलिए सुनता हूँ कि मेरी रियासत, मेरी कोम के खिलाफ वहाँ क्या प्रयोग हुआ हो रहा है।... (व्यवधान)

SHRI SHARIEF-UL-DIN SHARIQ : I am a patriot. I am as good a Patriot as any other Indian. I am a proud Indian Secularist.

उपसमाध्यक्ष (श्री सय्यद रहमत अली) : कितनी देर और बोलोगे ?

श्री गुलाम रसूल कार : मैं खत्म कर रहा हूँ।... (व्यवधान)

श्री शरीफुद्दीन शारिक : इन्होंने कुछ सीखा नहीं।... (व्यवधान)

श्री गुलाम रसूल कार : 22 साल के दौरान एक दिन भी शेख साहब के साथ नहीं थे। इन्होंने साथ नहीं दिया। एक दिन भी जेल नहीं गये। सरकारी मुलाजिम थे। जब मौका आया तो उनका साथ देकर इस हाउस में चले आए। लिहाजा मैं यह कहना चाहता हूँ कि गवर्नर ने जो कदम उठाया उस कदम उठाने से पहले यह भी उनके पेशेवर था कि रियासत जम्मू-कश्मीर के सियासी हालात क्या हैं सियासी हालात का भविसद यह था कि रियासत में कौन सी ताकतें उभर रही थीं, कौन सी ताकतें इन-एक्शन थीं और कौन से वाक्यात थे उन वाक्यात को गवर्नर ने सामने रखा होगा। नेशनल कांग्रेस का स्पिलिट हुआ। जम्मूहरियत की भलाई के लिये, रियासत के काम के लिए हमने इस सियासी तबदील में उनका साथ दिया। लेटेस्ट खबर से मुझे ताज्जुब होता है कि उनके सीनियर कुलीग, सीनियर वाइस प्रेजिडेंट ख्वाजा गुलाम

मुहम्मद जो शेख साहब की कैबिनेट में मिनिस्टर थे, वह स्पिलिट करके शाह की पार्टी में आ मिले। इनका एक और साथी स्पिलिट कर गया। मुहम्मद हुसेन खां जो इनके चीफ विहप थे वह भी इनके साथ आ मिले। आखिर में मैं अफो-जिशन वालों से कहना चाहता हूँ कि आपको कश्मीर को एक अलाहिदा तौर पर नहीं देखना चाहिए। कश्मीर को हिन्दुस्तान का भाग समझना चाहिए, हिन्दुस्तान के बाकी स्टेटों की तरह इसको भी ट्रीट किया जाए। वहाँ फारेन ताकतें इन-एक्शन हैं। फारेन ताकतों का वहाँ पर दबल है। आज भी सी आई ए के एजेंट वहाँ मौजूद हैं जिनका नेशनल कांग्रेस, फारूख साहब के साथ वास्ता है। आप यकीन जानिए मैं आपको साथ एक-एक इंच पर मुकाबला करूंगा। (व्यवधान) आप पाकिस्तान का नारा मत दीजिए। (व्यवधान) आप पाक एलीमेंट का साथ मत दीजिए।

श्री शरीफुद्दीन शारिक : आप एक दफा भी वहाँ से इलेक्शन जीत कर आ जाइये तो मैं जान लूँ। आप जीत कर आयेगे तो मैं रिजाइन कर दूंगा। (व्यवधान)

श्री गुलाम रसूल कार : आप जो कुछ करते रहे हैं वह सब जानते हैं। (व्यवधान)

† [شہمی غلام رسول کار : میں]

اس یونائیٹڈ پارٹیز کے لیے جاؤنگا ہے
سے انتظایات ہونگے - میں ایوزیشن
ممبران نے یونائیٹڈس کو چیلنج
نہیں کرتا (مدخلت)
ان کے پیروہائوں کو چیلنج کرتا

† [Transliteration in Arabic script.

ہوں - میں انگہ سامنے ان واقعات کو لانا چاہتا ہوں جیسے وہ خود فرما رہے ہیں - "کشیر از اے سینسٹیٹیو پارٹ آف دی کنٹری" (مدخلت) میں ہرے دعوے کے ساتھ بیان کرتا ہوں کہ ان ایویشن کے سمپروں کو کشیر کے بارے میں احتیاط سے بات کرنی ہمارے لئے ضروری ہے - آپکے لئے بھی ضروری - کوئی بھی فارن پارر ہندوستان کے ہائی اسٹیٹس کے مقابلے میں کشیر کے بغیر ہائی ٹیریٹری پر دعویٰ نہیں کرتے ہیں - پاکستان کا ریڈیو آج بھی ۱۳ گھنٹے کشیر کے لوگوں کو فنڈامینٹلزم پر اور مسلم سٹیٹی میٹس کو بھوکا رہا ہے - ابھی بھی پاکستان کا دعویٰ ہے - کل یہ اخبارات میں آیا تھا ایک نقشہ میں چھپا تھا جس میں اسکو ہندوستان کا حصہ ظاہر کیا گیا تھا - جنرل ذہا نے چٹھی لکھی پریسیڈنٹ کیا کہ انکو نقشہ میں یہ نہیں دکھانا چاہئے تھا - آپکو احتیاط کے ساتھ بات کرانی چاہئے - کشیر میں وہ طاقتیں ہیں - جماعت اسلامی ہے جمیٹہ طلبا ہے - سیٹ اسلامی ۲۳ گھنٹے پاکستان کا ریڈیو اسکو ہزاروں پھس کر رہا ہے - آپ ان چیزوں کو نظر انداز نہ کیجئے - فارن پارر کا سخل ہے چونکہ جاسوس ہر شہا کا جو سائیکل تھوہ جہ آہ کشمیر

تھوہ عوا ہے - آج بھی پکچر میں چھپایا ہوا ہے - وہاں پر یہ ایک یو - ایس - اے - کا ایجنسی پہلے بھی ڈاکٹر فاروق عبداللہ کے قاتل کے بعد پہلے جاکر کشمیر میں ہی نہیں ملا ڈال کے بعد انکو ملا - انہوں نے انہیں بھاری رقم دی تھی تاکہ کانگریس کا مقابلہ کرے لہکن کانگریس کے پاس .. (مدخلت) ...

† [شری شریف الدین شارق :

وائس چیئرمین صاحب - ثبوت کے بغیر آریبل ممبر کی باتیں ہیں (مدخلت) وائس چیئرمین سر یہ شہادت کے بغیر بیان دیتے ہیں اور ہمیشہ ۲۰ سال سے یہ شہادت کے بغیر بیان دیتے رہے ہیں - میں ماننا ہوں کہ انکو نو میٹھت کیا گیا [.....]

† [شری فلام رسول کار : آپ جب

نومینیشن کا تعلق دیتے ہیں - مجھے بھی اس بات کا احساس ہے -]

† [شری شریف الدین شارق : آپ

کو شرمندگی ہونی چاہئے -]

† [شری فلام رسول کار : مجھے شرمندگی

ہونی چاہئے - لیکن مسٹر ایڈرنالی سکورلزم کو چھلج نہیں کرتے ہیں - میں ان کو واقعات بتانا چاہتا ہوں - کہ کانگریس کا ورکر ان حالات میں

[] Transliteration in Arabic script.

[شہری غلام رسول کار]

وہاں لڑ رہا ہے۔ آپ نے کانگریس کے ورکر کے خلاف کیا نہیں کیا۔ مسجدیں بند کیں۔ قبرستانوں میں ہمارے مردوں کو دفن کرنے نہیں دیا گیا..... (مداخلت)..... ہمارا قصور یہ ہے کہ ہم اقتدار میں نہیں ہیں۔ اعتماد پر بدروسہ کرتے ہیں۔ ہم شیخ صاحب کو لے کر ۲۲ سال کی آوارہ گردی کے بعد.....

† [شہری شریف الدین شارق : یہ سارے فیض کی رکوہست تھی..... (مداخلت)..... ظلم سے تباہ کیا تھا۔ فرقہ پرستی کو تباہ کیا تھا۔]

† [شہری غلام رسول کار : آئیے ہمارا

۲۲ سالہ دور - کانگریس کا ۲۲ سالہ دور - بخشی غلام مصد کا دور - خواجہ غلام مصد کا دور - آپ اس ہاؤس کی ایک کمیٹی بنائیے - دیکھئے ہم نے ۲۲ سال میں صرف ۴ ارب روپیہ حاصل کیا کشمیر کے قولیمینٹ کے لئے اور ہم نے ۱۰۰ پاور میکارٹ پیدا کی - ہر تحصیل - ہیڈ کوارٹر اور ڈیکوں - ہر جگہ سڑک پہنچائی - ہم نے دو مہڈیکل کالج..... (مداخلت)..... کی نعمت رکھئے..... ہم نے ایکریکچر کو بڑھایا - ہر جگہ پانچ ہائی اسکول کھولے - ہم نے پرائمری

اسکول کھولے - ہم نے ۱۰۰ پاور میکارٹ پیدا کئے - ہم نے انجینیر پیدا کئے - ہمارا یہ قصور ہے کہ ہم نے اچھے بیٹوں کو اکثری کی ٹریننگ دی - ہمارا یہ قصور ہے کہ ہم نے آپ کے بیٹوں کو انجینیرنگ کی ٹریننگ دی - اور آئیے شیخ صاحب کے اس ایک سالہ دور میں ۲۲ ارب روپیہ انہوں نے حاصل کیا اسکے باوجود ایک میکارٹ کا پاور اسٹیشن نہیں بنا - ایک اسکول نہیں کھلا - ایک سڑک نہیں بنائی کوئی نیا کارخانہ آپ نے نہیں بنایا... (مداخلت)...

† [آپ سبھا ادھیکس (شہری) سید

رحمت علی) : ایک منٹ تو دے دیجئے غلام رسول صاحب - میں سمجھتا ہوں صاحبان سے درخواست کرونگا کہ اس قسم کی انٹیشن نہ کریں اور میں درخواست کرتا ہوں کہ آپ میرے ساتھ کوآپریم کریں - ایسا انٹیشن نہ کریں تو زیادہ مناسب ہوگا۔]

† [شہری غلام رسول کار : انہوں نے

کوٹھچن کیا اور میں اس کوٹھچن کا جواب دے رہا تھا - آپ نے شیخ صاحب کی بات کی - شیخ صاحب کو حکومت میں لائے - شیخ صاحب کو ہم واپس لائے ہندوستان کی پالیٹیکل ایکٹا کے لئے نیشنل لیگسٹری کے لئے - لیکن دنیا بھر کی ہسٹری

کو دیکھ لیجئے دنیا بھر کی ہسٹری
میں کہیں ہے کہ اگر پارلیمنٹ میں
ممبر نہ ہو تو باہر سے ایک آدمی
کو بلا کر چیف منسٹر بنائیں۔
لہکن ہم نے ایسا کیوں کیا وہ فاروقی
انٹرسٹ ہے وہ فاروقی انٹگریٹی آف
انڈیا ہے اس لئے کیا اور ۲۲ سال ہم
نے اعتماد دیا جلتا کو.....

†[شہری شریف الدین شارق : فاروقی
صاحب کو یہی لے آئیے گا.....

†[شہری غلام رسوا کار : بہترین سائے
آپ فاروقی صاحب جائیں تو ہمارے
یہاں دروازے بند نہیں ہیں ہم
کانگریس میں ایک جگہ دے سکتے
ہیں۔ اگر وہ سیکورٹی رسک سے ہاتھ
نہیں ملائیں گے۔ اگلیوں کے ساتھ
ہاتھ نہیں ملائیں گے۔ ملک اور
استیثیت کے انٹرسٹ میں کام کریں
گے..... اور پاکستان کے ساتھ ہاتھ
نہیں ملائیں گے اور دو پردہ ان لوگوں
کے ساتھ ملے ہوئے ہیں جب کسٹم
کے ہمارے لوگ چھاپا ڈالنے کے لئے
گئے تو ڈاکٹر عبداللہ کی رہنمائی
میں ان کے دائرے توڑے گئے۔ ہاتھ
توڑے گئے۔ لہذا کسٹم آفیسرز کو
نڈکا کیا گیا۔ وہ معو کے گھر ہوا وہ
غلام رسول معو کے گھر ہوا.....
میں ان باتوں میں نہ جاتے ہوئے۔]

†[] Transliteration in Arabic script.

†[شہری غلام منشی الدین شال
(جموں اور کشمیر) : ات شد بی
ریکارڈ - ات از اے پرسنل اٹیک
(مداخلت)]

†[شہری غلام رسول کار : پرسنل اٹیک
کی بات نہیں۔ فاروق عبداللہ سالہ
ہے۔ یہ کونسی گالی ہے۔ میں انگریزی
نہیں جانتا۔ میں اردو بولتا ہوں۔
وہ واقعی سالہ ہے۔ یہ کونسی گالی
ہے (مداخلت)]

SHRI GHULAM MOHI-UD-DIN-
SHAWL: If he has stooped so low, I
hope the hon. Minister will reply to it.
(Interruptions.)

†[شہری غلام رسوا کار : آپ مجھے
پرورویک مت کیجئے۔ آپ مجھ سے
سوالات مت پوچھئے..... (مداخلت)
.....]

†[آپ سبھا ادھیکن (شہری سہد
رحمت علی) : آپ اس سوال جواب
کے بجائے اپنی تقریر کو یہ تو مناسب
ہے۔..... (مداخلت)..... آپ
تشریف رکھئے۔]

†[شہری غلام رسول کار :..... (مداخلت)
..... اسلئے ریاست کی سیاست کو
اس راز پر ڈالنے کو مذموم کوشش
کی تھی اگر وقت بھر قدم نہ اٹھایا گیا
ہوتا تو کشمیر کے الٹے زور سے ملک
ہندوستان کے تئیں نفرت حقارت اور

[شہری غلام رسول کار]

دشمنی کی حولہ فاک آگ نمودار
 عوتی جسکے شعلوں سے کشمیری عوام
 چھلس کر رہ چھاتی .. اور وہاں کی
 قوت ندامت سے اپنا سر جھکا لیتے -
 جنہوں نے باہمی مباحثت بیالی چارے
 اور مذہبی روانداری نے اصولوں کو
 اپنا جزو ایمانی سمجھا تھا -

میں تفصیلات میں جانے سے
 پہلے یہ بات واضح کرنا چاہتا ہوں
 کہ کانگریس آئی نے حال کی سیاسی
 تبدیلی کی ترقیب اور پیشکش
 میں کوئی حصہ نہیں لیا -
 یہ نیشنل کانگریس کا اندرونی چھوڑ
 تھا جو ایک سال کے بعد اس منزل
 پر پہنچا - غلام رسول صاحب آپ
 اس سے انکار کر سکتے ہیں -
 پھر صاحب حمام الدین نے قاکٹر
 فاروق کے خلاف اختلاف ظاہر کیا
 تو کیا یہ واقعہ نہیں ہے کہ انکے
 مکان کو جلانے کی کوشش کی گئی
 اس پر پتھر برسائے گئے - اسکے
 خلاف درگاہ عالی میں بیالی کات کا
 نعرہ دیا گیا - قاکٹر فاروق نے دیا
 (مداخلت) میں
 ذمہ داری کے ساتھ یہ بات کہہ سکتا ہوں -
 (مداخلت) لوکل
 اخباروں میں اور نیشنل پریس میں
 اسکا اظہار ہوا - ۲ جولائی کو
 انہوں نے اپنی قیامت گورنر کے سامنے
 رکھیں کہ ہماری اسہلت ہو گئی
 ہے - قاکٹر فاروق کی لیڈر شپ

میں ہمیں اعتماد نہیں - میں
 اس کانگریس میں - قانونی نکتہ
 میں نہیں پہنچنا چاہتا لیکن
 گورنر کا کہا تصور ہے - ۱۳ ایم - ایل - اے -
 حاضر ہوئے انہوں نے قاکٹر فاروق کو
 بلایا -

† [ایک ماہیہ سندھیہ : بھڈ روم

میں -

† [شہری غلام رسول کار : بھڈ روم

کہئے - دفتر کہئے - راج ہون کہئے -
 کہلے عام بلایا اور کہا - فاروق صاحب
 آپ فرمائیے ان ۱۳ ایم - ایل - اے
 نے آپکے خلاف اختلاف والے کی ہے
 آپکی گورنمنٹ میں سے انہوں نے
 اعتماد واپس لیا ہے - قاکٹر فاروق
 نے گورنر کو کہا..... (مداخلت).....
 اسمبلی کو معطل کہجئے - گورنر
 رول کہجئے - چکنوچن صاحب نے
 وہاں کے گورنر نے انکو لکھکر بھیجا
 کہ جو باتیں آپ نے مرہ سے کہی
 ہیں اسمبلی کی معطلی کے بارے
 میں انکو اور گورنر کے رول کے بارے
 میں لکھکر بھیجیں تو میں چٹھی
 کیا آتی ہے وہاں سے کہ اسمبلی کو
 قابو کہجئے - آپ ریاست میں
 گورنر رول کہجئے کہا بھی جمہوریت
 ہے - ہم نے وہاں جمہوریت کا ساتھ

† [Transliteration in Arabic script.

دیا - ہم نے کانگریس آئی سہوں
رہ کر اسمیں حصہ نہیں لیا -

ہمارے ملک کی عظیم لیڈر اور
جمہوریہ اور سیکولوزم کی علمبردار
مستعبرہ اندرا گاندھی نے فرمایا کہ
کشمیر کی موجودہ سیاسی تبدیلی
نیٹھل کانفرنس کا اندرونی انتشار اور
کشمکش کا نتیجہ ہے اور واقعہ یہی
یہی ہے کہ ہم نے جمہوریت کی بقا
اور ملک کے عظیم تر مفادات کی
خاطر حکمران نیٹھل کانفرنس کا
ساتھ دیا - اسکی حمایت کی -
اس سیاسی تعاون کا یہی مقصد
ہے - ریاست کو سیکولر قوتوں کی
مضبوطی اپنی اعلیٰ روایت کی
حفاظت اور ریاستی عوام کو قومی
دھارے میں شامل کرنے کے عمل کو
تیز تر کرنے کی ہماری ذمہ داری
چھوڑو کانگریس آئی ایک
ایسی جماعت ہے کہ جو اقتدار نہیں
اعتبار میں یقین رکھتی ہے - جو
حکومت میں نہیں خدمت کے
نصاب العین ہو قائم ہے ان اصولوں کا
برعلا اظہار کانگریس نے ریاست کے
حالیہ سیاسی تبدیلیوں میں کیا -
اگر ہم اقتدار کے بہوئے ہوتے تو ہم نے
ضرور موجودہ حکومت میں اپنا
حصہ مخصوص کرا لیا ہوتا - تاریخ
کوہا ہے کہ ریاست کی نازک ترین
مرحلوں پر ہم نے اقتدار کی چنگھ
اٹھا کر پستند کیا ہے - اگر ہم اقتدار
کے بہوئے ہوتے تو ہم نے شیخ صاحب

کو وہاں کرسی پر نہ بٹھایا ہوتا -
اگر آپ کرکٹ میچ سے لے کر پنجاب
کے ان واقعات تک کے حالات تک
کو دیکھیں تو ان کے دوران جو ہوا
اس کو دیکھتے ہوئے میں ایوزیشن کے
سہر صاحبان سے پوچھنا چاہتا
ہوں..... (مداخلت)..... آپ نے
مجھے گنا رام کہا - ٹھیک ہے - آپ
نے مجھے چیلنج کیا ہے.....
(مداخلت)..... آپ نے مجھے نہیں
کہا تو کس کو کہا - میں جانتا
چاہتا ہوں کہ آپ نے کس کو کہا -
آپ زیادہ رکھتے کہ میں آپ کو یہاں
بات نہیں کرے ہوں گا -

† [شروی شریف الدین شارق : کیسے

بات نہیں کرنے دیں گے - میں جانتا
ہوں کہ آپ کی حکومت ہے لیکن
یہ بات یہاں ہاؤس میں نہیں
چلے گی -]

† [آپ سہیا ادھیکس (شروی سید

رحمت علی): قلم رسول صاحب -
آپ سے میری درخواست ہے کہ دو
تین مہینے میں آپ اپنی تقریر مکمل
کریں اور آپ کو آہیں میں کسی
بھٹک میں پڑنے کی ضرورت نہیں
کیونکہ بات بہت لمبی ہو جائیگی -
اتنا وقت ہمارے پاس نہیں ہے -

† [] Transliteration in Arabic script.

†[شری غلام رسول کار : ہم نے ۷۵

میں کونسی بلہادوں پر شیخ صاحب کا ساتھ دیا تھا۔ ہم نے شیخ صاحب کو اس بلہاند پر پور و ہاں کہا تھا کہ ایشل کانفرنس کا ایک تاریخوی رول رہا ہے۔ میں بھی ایشل کانفرنس کا ہی پروردگت ہوں۔ میں بھی اس سے پیدا ہوا ہوں۔ لیکن اس کا ایک سہرا رول تھا اس کے پوس نظر ہم نے ان کا ساتھ دیا۔۔۔۔۔ (مداخلت)۔۔۔۔۔ آپ مجھ اس کا والدینو تسایم کیجئے۔ آپ تو اس وقت پیدا بھی نہیں ہوئے تھے۔ میں رضاگار تھا۔ شیخ صاحب کچھ نہیں تھے۔ شیخ صاحب ایک جماعت کے ایڈر تھے۔ جماعت کے بلما کوئی ایڈر نہیں چلتا ہے آپ کو یہ غلط فہمی ہے۔ شیخ صاحب جب ایڈر بلے جب ہم نے قربانی دی اس غلط فہمی میں آپ نہ رہیں۔ ہم نے شیخ صاحب کی زندگی میں ان متابلہ کہا۔ اسوقت ڈاکٹر فاروق نابالغ بچے تھے آپ سوال اٹھا رہے تھے کہ کیسے کہا۔ ہندوستان کے لئے کون کام کریگا۔ گزشتہ سال میں جب فاروق عبداللہ کی سرکار تھی ۹ آدمی ہمارے وہاں شہید ہوئے۔ کس بلہاند پر شہید ہوئے ہم نے کوئی پاکستان کا نعوہ دیا تھا۔ ہم نے کہا تھا کہ ایکسٹی مسٹ

انٹی سوشل اینڈ انٹی ایلیمنٹس کے خلاف ایکشن لیا جائے ہم نے کہا تھا کہ پرو پاک ایلیمنٹس کے خلاف ایکشن لیا جائے آپ ہماری باتوں پر اعتماد نہیں کرتے۔ اسرتسر کے ایکشن کے بعد سری نگر میں مکانات چلائے گئے۔ سری نگر میں گولیاں چاہیں۔ ۵ سکو مارے گئے اور کل مردے والوں کی تعداد ۱۲ تھی جن میں سے ۷ ایشل کانفرنس کے کاریہ کرتا ہے۔۔۔۔۔ (مداخلت)۔۔۔

†[شری شریف الدین شارق :

فاروق عبداللہ کی کورمٹ نے ایکشن نہیں لیا انکے خلاف۔۔ (مداخلت)۔۔

†[شری غلام رسول کار : بلہجاب

میں امن بسند لوگوں کو بے سہارا لوگوں کو ایکسٹری مسٹ مار وہ تھے۔ انکے خلاف کچھ نہیں کہا گیا۔ کہا یہ واقعات نہیں ہوئے کہ ان دنوں میں سری نگر میں ۱۵ تاریخ کو ہماری آدمی پر ہم پھینکے گئے۔ چیف مسٹر نے کہا کہ پتلاخے تھے۔ کوئی ہاؤس میں ہم پھینکا گیا۔ انہوں نے کہا کہ پتلاخا تھا۔ وہاں کے قی۔ آئی۔ جی۔ کا بیان موجود ہے۔ وہاں ہتھیار پکڑے گئے وہاں پر انٹی سوشل ایلیمنٹس کی گرفتاریاں ہوئیں۔ ان

†[] Transliteration in Arabic script.

سے ہتھیار پکڑے گئے۔ ہم پکڑے گئے۔
 پستول پکڑے گئے۔ فاروق عبداللہ کی
 پردہ پوشی میں اینکسٹری مسٹ
 الہمدیہ پلہے۔ انکے شاسن کے دوران
 میں ایسی جماعتیں ابھریں جنکے
 اندر دیریں بھگتی نہیں تھی۔ لہذا
 آپ یقین کر لیں جس روز امرتسر میں
 ہماری فوج داخل ہوگی۔ اسی دن
 وہاں دو پولیس کے سپاہی مارے گئے۔
 وہاں گورو نانک نواس میں
 ایسی تیشن ہوئی اور وہاں کچھ
 لوگ مارے گئے۔ گاڑیاں جلائی
 گئیں۔ سربراہ میں آرمی کی
 گاڑیاں جلائی گئیں اور انیک ترک
 جلائے گئے۔ ہماری ہوائی فوجوں کے
 ہو ترکوں کو چلایا گیا۔ اس میں
 ہمارے انیک جوان زخمی ہو گئے۔
 ان واقعات کو ہمارے ایوزیشن والے
 کیسے نظر انداز کر سکتے ہیں۔

کتوا سے پاکستان کی سرحد
 ملتی ہے۔ وہاں سے ہتھیار اسمگل
 ہوئے۔ وہاں سے ہتھیار اسمگل ہو کر
 پنجاب میں گئے۔ انہوں نے انکے
 خلاف کچھ نہیں کیا۔ پاکستان کا
 ایک خونخوار افسر ڈاکٹر فاروق عبداللہ کی
 پردہ پوشی میں پورا انہوں نے ہمارے
 وہاں کے فوٹو لئے۔ انہوں نے پرو
 پگ ایملٹس کے ساتھ اپنا ناتہ
 جوڑا۔ میں حیران ہوں اگر واقعی
 انہوں نے کبھی یہی ریکارڈ پاکستان
 سنا ہوگا تو یہ بتائیں کہ کونسی
 ایسی معجزاتیوں تھیں پاکستان

گورنمنٹ کے لئے کہ وہ فاروق عبداللہ
 سرکار کے بارے میں پروپاگنڈا کرتا
 تھا۔ پاکستان ریڈیو نے کہا کہ
 ۲۹ لوگ مارے گئے اور اتنے لوگ
 زخمی ہوئے۔ سری نگر کی ویلی
 میں کوئی ہسپتال نہیں ہوئی۔
 لیکن آپکو اس کلمیشن پر افسوس
 نہیں ہوا۔ کس حد تک وہ
 کلمیشن ہے۔

† [شری شریف الدین شارق : ریڈیو
 پاکستان آپ ملتے ہونگے ہم نہیں
 ملتے۔]

† [شری غلام رسول کار : میں ملتا
 ہوں۔ اس لئے ملتا ہوں کہ میری
 ریاست۔ میری قوم کے خلاف وہاں کہا
 پروپاگنڈا ہو رہا ہے۔ (مداخلت)۔]

SHRI SHAROE, UDDIN SHARIQ;
 I am a patriot. I am as good a patriot
 as any other Indian. I am a proud Indian
 secularist.

† [شری سید رحمت علی : کتلی
 دہر اور بولوگے۔]

† [شری غلام رسول کار : میں ختم
 کر رہا ہوں۔ (مداخلت)۔]

† [شری شریف الدین شارق :
 انہوں نے کچھ سیکھا نہیں۔
 (مداخلت)۔]

† [شری غلام رسول کار : ۲۲ سال
 کے دوران ایک دن یہی شہنشاہ صاحب
 کے ساتھ نہیں تھے۔ انہوں نے ساتھ

† [] Transliteration in Arabic script.

[شری غلام رسول کلرا]

نہیں دیا - ایک دن بھی جیل نہیں گئے - سرکاری ملازم تھے - جب موقعہ آیا تو انکا ساتھ دیکر اس ہاؤس میں چلے آئے - لہذا میں یہ کہنا چاہتا ہوں کہ گورنر نے جو قدم اٹھایا اس قدم اٹھانے سے پہلے یہ بھی انکے پیٹھ نظر تھا کہ ریاست جموں کشمیر کے سیاسی حالات کیا ہیں - سیاسی حالات کا مقصد یہ تھا کہ ریاست میں کونسی طاقتیں ابھر رہی تھیں - کونسی طاقتیں ان ایکشن تھی - اور کونسی واقعات تھے - ان واقعات کو گورنر نے سامنے رکھا ہوگا - نیشنل کانفرنس کا اسپلٹ ہوا - جمہوریت کی بجائے کے لئے - ریاست کے کام کے لئے - ہم نے اس سیاسی تبدیلی میں ان کا ساتھ دیا - نیشنلسٹ خیر سے مجھے تعجب ہوتا ہے کہ ان کے سپیکٹر کلیک - سپیکٹر وائس پریزیڈنٹ خواجہ غلام محمد جو شیخ صاحب کی کونسل میں مستقر تھے - وہ اسپلٹ کر کے شاہ کی پارٹی میں آملے - ان کا ایک اور ساتھی اسپلٹ کر گیا - محمد حسین خان جو ان کے چیف وہپ تھے وہ بھی ان کے ساتھ آملے - آخر میں میں ایوزیشن والوں سے کہنا چاہتا ہوں کہ آپ کو کشمیر کو ایک علیحدہ طور پر نہیں دیکھنا چاہئے کشمیر کو ہندوستان کا بھاک سمجھنا چاہئے - ہندوستان کے باقی

استیغوں کی طرح ان کو بھی تدریج کیا جائے وہاں فارن طاقتیں ان ایکشن ہیں - فارن طاقتوں کا وہاں پر دخل ہے - آج بھی سی - آئی - اے - کے ایجنٹ وہاں موجود ہیں . جن کا نیشنل کانفرنس فاروق صاحب کے ساتھ واسطہ ہے - آپ یقین چاہئے میں آپ کے ساتھ ایک ایک انچ پر مقابلہ کروں گا (مداخلت) آپ ہندوستان کا نعرہ مت دیکھئے آپ ایک ایجنٹ کا ساتھ مت دیکھئے -

† [شری شریف الدین شارق : آپ

ایک دفعہ بھی وہاں سے ایکشن چیت کر آجائے تو میں جان لوں - آپ چیت کر آئیے تو میں وزائن کر دوں گا (مداخلت)

† [شری غلام رسول کلرا : آپ جو کچھ

کہتے رہے ہیں - وہ سب جانتے ہیں (مداخلت)]

SHRI MADAN BHATIA : Mr. Vice-Chairman, Sir, I had already expressed my views that so far as the question of the Constitutional propriety of the action of the Governor is concerned, that falls outside the purview of the discussion of this hon. House. But since the hon. Members on this side have raised this question, I, therefore, seek your permission to deal with it.

The role and conduct of Mr. Farooq Abdullah as Chief Minister is not related to his dismissal as the Chief Minister. These two questions are separate

† [] Transliteration in Arabia script.

questions. Hon. Members, Mr. Advani tried to club them together by — I respectfully submit — misreading the statement of the hon. Home Minister. My respectful submission, Sir, is that so far as the dismissal of the Chief Minister is concerned, the question is that he was dismissed as Chief Minister because he refused to resign. He refused to resign because he did not accept the advice of the Governor to resign. Therefore, the Constitutional question is, whether he was competent to give any advice to the Governor and secondly, what advice he gave to the Governor. I want to put the record straight before this hon. House. Neither in his personal meeting with the Governor nor in the letter which he wrote to the Governor, did he deny that a split had taken place in his party and a chunk of his party had broken away from him and he had lost the majority. This is the basic Constitutional fact which should be borne in mind before deciding the question as to whether there was any Constitutional impropriety on the part of the Governor or not. Having accepted this particular fact, that he had lost the majority, I respectfully submit, Sir, that it was Dr. Farooq Abdullah who was guilty of gross Constitutional impropriety in seeking to give any advice to the Governor. Firstly, he started giving contradictory pieces of advice to the Governor. In his personal meeting, he says, you suspend the Assembly and in Governor's rule. In his letter, he suggests two pieces of advice. Firstly, he denies that he had lost the majority. But he insists that still the Assembly be called. And alternatively, he says, suspend the Assembly. It is these pieces of advice which were not accepted by the Governor that he had to be dismissed because he refused to resign. Therefore...

SHRI V. GOPALSAMY: He is misleading.

SHRI MADAN BHATIA: The hon. Member can say so. But I have got the letter. Everything is with me. I respectfully submit, Sir, what is the Constitutional position. If the Chief Minister loses majority, whether he is competent to give any advice to the Governor that the Assembly should be dissolved or that the Assembly should be suspended.

The Supreme Court has held, has clearly held that the position of the Governor is identical with the position of the British Crown because, the entire Constitutional system is based on the Parliamentary system of Government prevailing in Britain. There is no specific provision in the Constitution of Jammu and Kashmir from which it can be decided as to what should be the Constitutional convention in this regard. But if one were to go by the letter of the relevant provision of the Constitution, then, the letter of the law is, there is absolute discretion on the part of the Governor to dismiss any Council of Ministers. There is absolute discretion on the part of the Governor of Jammu and Kashmir whether to accept any particular advice of the Council of Ministers or not to accept the advice. But I do not go to that extent. Because the Supreme Court has held the position as exactly identical as that of the British Crown in England. I respectfully submit, Sir, that an identical situation arose in England in 1969, when Harold Wilson became the Prime Minister. Harold Wilson faced a split in his party. He was threatened with a breakaway by a large number of his Members in Parliament, which would have reduced him to a minority. A debate was on in England because he started toying with the idea of advising the Queen to dissolve the Parliament. What did the Constitutional experts say at that juncture when Harold Wilson, in order to get out of his own party difficulties, had the idea of advising the Queen to dissolve the Parliament? I respectfully submit, Sir, that in this regard there was a famous jurist whose name was

[Shri Madan Bhatia]
anthony King who wrote in May 1969,
and I quote:

"Prime Minister ought not to request a dissolution (and presumably the Queen ought to refuse such a request if made) when his motive is to seek a way out of internal party difficulties."

Then I quote Jennings, the famous constitutional expert. He has written, I quote:

"If the major parties break up, the whole balance of the Constitution alters; and then possibly the King's prerogative becomes important."

And then I quote Mr. Asquith, the famous British Prime Minister, who wrote in 1923, he said:

"The notion that a ministry which cannot command majority in the House of Commons is invested with the right to demand a dissolution is as subversive of constitutional usage as it would, in my opinion, be pernicious to the general and permanent interest of the nation at large."

This is the constitutional provision, this is the constitutional norm. That is what the hon. Members have been harping upon the constitutional norms, and this was the constitutional norm which was totally thrown to the winds by Mr. Farooq Abdullah. What should be the role of the Governor in such a situation, when such a Chief Minister refuses to resign and advises the Governor to dissolve or suspend the Assembly? The answer again has been given by the constitutional experts in England and I shall quote just two constitutional experts. One was Sir Allan Lasalles who wrote in 1950, and I quote:

"It can be properly assumed that a wise sovereign—that is one who has at heart the interest of the country, the Constitution and the monarchy—would deny a dissolution unless he was satisfied that (i) the existing Parliament was still vital, viable and capable of doing

a job; (ii) a general election would be detrimental to national economy; (iii) he could rely on finding another Prime Minister who could carry on the Government for a reasonable period with a working majority."

Then the other constitutional expert is Markesins who has written in his famous book 'The Theory and Practice of Dissolution of Parliament' and in that book he concludes, I quote:

"Most constitutional lawyers seem to support the idea that in a divided House and particularly with a multiple party system, a minority government—whether defeated or undefeated—is not entitled to a dissolution if an alternative government is possible and furthermore is capable of carrying on with the existing House."

(*Time bell rings*). I just want to have two minutes more. I submit, Sir, that in such a situation if the Governor is satisfied with the three conditions which have been mentioned by the jurists, he ought not to have dissolved the Assembly, and in this particular situation prevailing in Jammu and Kashmir these were not only the three conditions which were in existence but there was a fourth vital condition and that was 'national security'. The circumstances prevailing in the country are such, the security environment surrounding the whole country, particularly Jammu and Kashmir and the border State of Punjab, is such that at such a stage the dissolution of the Assembly would have been disastrous so far as the national security is concerned.

(Mr. Deputy Chairman (in the Chair).)

I submit, Sir, that the hon. Members have talked about the constitutional norms. I would like to say only one thing. If there is one Chief Minister who completely flouted the entire constitutional norms of the Constitution of India, it was Mr. Farooq Abdullah. The whole federal system is based upon this concept that the elected Chief Minister shall cooperate with the elected Prime Minister of the country. And here is this particular Chief Minister who goes from place to place, holds con-

claves, joins hands with the Opposition and gives a call for the removal of the elected Prime Minister of the country' who was supported by two-thirds majority in Parliament. Was this a constitutional norm? This was a blow straight into the teeth of the federal system of government by which he had taken the oath to preserve.

Hon. Members talk about the constitutional norms. I would just like to remind them very shortly about their performance with regard to the constitutional norms. There is hardly any vestige of parliamentary democracy which they did not seek to destroy when they were in power from 1977 to 1980. Mrs. Gandhi was elected by an overwhelming majority. They trumped up charges against her in order to expel her from Parliament. Was it parliamentary democracy? They denied her the personal liberty which is enshrined in the Constitution of going abroad by denying her the passport. I had to move the court in order to get a direction to their Government to get a passport for her to go to London. And their pettiness went to this extent that they had restrictions imposed upon her that when she travels from Delhi to London, wherever the plane stops, she will not be permitted to leave the airport. That was the extent to which they went. They cajoled, they threatened, they encouraged her erstwhile colleagues to destroy the whole Cabinet system of Government which is based upon collective responsibility, by instigating them to give evidence before the Shah Commission in order to implicate her and thrust the sole responsibility upon her shoulders for which they were collectively responsible. Now they have the cheeks to talk about the constitutional norms! I respectfully submit that the manner... (*Interruption*) I understand the trepidation why they are so much agitated over the dismissal of Mr. Farooq Abdullah. They had been using, instigating and encouraging Mr. Farooq Abdullah in the same manner in which they had been using, encouraging and instigating the Akali agitation in Punjab.

Thank you, Sir.

715 RS—11.

श्री राम चन्द्र विक्रम (उत्तर प्रदेश) :
उत्तराखण्ड महोदय, आज प्रातः काल से ही काश्मीर समस्या पर और वहाँ की गवर्नमेंट के बारे में विचार मंचन हो रहा है। अनेक सदस्यों ने अपने विचार व्यक्त किए हैं। यह सच है कि काश्मीर समस्या को एक राष्ट्रीय संदर्भ में देखा जाना चाहिए। यह समस्या एक राष्ट्रीय समस्या है। उसी तरह से इस पर गम्भीर चिन्तन और विचार भी होना चाहिए। मैंने कई माननीय दिरोघी सदस्यों के विचारों को सुना है खासकर उन लोगों को मैंने ध्यान से सुना है जिन साहब को जे. फारूख साहब के ज्यादा समर्थक हैं उनको कोई तर्कहीन होना तो स्वाभाविक है मगर तर्कहीन को इस तरह से नहीं जोड़ना चाहिए कि देश हित उसमें कहीं सफर कर जाए। इस सदन में उन्होंने यह कहा था कि फारूख साहब जो दोबारा चुनाव में आ गए 1983 में इन्दिरा जी को यह बड़वा घूंट बर्दाश्त नहीं हो सका। उन्होंने शायद इन्दिरा जी को समझने में भूल करी है। इन्दिरा जी ने देश हित के लिए काश्मीर के लिए आन्दोलन के लिए घामिक एवम्ता के लिए डेमोक्रेसी के लिए कितने घूंट पीए हैं वह मैं उनको गिना सकता हूँ : सन् 1975 में स्वर्गीय शेख अब्दुल्ला को दोबारा पावर में लाने के विचार से ही अपना कांग्रेस को सरकार को हटा कर तिरंगे झण्डे को सरकार को हटा कर अपनी पार्टी की सरकार को हटा कर शेख साहब हालांकि उन दिनों बीमार भी बहुत थे। डाक्टरों को राय उनके बारे में कुछ थी इंदिरा गांधी जी ने फिर भी महान उदारता के साथ शेख अब्दुल्ला को अपनी गवर्नमेंट हटाकर दुबारा पावर में ला दिया, यह क्या कुछ काम बड़वा घूंट था। मुझे मालूम है कि उन दिनों कितने काश्मीर के लोग शेख अब्दुल्ला को पावर में लाने के खिलाफ थे। इस देश में भी अनेक लोग ऐसे थे मैं उनको नजदीक

[श्री राम चन्द्र बिकल]

से जानता हूँ जो शेख अब्दुल्ला को दुबारा पावर देने के खिलाफ थे मगर इंदिरा जी ने इन सब बातों को इनोअर किया। मैं काश्मीर के अध्यापक के लोगों के, लीडर्स के नाम बता सकता हूँ जो आज भी जिंदा हैं और जो शेख साहब के बारे में अनेक राय रखते थे मगर शेख साहब को दुबारा पावर में लाकर इंदिरा जी ने सोचा कि शायद वे मुख्य धारा में आयें। आज वे दुनियाँ में नहीं हैं इसलिए मैं उन के बारे में कुछ नहीं कहना चाहता हूँ मगर बीच-बीच में कभी दिल्ली में वे कुछ काश्मीर में जा कर कुछ और पब्लिक के सामने कुछ कहते रहे। वह एक कहानी है उसको आप छेड़ने का मौका नहीं है। मगर जिस भावना से इंदिरा जी शेख साहब को दुबारा पावर में लाई थी वह था उनके अनुरूप सिद्ध नहीं हो सकी थी। वे इन फारुख अब्दुल्ला से लाख बेहतर थे यह मैं कहने को तैयार हूँ। फारुख अब्दुल्ला साहब पावर में आ गये शायद शेख साहब का जनता नहीं उठा था, पार्टी में भी लीडर नहीं चुने गये और गवर्नर साहब ने रात को शपथ दिला कर इनको चीफ मिनिस्टर बना दिया। चीफ मिनिस्टर बनने के बाद इन्होंने क्या कुछ अच्छी बातें कीं? मैं शेख साहब के मातम में गया था जी० एम० शाह से मिला था, जी० एम० शाह के उस वक्त के बयान कितनी नाराजगी के थे मैं इस वक्त उनको बयान नहीं करना चाहता हूँ। खानी जी० एम० शाह नाराज नहीं थे अनेक उनके कैबिनेट के मिनिस्टर नाराज थे जिनको आम सभा में उन्होंने कहा कि बेइमान मिनिस्टर्स को हटा देंगे। वे अनेक मातम के मौके पर मुझे मिले थे। उन मिनिस्टर्स ने कहा था अगर वह मातमी जलसा नहीं होता जिसमें फारुख अब्दुल्ला ने हमको बेइमान कहा था तो शायद पब्लिक हमको मार डालती। हम बहुत धीरे से उठ कर चले

आये इस मातमी सभा में से जब हमको बेइमान कहा गया। फारुख अब्दुल्ला की देशभक्ति की बात पर बाद में आउगा लेकिन वे लड़कपन की परकाण्डा करते रहे, मैं इसे लड़कपन की परकाण्डा कहता हूँ। अनेक लोगों को अपने आप नेशनल वान्फ्रेन्स में न राज कर रहा था। काश्मीर के अध्यापक को, 'ये रीसेंट इवेंट्स मिला करके क्या उन्होंने खूब किया?' जो यहाँ रह रहे हैं, जर्मन के मालिक हैं, मकानों के मालिक हैं उनके खिलाफ एक रीसेटलमेंट बिल भी ले आये। हम तो काश्मीर के पिछले जून के चुनाव में रहे थे वहाँ मुहम्मद-नस की बात मैं कहना चाहता हूँ कि वे भी कह रहे थे कि रीसेटलमेंट बिल क्या है, तबही हूँ। तो अनेक ऐसे काम कर डाले। इग रीसेटलमेंट बिल को लाना क्या देशभक्ति है। क्या इनको कुछ दूसरे देशों से माजिग नहीं समझा जाता? क्या दूसरे देश पाकिस्तान में गये हुए लोगों को दुबारा चुनाव के माने कुछ तयित साफ समझी जाती है? ऐसे-ऐसे वाक्यात होते चले गए जिससे वहाँ के अध्यापक नेशनल वान्फ्रेन्स के लोग नाराज होते चले गये। एक सच्चाई से मैं बात कहना चाहता हूँ। काश्मीर के लोग चाहे कुछ भी हों लेकिन वे धर्मनिरपेक्ष रहे हैं उनको आपस में एक दूसरे से घृणा नहीं रही। मगर आज जो बीज बो दिये गये हैं इनके वाक्यात हमारे पास मौजूद हैं। ऐसे बीज बो दिये गये फारुख अब्दुल्ला की गवर्नमेंट के जमाने में जैसे यह अभी सात जून का वाक्या है, इसका मामला है, कार्यरतमाज का मंदिर जला दिया गया, निरंतरारियों का मंदिर जला दिया गया और हनुमान मंदिर जला दिया गया। जमायते इस्लामी के लोग हैं जिनको पुलिस जलूस नहीं निकालने देना चाहती थी मगर फारुख अब्दुल्ला ने इजाजत दी और जलूस के आगे से पुलिस हटा कर चली। इस तरह से लाखों लाख की सम्पत्ति को श्रीनगर में जला दिया गया। चुनाव के

मौके पर कांग्रेसमैन को कितना घिटवाया अनन्त नाग और अनेक जगहों पर। क्या ये घटनाएं किसी को याद नहीं हैं। ये सब वाक्यात ऐसे थे जिनके लिए डेमोक्रेसी का कोई विचारक नहीं कह सकता कि यह डेमोक्रेटिक वे था। उन्होंने अनेक ऐसी बातें कीं। प्रधान मंत्री इंदिरा गांधी के साथ जो चुनाव में दुर्व्यवहार हुआ मैं उसको अर्भनाक बात कहना चाहता हूँ। वे देश की प्राइममिनिस्टर थीं। उन्होंने शेख अब्दुल्ला, फारुख अब्दुल्ला के दालिद को दुबारा पावर दे दी थी 23 साल भटकने के बाद। उनके साथ जो दुर्व्यवहार पब्लिक मीटिंग में कराया गया फारुख साहब ने उसको कंडेम्न नहीं किया। इंदिरा गांधी जो पता नहीं कितने कड़वे घूंट देश की खातिर, काश्मीर के अदाम की खातिर पीती रहीं लेकिन इन्होंने कंडेम्न नहीं किया। चाहे वह खेलों के मौके पर पाकिस्तानी झंडा था। मैं तो पंछ और राजोरी में चुनाव में रहा हूँ वहाँ किस तरह पाकिस्तान एजेंट जिया साहब के फोटो ले कर बोट मांग रहे थे। क्या ये सब चीजें इनको नोटिस में नहीं थीं। यह सब जान, मान कर था। अराष्ट्रीय तत्वों को दबाने में फारुख अब्दुल्ला सहायक रहे हों, वह तो दूर रहा, मैं यह सिद्ध कर सकता हूँ अनेक प्रमाणों से कि अराष्ट्रीय तत्वों को बढ़ावा देने में फारुख अब्दुल्ला का हाथ रहा है, चाहे वह पंजाब के साथ मिल कर रहा हो, चाहे वह पाकिस्तान के साथ मिल कर रहा हो।

मेरे पास एक किताब है, जो अभी बहुत तेजी से छापी गई है।

SHRI V. GOPALSAMY: Give the evidence and prove.

श्री राम चन्द्र विकल : जी, हाँ, एविडेंस है। एविडेंस पेश करने को हम तैयार हैं। जम्मू-काश्मीर की घटनाओं

के पीछे किसका हाथ है, यह मौलाना जमील अहमद इलियासी ने किताब छापी है, जो अध्यक्ष हैं अखिल भारतीय इमाम संगठन के। उन्होंने यह छाप करके सिद्ध किया है—फारुख अब्दुल्ला अनेक उन लोगों के साथ बैठे हैं, फोटो खिज रहे हैं, अपय ले रहे हैं और दिला रहे हैं। जो अराष्ट्रीय लोग हैं, इसमें उन अनेक लोगों के फोटो हैं। मैं इतना ही यहाँ पर कह देना चाहता हूँ कि अराष्ट्रीय तत्वों को दबाने के अलावा अराष्ट्रीय तत्वों को खुल कर के बढ़ावा दिया है, यह सिद्ध होता है अनेक प्रमाणों से।

यही वजह थी कि वहाँ नेशनल कानफ्रेंस में रिफ्ट आई। लोगों ने कहा— मैं नेशनल कानफ्रेंस के ऐसे लोगों से मिला हूँ जिन्होंने खुल कर के कहा— आज तो चा वह इधर है, उन्होंने कहा कि फारुख अब्दुल्ला देशभक्ति से परे हट गया है, वह हिन्दुस्तान के खिलाफ साजिश कर रहा है। हाँ नेशनल कानफ्रेंस में हैं— मैं उनका नाम उद्धृत करने को तैयार हूँ जिन्होंने कहा कि फारुख अब्दुल्ला की देशभक्ति पर हमको संदेह हो गया है, हम फारुख अब्दुल्ला को छोड़ना चाहते हैं और छोड़ दिया उन्होंने। वह ऐसे ही लोग नहीं हैं। आज मुझे यहाँ दुख के साथ कहना पड़ता है।

श्री लाल कृष्ण आडवाणी : वह इसलिये कह रहे थे कि वे कांग्रेस पार्टी में आ गये आज।

श्री राम चन्द्र विकल : मुझे आडवाणी साहब पर ज्यादा रहम आता है। मैं सब जानता हूँ, मैंने आपको पंजाब पर भी सुना है, आज इस पर भी सुना है। आप से तो लाख दर्ज अच्छी कुमारी जयललिता बेटी है, जिसने देशभक्ति के लिए कहा है, राष्ट्रीय एकता के लिए कहा है, जनतंत्र के लिए कहा है।

[श्री राम चन्द्र विकल]

आपको हो क्या गया है ? जनता की दुहाई दे रहे हैं, आप राष्ट्रीय एकता की दुहाई दे रहे हैं और अराष्ट्रीय तत्वों को बढ़ावा दे रहे हैं और यहाँ पर मैं देख रहा हूँ कि आपको और आपकी पार्टी को क्या हो गया । जो यह लोक दल और जनता पार्टी वाले कहते हैं कि वहाँ तो नेशनल काँग्रेस में रिफ्ट था, झगड़ा था, उन्होंने आपसे मैं यह कहा कि हम इनका चीफ मिनिस्टर नहीं रखना चाहते, लेकिन 1977 में तो राज्यों की कांग्रेस सरकारें, जहाँ पार्टी में कोई झगड़ा नहीं था, गवर्नर से रिपोर्ट भी आपने नहीं मंगवाई और दिल्ली से फरमान जारी करके तो राज्यों की गवर्नमेंट को हटाने वाले लोक डेमोक्रेसी की दुहाई देश-इस देश की जनता को गुमराह नहीं कर सकते । यह मेरा दावा है, मैं विश्वास के साथ कहना चाहता हूँ । तो राज्यों की गवर्नमेंट को एक मिनट में हटा देना, जहाँ कोई झगड़ा नहीं, गवर्नर से पुछा नहीं, पार्टी में रिफ्ट नहीं, यहाँ तो पार्टी में रिफ्ट एक अरसे से था और उसको हटा दिया, तो आप गवर्नर को भी गलत बताते हैं, डेमोक्रेसी की हत्या बताते हैं, देशभक्ति की दुहाई देते हैं ।

इन सारी दुहाइयों से, मैं आडवाणी जी से साफ-साफ कहना चाहता हूँ कि चाहे आप हों, या जनता पार्टी हों, चाहे लोक दल हों, वह अपने को तो गुमराह कर सकते हैं, इस देश की जनता को गुमराह नहीं कर सकते । देश की जनता बहुत सावधान हो चुकी है ।

क्या चौधरी चरण सिंह की प्रधान मंत्री की शपथ डेमोक्रेसी की कहानी है ? वह तो न पहले बहुमत सिद्ध कर सके और न बाद में कर सके ।

हम तो तब तारीख को या पहली को जो बहुमत हो रहा है, उसमें तो बहुमत सिद्ध कर देंग काश्मीर में खुला हुआ बहुमत है, लेकिन चरण सिंह जी को जिस तरह से

राष्ट्रपति जी ने यहाँ प्रधानमंत्री बना दिया, वह डेमोक्रेसी की आपकी निगाह में ।

अब आप डेमोक्रेसी के हिमायती बनना चाहते हैं । मैं इतना ही कहना चाहता हूँ (समय को घंटी) कि डेमोक्रेसी, राष्ट्रीय एकता यह ऐसी चीजें हैं जिनमें विरोध के पक्ष में और सरकार के पक्ष में कोई ज्यादा धरार नहीं होनी चाहिए, मतभेद नहीं होना चाहिए । तभी डेमोक्रेसी देश में जिंदा रह सकती है । लेकिन डेमोक्रेसी की आपने लिए परिभाषा दूसरी हो, और सरकार के लिए दूसरी हो, तो यहाँ फर्क आ जाता है ।

मैं जानता हूँ कि डेमोक्रेसी का पत्रिए की गाड़ी है—अपोजीशन भी जरूरी है, सरकार भी जरूरी है और अपोजीशन ऐसी हो जिसके सही सुझावों को तुरन्त मान लेना चाहिए और सरकार की सही बात का अपोजीशन को समर्थन करना चाहिए । तभी डेमोक्रेसी चलती है, लेकिन सरकार की हर सही बात का विरोध करना विरोध के लिए, तो आडवाणी जी विरोध कर लो, आपको पुरी छूट है, लेकिन न यह डेमोक्रेसी के हक में बात है, न आपकी पार्टी के हक में यह बात है और न देश के हित में यह बात है कि विरोध के लिए हम विरोध करें ।

मैं अनेक ऐसी बातें कहना चाहता हूँ (समय का घंटी) आज यहाँ काश्मीर के अन्दर... (व्यवधान)

श्री उपसभापति : अब आप समाप्त करिए । बहुत अच्छा आपने कहा ।

श्री रामचन्द्र विकल : वह तो मैंने बता दिया भाई-भाई का और भी है वहन-भाई का भी है, साले-वहनों-ई का भी है, वह तो उनका घरेलू झगड़ा है, उसमें आडवाणी जबर्दस्ती पड़ रहे हैं, पता नहीं क्यों ?

मैं एका बात जरूर यहाँ कह देना चाहता हूँ काश्मीर की कहानी 1947 से आज तक

की हमारी आग बौली कहानी बन गई है ऐसे अनेक देश-भक्त लोग हैं जो सन 1947 से लेकर आज तक अपनी कुर्बानियाँ दे रहे हैं। उनमें वहाँ के गूजर लोग हैं। पद्मश्री मोहम्मददीन आज उसका क्या हाल हुआ है वहाँ सरकार ने उसकी जमीन को छीन लिया है और भाई-भतीजों में बांट दिया जिसकी देशभक्ति के लिए उसे पद्मश्री दी गई थी। ऐसे अनेक लोग हैं जिनका जहाँ मजदूर बना हुआ है। वहाँ के गूजर लोग हमेशा से देशभक्ति के लिए अपना सब काटते रहे हैं। एक तिहाई उनकी आवासी है। मैं सरकार से भी कहना चाहूँगा कि आग भी देशभक्त लोगों को जरा बढ़ावा देना सीखो। काश्मीर के अग्राम की तरफ से मैं विश्वास दिलाना चाहता हूँ कि काश्मीर भारत का एक अभिन्न अंग है अभिन्न अंग रहेगा। वहाँ की आम जनता देश के साथ है, इन्दिरा गांधी के साथ है और वह जानते हैं अनेक बार उन्होंने प्रस्ताव पास किए हैं। श्री अयल्लिता ने कहा था कि हम देश के संविधान के ताल साझी हों ऐसी अनेक वहाँ की बड़ी भारी तादाद है जो यह कहना चाहते हैं। लेकिन दुर्भाग्य यह रहा है कि हम देशभक्तों की कद्र कम कर पाने हैं। हमको भी देशभक्तों की कद्र करना चाहिए। अराष्ट्रीय तत्व जहाँ भी देश के किसी हिस्से में हों उनसे सावधान होना चाहिए। सावधान होकर हम देश को मजबूत कर सकें यही मुझे इन थोड़े से शब्दों में कहना था। मैं फिर अपोजीशन के लोगों से यह प्रार्थना करूँगा कि डेमोक्रेसी राष्ट्रीय एकता के लिए अपना पैमाना ऐसा रखें जो आप कहें तब भी फिट हो जब आप की सरकारें और दूसरा पैमाना, दूसरी सरकारें और दूसरा पैमाना हो तब भी फिट हो। अपोजीशन के लिए विरोध न करें देश की एकता और अखंडता के लिए हम सभी जिम्मेदार हैं। मैं इन्हीं शब्दों के साथ अर्पण करूँगा कि हम देश की एकता छोटे मोटे झगड़ों को भुला कर हम देश को झटका रखें। यही मेरा कहना है।

SHRI P. V. NARASIMHA RAO: Mr. Deputy Chairman, Sir, fourteen hon. Members have participated in this, and I do not know whether it is called a debate. It is just a calling attention. But it has become a debate.

SHRI J. K. JAIN (Madhya Pradesh): It is calling attention-cum-debate.

SHRI P. V. NARASIMHA RAO: It generally gets itself converted into a debate.

I am grateful to all of them for having brought out one thing, each in his own way or in her own way, that everyone in this House stands for the unity, integrity and security of the nation. There may have been altercations, there may have been arguments, against each other, but primarily what has come out, loud and clear, is this. Whether Members are from Kashmir or from the down south, they are all for this pre-eminent ideal of unity, integrity and security.

Sir, nothing new has happened in Kashmir which did not happen in almost every State in India in the past. And it is likely to happen again in the future. As someone said, this is neither the first nor the last. In fact, I was rather surprised that Members who were speaking against one destabilisation, were asking for another immediately, that the present Government also should be dismissed. So, this is nothing new.

When one Chief Minister loses his majority in his State, we do not have to lose our tempers here. We can go into those details dispassionately. A lot of material has come before the House. I started by going out of the way and telling Members that this action was taken under the provisions of another Constitution. So, there is an inbuilt limitation on how far we could go to unravel the whole thing and start making that point of discussion. I did it advisedly because Kashmir has a status. It is clearly defined in Article 370 of the Constitution and to that extent we have to admit. We have to recognise that status and that position. Now if it had been on any other matter, naturally even Members from Kashmir would have had

[Shri P. V. Narasimha Rao] full justification in opposing any discussion of that kind coming here. I am a little surprised that because this concerns a party matter, the Members from Kashmir, the National Conference seem to have fallen on the wrong side. It is for the Members of Kashmir as much as to all of us so long as Article 370 continues to be a part of the statute, to be a part of the Constitution we have to respect it and it is only in this spirit that I had raised that point, not stopping the Members from saying what they wanted to say. But after making my own position clear gently, gently suggesting to them that in this particular matter there is a *Laxmana rekha*. We should not transgress it, if it is possible for us, but that has not been found possible and I am not surprised. Sir, really wanted Advaniji to be here because he started with a new angle. We know that in the cut and thrust of the debate certain basic needs are forgotten or bypassed. He said on four paras we are with the Government. On the last para we are with the Government. On the 5th para.....

SHRI LAL K. ADVANI: I did not say that we are with the Government on the first four paras, but the last para.

SHRI P. V. NARASIMHA RAO: On the last para O.K. So he did not see the last para emerging out of the other paras. He thought that the last para was something brought from outside extraneously and planted there. Now, I would like to remind him of a few instances. I am not going into the whole story. In fact, at this point of time the story has not really gone very far and that is why may be taking a lesson from Punjab. Everyone of us should ask ourselves whether this is not the right time to wake up. That is why just a few instances, Sir, 7 vehicles belonging to the Army, two to Air Force and two to BSF were attacked and five Army personnel injured on May 29, 1984. Notwithstanding the alert Sikh extremists about 300 held meetings in which highly provocative speeches were made. One Mr Samarjit Singh, not quite clear about his name, he and his associates moved freely in a motorcycle in Jammu and set fire or attempted to set fire, of course, they

set fire to some, in some cases they only made the attempt but did not succeed, two post offices of Triptinagar, Satwari, Bad Brahmana, Guru Nanakpur, Tallab Tillu and Batilmore, Ketwa and also two Telephone Exchanges in Bari Brahmana, State Bank of India, Nanakpur. You may see they have IOO post offices and thousands of Telephone Exchanges. So they do you bother? It is only one or two or three. My answer is, it is symptomatic— army personnel there, post offices here.

Jammu June 6, 1984: Sikh Youth Organisation organised a procession of about 200 Sikhs in defiance of the prohibitory orders and before the crowd was dispersed, a police vehicle was hijacked from there and driven violently, crushing one constable to death and injuring others.

June 6, Srinagar : Charanjit Singh Khalsa of the banned AISSF organised a procession to the UN office in the city, which was joined by pro-Pak Muslim youths. They pelted stones and snatched a rifle from an army havildar travelling in a truck.

Again, post offices, telephone exchange* I will not go into that. I am only giving samples.

Srinagar: On the 7th June, the crowd went on a rampage and set fire to houses and institutions including Arya Samaj School, Nirankari Bhavan; raided the Hanuman temple and threw the idol into Jhelum and stoned shops in Lal Chowk, Bodshah Chowk, Pratap Park, Hari Singh High Street and Maharaja Park, The Poojary of the temple was mercilessly beaten. This is another sample.

Then, Sir, on June 7, in Jammu, armed Sikhs blockaded almost all the roads from Jammu and Miran Saheb and Kalu Chowk, thereby severely hampering army movements on these roads for apprehending some deserters. Roads were also blocked at Bhor Camp, Digana, Simbal, Chath-a, Gadigarh. At Gol Gujral, 500 Sikhs set a city bus on fire. Separately an attempt was made to blow up a bridge at Dambhal Road. A jeep was also burnt, etc., etc. I do not want to take any more time of the House by giving a whole list of

what happened. But even so, the whole list of what happened is only a beginning. And that is why I say that this is the time when we have to ponder. Those who were responsible for all these acts were only a few. The vast majority of the people of Jammu and Kashmir are nationalist-minded. They want to preserve, protect the unity of India, the security of India, the integrity of India. I have absolutely no doubt about it. This, therefore, is the time when we have to sit up and think as to what should be done.

Sir, there was a Government there. Never mind what the Congress(I) says. Never mind what any other party says. I am not really going into the party aspect at all. There are other forums. I never bring any party matter here. Yes, every party has its own forum and there you have full opportunity to express yourself positively, negatively, against other parties, criticising them. Yes, all this is in the game, but not here. Here we are discussing something which is very very different from parties. I hope Mr. Advani knows what the Election Commission said about elections in Jammu and Kashmir. I hope all the Members know about it. If someone says there was rigging, I do not expect Mr. Advani to say, "If there was rigging, why don't you dissolve the House?" Is it that easy to dissolve a House, even if you know that there has been rigging? He is a lawyer, he is a constitutional expert.....

SHRI LAL K. ADVANI: The Chief Minister advised it. Therefore; I said it.

SHRI P. V. NARASIMHA RAO: It is not possible to dissolve a House merely because you know that there is rigging. There has been rigging. This is known. But the point is this..

SHRI LAL K. ADVANI: The basis was that the Chief Minister advised...

SHRI P. V. NARASIMHA RAO: Now, that is very good. Now he has agreed that there is rigging...

SHRI PARVATHANENI UPENDRA: He said now, not earlier. He did not say at that time.

SHRI LAL K. ADVANI: I said the Chief Minister himself advised the Governor. So, if there was rigging, that was the opportunity to accept it.

SHRI P. V. NARASIMHA RAO : That is a different matter. What you said was if there was rigging, why you did not dissolve the House...

SHRI PARVATHANENI UPENDRA: No, no, he did not say that.

SHRI P. V. NARASIMHA RAO: If you have not said, I am very happy, because I do not expect you to say that at all. Maybe, I have heard you wrongly.

Then he went on to say something very interesting. We have had defection law here in the regime of both parties, theirs, ours and his....

SHRI LAL K. ADVANI: A Bill.

SHRI P. V. NARASIMHA RAO: A Bill. But it could not be passed. And there is a defection law there. What does the defection law say? Who is a defector and when does he become a defector? When does the law start operating on him and he loses his membership? On the day on which these twelve or thirteen MLAs presented themselves before the Governor, they were not defectors. They were MLAs. Even now they are not defectors in law. Even now. Suppose the Governor had treated them as defectors, would the High Court not have come heavily on him and say, how can you treat these thirteen MLAs as defectors? It is for the High Court to decide whether they have been disqualified or not. They have to incur a disqualification under Section 70. They have given the definition of defection. Okay. We may or may not have a difference on that. But on the next thing: Section 69 of the J&K Constitution prescribed disqualifications for membership of the State Legislative Assembly or the State Legislative Council. And then Section 70 of the State Constitution lays down the procedure for decision on the question of disqualification of Members. So, the High Court has to say. If it is represented to the Speaker or the Chairman that a Member of the Legisla-

[Shri P. V. Narasimha Rao]

tive Assembly or, as the case may be, of the Legislative Council, is disqualified for being such a Member under the provisions of Section 69 or was so disqualified at any time since' being chosen as a Member and the Member does not admit that he is or was so disqualified, the question shall be referred to the High Court for decision and its decision will be final. So, how can you criticise the Governor for not having taken them as defectors *per se* according to this law; and say, no, no, I am not going to count your votes as votes? This is really astounding. Therefore, I said I am not really going to discuss these things, but, you know, I have been cornered because something which is a half-truth has come out about this defection law.

SHRI CHATURANAN MISHRA (Bihar): When the High Court is yet to decide, the best thing would have been to wait for its decision..

SHRI P. V. NARASIMHA RAO: That is all right. Until it decides, they are M.L.As. That is what I am coming to. Mr. Madan Bhatia has given a large number of examples of constitutional propriety, norms etc. Now I need not go into all that. As I started, I would only say that even in a normal situation like in any other State, I would not go behind the decision of the Governor in replacing one Ministry with another. I come into the picture only when he says please (ake this under 356. We get reports. That is a different story. But I am telling you what the position of propriety is. We did not go into why the Governor of Sikkim dismissed the Congress-I Chief Minister of Sikkim. We did not; and you did not because one Congress (I) Chief Minister less is very good for you. I was expecting some fire works from the Constitutional pundits here. I thought that they would first assail me on Sikkim, and I was bracing myself up for that. But nothing happened. When we came to Kashmir all this comes up. I am only placing facts before you.

SHRI DIPEN GHOSH: You will not be spared when Sikkim budget wiH be placed before us.

SHRI P. V. NARASIMHA RAO: I am not asking io be spared. I only pointed out this difference.

That is why I cannot find fault with this decision. Even in normal conditions I cannot go behind this decision. In these particular circumstances when action has been taken under a Constitution and when relevant provisions of the Indian Constitution do not apply to the State of Kashmir—it has been clearly pointed out by Mr. Bhatia—I would say that prudence requires that I should give a little more discretion to the Governor rather than saying that he has done something right or wrong. You have that privilege, of course. You can always say that what he did was right or wrong. So far as the Government is concerned, I am quite sure that you will agree with me, if I decide as a matter of abundant caution to give him a little more discretion, particularly when there are so many grey areas, it will be in order. They cannot be considered defectors and we have precedents. The Karnataka precedent has been cited. Mr. Gurupadaswamy said he is against it. For the first time I discovered a brave member of the Janata Party saying that he opposed it and opposes it. What is the use of one person opposing it? It was done. It was done in 1979 at the Centre. It is not necessary that in every case majority should be, shall be decided on the floor of the House. In cases where there is doubt, yes, the Governor would certainly get it tested. But when there is no doubt—not for you, not for me—in the minds of the Governors or Rashtrapati, as the case may be, is it necessary? They took certain decision. They also took certain decision. There is a recommendation of the Speakers' conference that it should be done. But that is not binding. Neither this is binding. Every case depends on its own merits. This is the position. If you go through the Constituent Assembly debates, there was a proposal to give what is called an instrument of instructions to the Governors on what to do or what not to do. Under these circumstances it was rejected and rightly rejected because you can never imaging all the combination of circumstances that may arise in

A given case. That is why Governors were given certain discretion. Here I do not want to say—it is not true also—that Governor is something like a khudmukthar. He is very much an appointee of the Centre or Rashtrapati, while he is acting. So is the Chief Justice, if it comes to that, and so also every Judge of the High Court or Supreme Court. So, it is not a question of appointment. It is a question of how you look at the functions of the Governor.

Therefore, I would respectfully submit that there is no Constitutional impropriety as far as I can see. In any case I am well within my discretion and propriety not to interfere and say that he has done something wrong. After all what did the Governor do? He took a democratic course. You may not like G. M. Shah. Suppose the Governor had gone in straight for his own rule. In the case of Kashmir, it is the Governor's Rule. Would not the honourable Members have said that the Governor was in an indecent haste to put his own rule there, that he did not exhaust the other democratic possibilities and that he did not explore any possibility whether an alternative Government could be formed or could not be formed? I main this is generally done.

SHRI V. GOPALSAMY: Why did he give one month's time to Mr. Shah to prove his majority?

SHRI P. V. NARASIMHA RAO: The same was given at the Centre also in 1979. That is a question of judgment: How much has to be given? Now, was the Governor going to ask me or Mr. Gopalsamy as to how much time he has to give? That is not correct. (*Interruptions*). When I say that I give discretion to him in the main decision, I have to give likewise discretion to him in the time factor also. Now, after all, this is happening and this is going to be tested finally and there is no question of going back. Mr. Advani says that the Governor's Rule or the President's Rule would have been better. Dr. Farooq Abdullah is a good friend of ours and he was here in the Lok Sabha. When

he went there, he seems to have become a different person. But that is a different matter. When the Governor confronts him with this situation saying that he has lost his majority, he says, "Come on. Have Governor's Rule.". What does that mean? If the Chief Minister asks the Governor to have the Governor's Rule there, does it not in so many words mean that he has lost his majority?

SHRI V. GOPALSAMY: He asked him to summon the Assembly.

MR. DEPUTY CHAIRMAN: Please do not interrupt him.

SHRI P. V. NARASIMHA RAO: No. The first request was, "Mr. Governor, have your own rule, but not that man's.". That is the crux of the whole thing. He says, "Have your rule.".

SHRI PARVATHANENI UPENDRA: The first request was for summoning the Assembly.

SHRI P. V. NARASIMHA RAO: Mr. Upendra, you have not grasped the sequence of events. When he met him, whether it was in his bedroom or drawing room, wherever he was called and wherever he went—Members may have objection; but he did not have any objection, and he went to his bedroom, and that is a dig that has no meaning—he said, "Dr, you have lost your majority. I am convinced on that. Please resign.". But he says, "Have your rule." He never said, "I did not lose my majority." Now, this is something like a final decree and there is no appeal against it. What else does the Governor do? He would be doing something ridiculous if he had said, "Yes. You have agreed that you have lost your majority. Still you show me that you have lost your majority on the floor of the House.". What more convincing proof did he have or did he have to have? That is why there is no impropriety. But the point is that we have to look to the future. So far as that is concerned, I am glad that a consensus, not only a consensus, but also unanimity, has emerged in this House, and we will certainly see that whatever steps are to be taken to

[Shri P. V. Narasimha Rao] tighten up these things anywhere, all over the State—now it is not just a question of X being installed in the place of Y—I would like to assure the House that the new Government would be requested to take those steps and it would be requested to do what all we had requested Dr. Farooq Abdullah to do and more, if necessary. Therefore, we are not going to judge the two Governments with different yardsticks. This I can assure the House because what is most important is not either this Chief Minister or that Chief Minister, but the security of the country in that very very sensitive border State of India. (Interruptions). On that, Sir, I have no doubt in my mind that this will be the approach of the Government. Sir, I would like to thank the Members for having participated in this discussion. (Interruptions).

SHRI LAL K. ADVANI: Sir, particularly in view of the incident that he has mentioned, would he consider my suggestion that there should be White Paper on Kashmir also?

SHRI J. K. JAIN: What for? Over the anti-national activities of Dr. Abdullah? (Interruptions)

SHRI P. V. NARASIMHA RAO: This is precisely what I wanted to say. He has reminded me. Very well. I thank him for this. Sir, the question is that matters have not come to the White Paper stage. (Interruptions) That is why we do not want to let them come to the White Paper stage.

SHRI J. K. JAIN: Very good.

SHRI P. V. NARASIMHA RAO: This is again something which needs to be appreciated on all accounts. That stage has not come. (Interruptions)

Allotment of time for disposal of Government and other business

MR. DEPUTY CHAIRMAN: I have to inform Members that the Business Advisory Committee at its meeting held today, the 26th July, 1984, allotted time

for Government Legislative and other Business as follows:

| Business | Time Allotted |
|---|---------------|
| 1. Consideration and passing/return of the following Bills as passed by Lok Sabha :- | |
| (a) The Industrial Disputes' (Amendment) Bill, 1984 | 2 hours |
| (b) The Multi-State Co-operative Societies Bill, 1984 | 2 hours |
| (c) The Electricity (Supply) Amendment, Bill, 1984 | 2 hours |
| (d) The Levy Sugar Price Equalisation Fund (Amendment) Bill, 1984 | 2 hours |
| (e) The Estate Duty (Amendment) Bill, 1984 | 2 hours |
| 2. Discussion on the Resolution seeking disapproval of the National Security (Second Amendment) Ordinance, 1984 and consideration and passing of the National Security (Second Amendment) Bill, 1984 as passed by Lok Sabha. | 3 hours |
| 3. Discussion on the Resolution seeking disapproval of the Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1984 and consideration and passing of the Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Bill, 1984, as passed by Lok Sabha. | 1 hour |
| 4. Discussion on the Resolution seeking disapproval of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1984 and consideration and passing of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill, 1984, as passed by Lok Sabha | 2 hours |