SHRI S. B. CHAVAN: Sir, the National Sample Survey Organisation has carried out a survey in 1983 and at least I believe that the latest figures will ibe available to the Planning Commision before we finalise the Seventh Five Year Plan.

MR. DEPUTY CHAIRMAN: Next question.

Burning of copies of article 25 of the Constitution

*266. SHRI SYED AHMAD HASHMI:
SHRI F. M. KHAN:f

WUl the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of persons who were arrested in Delhi and Punjab for burning copies of Article 25 of the Constitution on the 28th February last; and

(b) the action taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH): (a) Fifty-six arrests were made in Punjab in connection with burning of copies of Article 25 of the Constitution on the 28th February, 1984. There has been no such incident in Delhi on that day and no arrests were made in Delhi on the 28th February, 1984. However, Five arrests were made in Delhi on 27-2-1984.

(b) Cases have ibeen registered under the provisions of the prevention of Insult to National Honours Act, 1971 and the accused are being proceeded against in the Courts.

SHRI F M. KHAN: I would like to know from the Government whether any further action or new action will be taken because there were some references as far as article 25 is concerned as to whether it will be referred to a full Supreme Court Bench by invoking article 143 or a referendum

tThe question was actually asked on the floor of the House by Shri F. M. Khan.

will be taken from the Sikh community as to what they feel about article 25. Is the Government thinking of bringing, any law that anybody who burns an article or the Constitution cannot contest for the Assembly or Parliament? Does the Government feel that such action may be taken, if necessary? Or, are there any other proposals which the Government is considering in this direction to preserve national integrity?

SHRI P. VENKATASUBBAIAH: So far as the last part of the question is concerned, as I have said, there is already a law under which action will be taken against those persons . who insult the Constitution and the law will take its own course. He has also asked whether such people will be disqualified from contesting the elections. I am not in a position to say whether the punishment of imprisonment according to this law will disqualify a person to contest elections. This is a: matter to be decided by the constitutional and legal experts. The other point raised *oy* the hon. Member is about this demand of the Akalis. This demand has been put forward by the Akalis quite recently. That was not their original demand. They have not said what precisely they mean by burning this Article 25, Explanation 2. We do not know what their demands are with regard to this matter. Unless the Government know from them specifically what they want, they will not be in a position to say what action they are going to take. Another point is about the insertion of this aricle. Various opinions have been expressed by the constitutional experts belonging to all communities. There is a national dialogue going on. We want to know from the Akali leaders what their precise demand is, what their attitude is, what their opinion about this particular clause is and what action they want to be taken.

SHRI F. M. KHAN: Will the Government send the Members of Parliament to go and meet the Akali lea-

ders in jail to find out what the problems is, what exactly they want? They are all inside and the Government cannot know what their firm stand js?

SHRI P. C. SETHI: One Member of Parliament. Shri Surjeet wanted to meet Mr. Badal in the Tihar Jail. The Lt. Governor was requested to give permission. He was allowed to meet him. If any other Member wishes to meet them, we will request the Lt. Governor to give permission.

SHRI F. M. KHAN: I asked whether the Government is thinking of sending the Members of Parliament. He has gone in his private capacity.

SHRI P. C. SETHI: There is no such proposal at the moment.

श्री बुद्ध प्रिय मौर्य : माननीय उपसभापति जी, माननीय गृह राज्य मंत्री जी ने अपने जवाब में कहा कि कभी भी आर्टिकिल 25 को लेकर कोई भी मांग अकाली नेताओं की ओर से नहीं आई थी । जहां तक उनकी 45 मांगों का सवाल है, या अनन्तपुर साहब रिजोल्यूशन का संबंध है, उसमें भी यह मांग नहीं है । जैसा मैं पहले भी इस सदन में कह चुका हूं कि कांस्टिट्यूएंट असेम्बली में और बातों को लेकर तो विवाद था, लेकिन आर्टिकिल 25 को लेकर कहीं भी, किसी भी सिख नेता ने, कोई बात नहीं कही थी । यह बात सही है कि जैसा श्री लाडली मोहन निगम जी ने कहा कि सरदार हुकम सिंह जी ने उस पर दस्तखत नहीं किये थे, लेकिन उनकी नाराजगी का कारण दूसरा था । बाद में उनकी नाराजगी दूर हो गई थी जब कांग्रेस सरकार ने उनको लोक सभा का स्पीकर बनाया था और उन्होंने इसी संविधान की शपथ ली । उनकी नाराजगी दूर हो गई थी । बाद में कांग्रेस सरकार ने राष्ट्रपति की ओर से उनको राजस्थान का गवर्नर बनाया था । उनके जो दूसरे साथी थे वे भी संविधान की कसम अनेक बार ले चुके थे, चाहे वह एम० एल० ए० के रूप में हो या एम० पी० के रूप में हो । या मिनिस्टर के रूप में हो । मेरा यह निवेदन है कि अब यह एक नई मांग जोड़ी गई है । संविधान का इस तरह से अपमान, चाहे वह किसी भी दल की तरफ से ही या किसी भी नेता की तरफ से हो या कार्यकर्त्ता की तरफ से हो , उससे लोगों की भावनाओं को ठेस पहुंचती है । इसलिए मैं इस संबंध में दो निवेदन करना चाहता हूं । मेरा पहला निवेदन यह है कि कोई भी भविष्य में इस तरह से संविधान का अपमान न करे, क्या सरकार इसके लिए कोई सख्त कार्यवाही करेगी और अपने मौजूदा कानून में कोई संशोधन करेगी जिसमें इस प्रकार से संविधान का अपमान करने पर कम से कम 10 साल की सजा और उसकी सम्पति जब्त करने की व्यवस्था हो सके ? दूसरा सवाल में यह पूछना चाहता हूं कि आप जानते हैं कि पंजाब में चुनाव होने वाले हैं,चुनावों से पहले शपथ लेनी पड़ती है और उस शपथ में संविधान का यह आर्टिकिल 25 भी शामिल है । तो जब तक वह इस बात को स्वीकार न कर लें क्या उनका नामीनेशन पेपर भी स्वीकार किया जायेगा क्योंकि वह इसमें उसका एक अंग है ?

SHRI P. C. SETHI: As far as signing of the Constitution is concerned it is true that Sardar Hukam Singh did not sign the Constitution. But not only when he became the Speaker but when he became the Member of Parliament also ne took oath in the name of the Constitution. And as Governor also he did it. He was not against anything as far as article 29 fe concerned. Ag my colleague has pointed out many eminent Sikh writers have said that there is nothing wrong in that article and in fact by

amending article 25 the Sikhs will get no profit, but on the contrary t'hey will be put to a loss. This is the position. As far as amending the law to enhance the punishment is concerned, this J3 a suggestion for action and we will consider it.

श्री बुद्ध प्रिय मौर्य : मेरे आखिरी प्रश्न का उत्तर रह गया, आप क्षमा करेंगे । क्योंकि शपथ लेनी पड़ती है . . .

श्री उपसभापति : वह तो कह दिया उन्होंने ।

श्री बुद्ध प्रिय मौर्य : नहीं उसका नहीं आया ।

श्री उपसभापति : बगैर शपथ के हो । नहीं सकता ।

श्री बुद्ध प्रिय मौर्य : मैं नामीनेशन की बात कर रहा हूं नामीनेशत के वक्त शपथ लेनी पड़ती है, वह उसका अंग है ।

श्री उपसभापति : वह रिटर्निंग आफिसर फैसला करेगी । अगर शपथ नहीं लेगा तो उसका नामीनेशन कैसे एक्सैप्ट होगा ।

SHRI KHUSHWANT SINGH: I would like the Home Minister to inform the House whether there is any truth in the reports carried in some national papers that at some stage either the Home* Minister Or the Prime Minister had got the Akali leaders to understand that the Government will consider some amendment. Is it correct or is it not correct?

SHRI P. C- SETHI: Thi$_s$ information the Hon'ble Member has received is not right. We have not got or received from the Akali leaders as to what is their specific demand and unless that specific demand comes any such consideration i$_s$ not possible.

डा० मदन मोहन सिंह सिद्धू : कांस्टिट्यूशन जलाना एक अपराध ही नही बल्कि यह हमारे लिये गंभीर विषय है । हम सब लोग इस चीज की निन्दा कर चुके हैं । इसके बावजूद सरदार हुकमसिंह जिस वक्त कांस्टियुयेंट असेम्बली में थे वह अकाली दल के नुमाइन्दे थे अकाली दल का नुमान्दा होना और उनकी अपनी शख्सियत होना दोनों में फर्क होता है । किसी को अपनी जाती राय होती है और सरदार हुकम सिंह ने उस समय यह कहा था कि कांग्रेस वर्किंग कमेटी ने जो वायदे सिखों के साथ किये थे उनको पूरा नहीं किया, इस वास्ते सिख माइनारिटी को उनसे जो सेफगार्ड चाहिए थे वह नहीं मिले । उन्होंने कहा था कि जहां तक मुसलमानों का सवाल है पाकिस्तान बन गया । जहां तक ईसाइयों और पारसियों का सवाल है वे कोई सेफगार्ड नहीं मांगते हैं । इस वास्ते एक कम्युनिटी रह जाती है, सिख कम्युनिटी जिसको कांग्रस वर्किंग कमेटी ने आजादी के पहले और आजादी के बाद जो उनके साथ वायदे किये थे उनको पूरा नहीं किया । इस वास्ते सरदार हुकमसिंह और सरदार मान ने इन मुद्दों के ऊपर कहा था । कुछ बातें थीं जो कि साफ होनी चाहिएं ।

दूसरी बात यह है कि सरदार पटेल साहब ने जब रिप्रेजेन्टेशन का सवाल आया, शेड्यूलडकास्ट के लिए तो उन्होंने कहा था कि अच्छा होता कि सिख जो उनके मजहब में हैं उसकी वजह से तफरीक न मांगते कोई रिजर्वेशन की बात न करते । लेकिन सबसे बड़ी बात यह है कि जब आइडेंटीफिकेशन की बात सामने आई है इसकी वजह से सिख और हिन्दू दोनों अलहदा होना चाहते हैं जो कि मेरी राय में सही नहीं है । लेकिन इस भावना को दूर करने के लिये कोई न कोई सियासी कदम उठाने पड़ेंगे । क्योंकि सिर्फ जेल भेज देने की जो सजा है, इसके खिलाफ नहीं हूं, लेकिन जब तक इसका कोई हल नहीं होता तब तक कोई लाभ नहीं है । हल जो है वह इसका राजनैतिक

होगा । पहली बात तो यह है कि उनके वकीलों और कुछ पब्लिक मन को पार्लियामैन्ट के मैम्बरों के अलावा उनसे क्या आप मिलने देंगे जिससे जो उनकी नीयत है, जो तो की मंशा है, जो उनके दिल में हैं कुछ पता चल सके ताकि कुछ और जो लोग पसन्द करते हैं वह लोग उस तरफ जा सकें । तो क्या वजीर साहब से मैं यह दरखास्त कर सकता हूं कि क्या वे इस बात को पसंद करेंगे कि जो लोग भी उस चीज को कम करने के लिए जानना चाहते हैं, मम्बर आफ पार्लियामेंट के इलावा उनको मिलने के लिए . . .

श्री उपसभापति : जो वहां गोल्डन टेम्पल में हैं उन से क्यों नहीं मिलते ।

डा० मदन मोहन सिंह सिद्धू : देखिये, दोनों बातें हैं, आप भी कहिये । मैं अगर अर्ज करूं तो ज्यादा तफसील हो जाएगी । जब कभी गवर्नमेंट ने चाहा है ब्रिटिश गवर्नमेंट के वक्त में भी कांग्रेस वर्किंग कमेटी के लोगों को एक जगह ला कर के रखा है । अब एक दूसरे से मिलने की जरुरत है, लौंगोवाल जी से मिलने के लिए कोई न कोई तरीका तो होगा जिससे कि बादल साहब लौंगोवाल से मिल सकें । एक ही तरीका है कि कोई न कोई बीच में आएगा ।

SHRI P. C. SETHU: Sir, I think it would be an injustice to Sardar Hukam Singh to say that he demanded something separate for the Sikhs.

As far as the demand for Khalistan is concerned, it is contained only in the Anandpur Sahib Resolution. Even the Akali Dal people themselves have condemned it and they have not demanded it. Sir, if isomebody wants to persuade the Akali leaders to change their stand on article 25 and if he wants to meet them, we would certainly screen the person who is meeting them and permit him to meet them.

DR, M. M. S. SIDDHU; Sir, I want to make one thing clear, I never said that Sardar Hukam Singh wanted Khalistan. I never said that. I only "-said that they were not satisfied with the safeguards that they were given in the Constituent Assembly. That is all that I said.

MR. DEPUTY CHAIRMAN: Yes Mr. Tiwari.

श्री बुद्ध प्रिय मौर्य : वह सेटिसफाई हो गये थे । डाक्टर साहब, यह जो अपने कहा है कि वह सेटिसफाई नहीं थे । वह सेटिसफाई हो गये थे और उनके नेता मंत्री बने, स्पीकर बने, गवर्नर बने । वह सेटिसफाई हो गये थे ।

(Interruptions)

MR. DEPUTY CHAIRMAN-. Order, please.

SHRI KHUSHWANT SINGH: ft is not there in that Resolution. *(Interruptions)*

SHRI P. C. SETHI: Sir, I agree with the honourable Member that as far as the Anandpur Sahib Resolution its concerned, there is no demand for Khalistan even in that Resolution.

DR. M. M. S. SIDDHU; That is right.

SHRI V. N. TIWARI: Sir, I would like to know one thing from the honourable Home Minister. Both sides are talking about this article. I have read what Dr. Rafiq Zakaria wrote and I have read my other friends' comments also. I would like the honourable Home Minister to make a statement as to whether this article wats incorporated on the demand of the Sikhs or it was done by the Constituent Assembly. I just want to know whether the clause incorporated in the Constitution was a demand of the Sikhs and the Akali Dal at that time or it was just in the process of being formulated.

DR. RAFIQ ZAKARIA: Sir, this is a matter of record and the proceedings of the Constituent Assembly are there for anybody to see. The debates of the Constituent Assembly are there for anybody to see. So, even if the Minister makes a statement, it cannot alter the fact.

श्री उपसभापति : जा कर प्रोसीडिंग्स पढ़िए ।

डा० सरूप सिंह : श्रीमन् एक मेरे सिख दोस्त ने परसों एक बात मुझे कही थी जो मैं मिनिस्टर साहब के नोलेज में ले आऊं । क्या यह सच है कि कभी पहले भी ऐसा मौका आया कि कुछ लोगों ने कांस्टीट्यूशन को जलाया और गवर्नमेंट ने उन्हें गिरफ्तार नहीं किया । उस दोस्त का कहना यह था कि वह कांस्टीट्यूशन जलाने के खिलाफ हैं यह बहुत खराब बात है ऐसा नहीं होना चाहिये । उस ने कहा कि कुछ लोगों को यह महसूस होने लगा है कि शाय पहले भी कहीं ऐसा हुआ था किसी स्टेज पर किसी बात पर झगड़ा हुआ था और गवर्नमेंट ने उस मामले को किसी और तरीके से सुलझाया था । तो यहाँ शायदद कोई और तरीका सुलझाने का निकले बजाय गिरफ्तार करने के । गिरफ्तार करने से कोई मामला हल नहीं होता है ।

श्री बुद्ध प्रिय मौर्य : उन्होंने अपनी मांग वापिस कर ली थी ।

डा० सरूप सिंह : मैं तो मिनिस्टर साहब के नोटिस में यह बात ला रहा हूं किसी के कहने से (I) अब मिनिस्टर साहब की इसके बारे में क्या मंशा है वे बता सकते हैं ।

SHRI P. VENKATASUBBAIAH: Sir, I would like to bring to the notice of the honourable Member one thing. This particular Act was passed in 1971 and the incident which he has mentioned perhaps i_s prior to 1971. That is the position which I want to mention. Thi_3 Act for the prevention of insults to the National Flag was passed in 1971. So, whenever anybody violates the provisions of this Act, he is punished. He is arrested and the process of law wiH take its own course.

SHRu GHULAM RASOOL MATTO: The people of Jammu and Kashmir have vested interest in peace in Punjab. I would like to ask the hon. Minister when under article 368 of the Constitution any article of the Constitution can be amended, what ishall be -the .reaction/ of the Government if tbe Akalis come under clause 368 for amendment of article 25 of the Constitution?

SHRI P. C. SETHI: I do not deny that there is no procedure for amending the Constitution. There are constitutional procedures laid down and it would have been much better i'f instead of burning article 25 of the Constitution they had adopted the constitutional procedure of moving an amendment in the Constitution through their friends.

SHRI SHRIDHAR WASUDEO DHABE: Sir, article 25 of the Constitution, as I understand it, guarantees freedom of religion, specially with regard to the right of entry into temples, etc. I would like to know from the hon. Minister, while some Sikh leaders as Mr. Prakash Singh Badal and others are arrested, whether they have got any intelligence department to understand what i_s the exact objection to article 25...

MR. DEPUTY CHAIRMAN: He hac replied to it several times.

SHRI SHRIDHAR WASUDEO DHABE; Not to this.

SHRI P. C. SETHI: We do not know what they want... *(Interruptions)*

SHRI SUKOMAL SEN: The burning of article 25 of the Constitution has already created a problem and fissiparious situation. There is a press report that the Akalis are atill preparing for mass burning of this article,

which may worsen the situation further. I would like to know whether this Report is correct and, if so, what is the Government going to do to tackle the situation not only administratively but also politically?

SHRI P. C. SETHI: Sir, there is no quesion Oi mass burning. As I have pointed out, *thert* bave been only 61 arrests so far up to the 28th February. Then, [i er 7 arrests are taking place everyday. Even yesterday, 7 arrests were made in Jalandhar. It is not that the entire Sikh population is behind this. Only some leaders have raised it. Of thfe much I am sure.

MR. DEPUTY CHAIRMAN: Next question.

•267. *[The questioner* (Shri K. C. *Sebastian) was absent. For answer,* vide cot. 39 infra.]

Policy for promoting; small sector

*2C8. SHRI N. P. CHENGALRAYA NAIDU:
SHRI NARENDRA SlNGH :T

Will the Minister of INDUSTRY be pleased to state:

(a) whether it is a fact that a study of the Indian Institute of Public Administration has revealed that several large industrial houses and foreign companies have set up small gcale units to usurp the benefits meant for smell entrepreneurs thereby defeating the objectives of Government policy for promoting the small sector;

(b) if so, what was the precise outcome of the study; and

(c) what modifications Government propose to make in the light of the study, in the schemes for small industries to ensure that larger houses do not usurp the benefits meant for small entrepreneurs?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI PATTABHl RAMA RAO): (a) The

fThe question was actually asked on the floor of the House by Shri Narendra Singh.

Indian Institute of Public Administration study has come to this conclusion.

(b) and (c) The report has been published in February, 1984 and such, it has not been possible for 4he Government to examine it and come to any conclusion. However, the exemptions from the licensing provisions under the Industrie^ (Development and Regulation) Act, 1951 are not available to a small scale industrial unit or ancillary which ig a subsidiary of, or owned or controlled by any other undertaking.

श्री नरेन्द्र सिंह : मान्यवर, लघु उद्योगों क विकास के लिये सरकार बहुत प्रयास कर रही है । लेकिन ये जो बड़े-बड़े औद्योगिक घरानें और विदेशी कम्पनियां हैं इन्होंने अपने यूनिट्स स्माल स्केल में बना लिये हैं जिनकी वजह से ये लघु उद्योग पनप नहीं पा रहे हैं । मान्यवर, अभी हमारे मंत्री जी ने बताया कि फरवरी 84 में यह रिपोर्ट आई है । तो उसमें क्या खास-खास रिकमेंडेशन्स हैं ये तो हमारे मंत्री जी बता ही सकते हैं । तो पहले मैं यह जानना चाहूंगा कि इस रिपोर्ट में क्या-क्या खास रिकमेंडेशन्स की गयी हैं जिससे कि इन लघु उद्योगों को बचाया जा सके ?

दूसरा प्रश्न, मान्यवर, मेरा यह है कि हमारे उद्योग मंत्री जी क्या कोई समय निश्चित करेंगे कि इस समय तक इस रिपोर्ट का पूरा अध्ययन करके इस पर आवश्यक कार्यवाही की जायेगी ताकि लघु उद्योगों को बचाया जा सके ?

SHRI PATTABHI RAMA RAO: Sir, I have mentioned in the first part of my reply that this report has been submitted only in February last. Hardly a month has passed. The Government had no time to look into it. I cannot say what it is.

श्री नरेन्द्र सिंह : कब तक इस पर अध्ययन करके आप सदन के सामने रखेंगे ?

श्री उपसभापति : कब तक राय बना लेंगे ?