

MR. CHAIRMAN: Now, Special Mentions.

**MATTER RAISED WITH PERMISSION**

**DEMAND FOR JUDICIAL INQUIRY INTO THE KILLINGS OF  
AMARNATH PILGRIMS IN JAMMU AND KASHMIR**

SHRI PRANAB MUKHERJEE (West Bengal): Sir, before you take up the Special Mentions, I would like to draw your attention and the attention of the House to a subject on which we have been agitated for quite some time, especially since yesterday. This is in regard to the demand of setting up of a judicial inquiry in respect of...*(Interruptions)*

SHRI M. VENKAIAH NAIDU (Karnataka): This was already discussed yesterday. It is closed now...*(Interruptions)* How can the same thing be discussed today? *(Interruptions)*

SHRI PRANAB MUKHERJEE: This issue cannot be closed...*(Interruptions)* Most respectfully, I would like to submit that the issue is not closed. So far as the Government is concerned, it has stated that they are not going to have a judicial inquiry. Yes. But that does not prevent me or anybody in the House from making an appeal to the Government to kindly reconsider its decision, and as regards the news items which are appearing, it is for the Government of the day to decide...*(Interruptions)*

श्री एस.एस.अहलुवालिया: किसकी अनुमति से यह सवाल रखा गया है।..(व्यवधान)...

SHRI PRANAB MUKHERJEE: But that does not prevent us...*(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, under what rule, is he raising this? I have no objection to it if you are permitting him under some rule? *(Interruptions)*

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, most respectfully, would like to submit that there are umpteen number of cases... *(Interruptions)*

[8 August, 2000]

RAJYA SABHA

**श्री एम.वेंकैया नायडु:** सर, यह लिस्ट में नहीं है, इसके ऊपर बहस कराने की कोई जरूरत नहीं है। कल इस पर बहुत बहस हो चुकी है।

**SHRI PRANAB MUKHERJEE:** We have raised procedural matters on the floor of the House...*(Interruptions)* We have highlighted our views, and others also can speak...*(Interruptions)* The other side also can speak opposing the setting up of a judicial inquiry. They should also be given an opportunity to express their views on a matter like this...*(Interruptions)*

**श्री एम.वेंकैया नायडु:** इस विषय को दुबारा यहां उठाने से कोई पॉलिटिकल लाभ हो तो अलग बात है, लेकिन इससे कोई परपज सॉल्व नहीं होगा इसलिए मैं चेयरमैन साहब से रिक्वेस्ट करूंगा कि इसको स्थगित करिए और जो आज का लिस्टिड बिजनेस है, उसको आप लीजिए।.....*(व्यवधान)*....

**SHRI PRANAB MUKHERJEE:** My most respectful submission to you and to the Government, through you, Sir, would be that this matter should be discussed and the House must express its opinion...*(Interruptions)* In a scuttled discussion,...*(Interruptions)*

**श्री एस.एस.अहलुवालिया:** हमारे देश के खिलाफ जो...*(व्यवधान)* कश्मीर के बारे में इस्लामाबाद से...*(व्यवधान)*...

**SHRI PRANAB MUKHERJEE:** Unless the House expresses its opinion, it will be extremely difficult for us...*(Interruptions)*

**श्री एस.एस.अहलुवालिया:** बार-बार भारत सरकार से यह मांग कर रहा है कि ज्यूडीशियल इन्क्वायरी कराई जाए और पाकिस्तान की सरकार जो षड्यंत्र करके भारत के खिलाफ.....*(व्यवधान)*

**SHRI PRANAB MUKHERJEE:** My respectful submission through you, Sir, is that if the Government wants to prevent the leakage of several bits of information which are also published in various newspapers,... *(Interruptions)*

**SHRI M. VENKAIAH NAIDU:** Mr. Chairman, Sir, I seek your protection.

**MR. CHAIRMAN:** I will call you.

SHRI PRANAB MUKHERJEE: I would most respectfully like to submit...*(Interruptions)* I have a right to submit...*interruptions)*

SHRI M. VENKAIAH NAIDU: Under what *rule?**(Interruptions)*

SHRI PRANAB MUKHERJEE: Even in today's Times of India, a newsitem appeared that as per the post-mortem report, fifty persons were killed by the bullets of the CRPF...*(Interruptions)* Through you, Sir, I would request the ruling party that they can also make their view *points...**(Interruptions)* They can also argue as to why a judicial inquiry should not be set up. But, for God's sake, please allow us — this House has precedents — to make our points. Otherwise, most respectfully, I would like to submit, if there is disorder in the House, and if the House is adjourned because of disorderliness, the responsibility will lie with the ruling party.

My submission to you is this. After the Prime Minister made his observations yesterday, after he gave clarifications to the various points that had been raised, it has been found that a large number of news-items are appearing which is projecting a distorted image of the country. In 'India Today', 'The Times of India' and 'The Hindustan times', the news-items that are appearing do not tally with the version given by the Government. Even in regard to the extension of the authority of the Government of India... *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, I would like to submit...*(Interruptions)*

MR. CHAIRMAN: I will call you. *(Interruptions)* I will call you.*(Interruptions)*

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, firstly, I request, through you, the ruling party Members that they should, please, give me five minutes. Thereafter, you can disagree with me; you are fully entitled to disagree with us. But, for God's sake, please listen to us. *(Interruptions)* I request most respectfully, if you want to transact business in the House, if you want to seek the cooperation of the House, please allow us to make our observations. Please allow us to make our observations. If that is not done... *(Interruptions)* I would not like to take the position... *(Interruptions)*

SHRI GHULAM NABI AZAD (Jammu and Kashmir): This is not the way, Sir. *(Interruptions)* He should be allowed to speak. *(Interruptions)* He is not being allowed to speak. *(Interruptions)* Just see, this is a democratic institution and he cannot speak here! *(Interruptions)*

SHRI PRANAB MUKHERJEE: If the majority of the Members in this House decide that a particular subject has to be discussed, then that subject has to be discussed. You can give your views and we can give our views; and, ultimately... *(Interruptions)* Mr. Chairman, Sir, I will take only five - seven minutes. But I must have... *(Interruptions)* I am sorry, I can't... *(Interruptions)*

SHRI K. RAHMAN KHAN: Why are you interrupting him? He has been allowed to speak. *(Interruptions)* The Chair has allowed him. *(Interruptions)*

MR. CHAIRMAN: The Leader of the House wants to speak.

SHRI PRANAB MUKHERJEE: All right. I would like to listen to him. *(Interruptions)*

THE LEADER OF THE HOUSE (SHRI JASWANT SINGH): As always, we take it seriously. Many of the distinguished Members of the Opposition have held high public offices. We are mindful of their concerns. It is not as if the Government is not mindful of their concerns. All that the Government has made clear -- and, indeed, the Prime Minister himself has made clear -- that on the two limited questions of some reports about what the hon. Defence Minister had said and on the demand by certain sections of the Opposition about instituting a judicial inquiry, the Government's viewpoint was made explicit, both by the hon. Prime Minister, as also by me. The Government of the State of Jammu and Kashmir has already ordered an inquiry. The hon. Prime Minister announced that yesterday. Over and above the inquiry already ordered, the Prime Minister made clear here yesterday, when he provided an answer to the clarifications that hon. Members had sought, that after this inquiry is concluded and its report submitted, if there are any additional aspects that required to be looked into, they will be looked into. But on the question of judicial inquiry by the Central Government, the Government's position is clear. The clarity of the Government's position is not simply because the Opposition...*(व्यवधान)*... आप बात कर लें, मैं बैठ जाता हूँ। ...*(व्यवधान)*...

श्री मूल चन्द मीणा (राजस्थान): सर, .....(व्यवधान)

MR. CHAIRMAN: Let the Leader of the House speak.  
...(Interruptions)...

श्री विक्रम वर्मा (मध्य प्रदेश): जब प्रणब मुखर्जी .....(व्यवधान)किसकी अनुमति से बोल रहे थे? .....(व्यवधान)

MR. CHAIRMAN: Let the Leader of the House speak.  
...(Interruptions)...

श्री बालकवि बैरागी (मध्य प्रदेश): सभापति जी की अनुमति से बोल रहे थे।  
.....(व्यवधान)

श्री विक्रम वर्मा : सभापति जी की अनुमति नहीं थी।.....(व्यवधान)

श्री बालकवि बैरागी: हर बात पर खड़े हो जाते हैं। .....(व्यवधान) आप हाउस  
.....(व्यवधान) को करना चाहते हैं। हम नहीं करने देंगे।

MR. CHAIRMAN: Balkaviji, let the Leader of the House speak.  
...(Interruptions)...

SHRI JASWANT SINGH: After all, Sir, this is a political body; both the Houses are political institutions. Political passions will be raised after incidents of the kind that we have recently witnessed in the State of Jammu and Kashmir, we understand that. All that we are saying is, on the limited question of ordering a judicial inquiry, the Government's viewpoint has been made explicit. An enquiry has already been ordered by the State Government. After they submit their report, if anything remains even after that, that too can be looked at. There is a great deal that the country needs to do in combating this menace of internationally-inspired, instigated and promoted terrorism. I know, Sir, that the Opposition is fully with the Government in combating that menace. If, after all this, there are aspects of this situation in Jammu and Kashmir that the Opposition - indeed, even the hon. Members of the Ruling Party alliance - wish to discuss, if the House so decides and if you grant your consent that there should be further discussion on the situation in Jammu and Kashmir, the Government would be fully ready to have another discussion, even after the Prime Minister has replied to the clarifications sought by the hon. Members on his statement

yesterday. Even though we have had a discussion, the Government is not shy of any discussion on any subject, and least of all, on the situation in Jammu and Kashmir because, no doubt, we benefit through discussions. I appeal to the hon. Members of the Opposition; we have had an expression of your discontent, disagreement, with the Government. You have made your point. I think, it is time to move ahead, carry on with the work, not simply of the Parliament, but also of the nation. We can discuss the situation in Jammu and Kashmir whenever you so choose. On the limited question of judicial inquiry, the State Government has already ordered an inquiry. Please respect the State Government's decision, and let us proceed further with the Business before the House.

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, what I wanted to submit, through you, to the House and also to the Government was, we are fully aware of the Government's position. It was made quite clear yesterday by the Prime Minister and the Leader of the House reiterated it twice. But still certain questions remain; that is why we sought your permission in the morning; I did not just get up like anyone getting up and disturbing the House. I sought your permission that I would like to raise a certain issue as per the practice in this House. Many of the old Members are there, including the Leader of the House and on these issues, different political parties have different perceptions. Therefore, there should be an opportunity, an occasion, for them to express their views; and this forum provides that. It is not that the House should accept my view. The only point which I am trying to submit, through you, is, let others also express their views, let me express my view. Why are we, as the principal Opposition party, insisting on having a judicial inquiry? Had the State Government set up a judicial inquiry, perhaps, the occasion would not have arisen. The State Government has not set up a judicial inquiry; it has set up an executive inquiry of a very high level and I do not make a reflection on that. But what we want to emphasise is, certain information should not have come out. Every day, we find in the newspapers something or the other, as I was trying to point out. India Today brought out a certain news item that people were killed not by terrorists but people were killed by the Indian security force personnel. Today, the Times of India. . . *interruptions*) A news item has appeared in the Times of India that the *post mortem* of 20 persons showed that...*(Interruptions)* There is a news item captioned, 'CRPF to blame for part of carnage.' It has talked about the death of 20 persons. *(Interruptions)* If some hon. Members feel that simply because they have

more manpower and just because they are occupying the treasury benches, they can carry on with their business and take the House for a ride, I would say, Mr. Chairman, they can't take us for a ride. We have every right to make our viewpoints. My submission to you is, so far as the Amarnath pilgrims are concerned, the Government of India has a special responsibility. A committee was appointed by a former Home Minister and that committee submitted its report. We demand a judicial inquiry to look into the aspect whether the recommendations made by that committee to provide adequate safety to the Amarnath pilgrims were complied with or not. If there were any lapses or if there were any lacunae, we would like to know, who is responsible for that. Providing safety and security to the pilgrims of Amarnath is much more important in the context of the State of Jammu and Kashmir, to convey a message to the people. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, I would like to express my view. *(Interruptions)*

SHRI PRANAB MUKHERJEE: Mr. Venkaiah Naidu, if you go on disturbing me, ...*(Interruptions)*... We must have a judicial inquiry. *(Interruptions)* Let us see how you run the House. *(Interruptions)* What do they think of themselves? *(Interruptions)* What do they think of themselves? *(Interruptions)*

श्री बालकवि बैरागी: आपकी परमिशन से बोल रहे हैं .....*(व्यवधान)*

श्री सुरेश पचौरी (मध्य प्रदेश): इस सदन के लोगों का सम्मान किया जाना चाहिए .....*(व्यवधान)*

श्री के. रहमान खान: उनको कोई दुख नहीं है .....*(व्यवधान)* कोई प्रोसिजर नहीं है.....*(व्यवधान)*

MR. CHAIRMAN: Please, hon. Members, sit down. *(Interruptions)* Shri Pranab Mukherjee has made his point. The Leader of the House has responded and made the stand of the Government clear. Now the question is, how do we go about it? Should we continue the discussion or...*(Interruptions)* Please, let me understand. *(Interruptions)*

SHRI PRANAB MUKHERJEE: We must continue with the discussion. The whole day we will discuss. *(Interruptions)*

MR. CHAIRMAN: Yesterday we could not take up the Madhya Pradesh Reorganisation Bill, *interruptions*)

SHRI PRANAB MUKHERJEE: I could not complete my submission. *(interruptions)* I must get time to complete my observations. When I got up, I was disturbed. The Leader of the House spoke and we listened. Thereafter, when I started my submission, I was interrupted by three persons. Therefore, I must complete my observations uninterrupted. I can assure you that whatever you would like to say, you can say and we will not disturb you. But this matter must be discussed on the floor of the House so that we can arrive at a decision, *interruptions*) (If you think that simply because some Government business is to be 'taken up, therefore, you can throttle the discussion, it will not be possible ..... *interruptions*)... This matter must be discussed.

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, there is no problem if the Chief Whip of the Congress Party or SOP to other Members from that side want to make any submission. We will not come in the way. ...*interruptions*)...

SHRI PRANAB MUKHERJEE: You are coming in the way. ...*interruptions*)...

SHRI M. VENKAIAH NAIDU: I am making a request to the Chair. *{Interruptions}*... Mr. Chairman, Sir, as per the rules, we have a definite business listed for today *(interruptions)*. Let me make my submission.

SHRI GHULAM NABI AZAD: We will help. We are responsible persons. We will help in transacting the business, but not at this cost. .... *(Interruptions)*...

MR. CHAIRMAN: Please, please *interruptions*)...

SHRI M. VENKAIAH NAIDU: Let me complete my submission, Sir. *(interruptions)*...

MR. CHAIRMAN: The hon. Member, Mr. Pranab Mukherjee *...(Interruptions)*.. The hon. Member, Mr Pranab Mukherjee said that yesterday when he was still in the process of making his submission, his

submission could not be completed, so, he should have the right to complete his submission. If one or two other Members want to speak — some hon. Members from the Treasury Benches also then they will have a right to say *(Interruptions)*... The Leader of the House has already given his position. As a matter of fact, we should have gone ahead with the regular business. But because Mr. Pranab Mukherjee has said that he could not complete his submission yesterday — every Member would like to complete his submission, even from the Treasury Benches - I think we should try to do something. But everybody should agree that we must complete this business of Madhya Pradesh today. ...*(Interruptions)*... If you agree, then I think, everything can be put in ..*(Interruptions)*... I think the Congress Party has agreed that they will see to it that this Bill is passed after the submissions are over,

SHRI GHULAM NABI AZAD: That will depend on the cooperation of the Treasury Benches.

MR. CHAIRMAN: Do not go that far. They will cooperate. ...*(Interruptions)*...

SHRI GHULAM NABI AZAD; In the long run, we are going to cooperate with the Government, as far as transaction of the Government business is concerned. But it cannot be sought if the Government is not acceding to our demand. I think it will not be possible just to do what they want us to do *(Interruptions)*...

SHRI JASWANT SINGH: Mr. Chairman, Sir, I should say that ...*(Interruptions)*... I stand by whatever I said earlier, Sir. After all, I said it openly on the floor of the House. I did not say it lightly. The Government is ready to discuss the entire situation in the State of Jammu and Kashmir all over again. Certainly, you decide. If the collectivity of the House decides that we want to discuss it straightaway, I am the servant of the House to do it. I have just one request that I wish to make and I will make this request in all seriousness. I appeal -- I have no doubt about the sense of responsibility that leaders from the Opposition bring to bear on this discussion - please, in making whatever submissions which you wish to make, do not lightly, just simply, repeat what is appearing in one newspaper or another or in one periodical or another as the final judgment either of the event itself or of the conduct of anyone that was responsible for this situation. The State Government has ordered an inquiry.

I appeal to you that in the process of repeating what appears in the newspapers and journals, you are, through the authority of this House, conferring upon it the dignity and factual veracity that simply cannot be established until the enquiry is over. In the process, therefore, quite unwittingly carried by the passion of the moment, the House may be judging people in a manner that the House ought not to judge. By all means, in whatever fashion you find the conduct of the House, the conduct of the Government or the National Democratic Alliance or any of us as Ministers to be faulted or to be found fault with, it is my duty to listen to you, it is your right to find fault with me. But in the process of finding fault with me -because we all belong to the political community — please do not draw into the dragnet those who are simply not in a position to answer and also the collectivity of the security forces. But I am in your hands, Sir, and, as a servant of the House, I am also in the hands of the collective view of the House. By all means, if the distinguished Leader of the Opposition wishes to make a submission to the House, who am I to say, 'no, he cannot make?' Certainly, we have to. I do not wish to go into this game of which Member from which party did what. In the passion and the heat of the moment, a great many of us do great many things. The challenge lies in simply being able to rise above the partisan passion of the times and situation because what the country faces today is not partisan politics. Sir, I am in your hands.

MR. CHAIRMAN: I think now the situation is clear. He is also saying 'let the Members speak'. But Mr. Ghulam Nabi Azad said that the Government should cooperate. It should cooperate in the sense that every Member can say what he wants to say. But cooperation should not mean that they must demand. If the demand is not accepted, they will not cooperate. That would be a rather tricky situation which will not be good for the House. So, as far as the freedom to speak and make your points which you feel important, is concerned, that may be done. But after it is done and the Leader of the House has responded to the points made by the hon. Members, I think you will all cooperate in passing the Madhya Pradesh Bill today.

SHRI B. P. SINGHAL (Uttar Pradesh): How much time is given for this Bill?

SHRI PRANAB MUKHERJEE : Mr. Chairman, Sir, most respectfully, I would like to submit that so far as the Government Business

is concerned, we are second to none in getting the Government Business approved and nobody can make any complaint that because of us, any Government Business has not been done. So far as any legislation is concerned, so far as any motion is concerned, whatever be the time -- I am not using the word 'waste' — we are spending on deliberating certain issues which are not mentioned in the Order Paper, we make it good and we pass the Government Bills, etc. for which Parliament has been called. I can assure you, on behalf of my party and, perhaps, on behalf of many of us sitting on this side, that so far as Government Business is concerned, it will be transacted, no Business will remain pending at the end of the Session, and again we would not demand that we extend the Session by a day. By 24<sup>th</sup> of August we will transact all the businesses. But, most respectfully, I would like to point out why I raised this issue today. We raised this issue, we were agitated on this issue, and, thereafter, the Leader of the House, in no unmistakable terms, made it abundantly clear that so far as the Government is conceded, the Government is not going to have a second look. The Government may be quite clear. But my submission is little different. Why did I raise this issue? I raised this issue on two counts. You may consider that the issue is being closed.

But, so far as the question of the CRPF's and others' role in Jammu and Kashmir is concerned, everyday, news items are appearing. I had no information until I found in these news items that the post mortem report of the victims of the Pahalgam mayhem, last week, has revealed that, at least, twenty of them were killed by CRPF bullets. Now, many news items are appearing. There is also an item. If you want to read it, you can read it. Sir, a senior official of the Home Ministry has said, "It is possible that they were caught in the cross-fire between the CRPF and the militants. It happens. Innocent people inadvertently come in the way and get killed..." -- he further said — "...Security experts blame the CRPF personnel who are not trained to handle the counter-insurgency task. They are primarily trained to handle the law and order problem and the experts say it on condition of anonymity." My most respectful submission to you, and through you, to the Leader of the House and the Members belonging to the Treasury Benches is, did we not discuss these issues in the past? In Parliamentary Democracy, accident of changing seats takes place. I remember, when I was a young Member, Mr. Jaswant Singh was sitting on this side and I happened to be the Leader of the House, sitting on that side. Many a time we have seen it. Therefore, it is nothing unusual or even unwelcome to

have a debate, to have a discussion, and exchange our views. What do we want? We are demanding, we are expecting, that the issue should be debated in such a manner so that there is no doubt, there is no shred of doubt, in the minds of the people about our transparency and about what has happened. Now, why did this question come up and why did these issues arise? Sir, yesterday, there was some debate and there were some discussions. What we wanted to have, Mr. Chairman, Sir, and what I would like to submit, is this. Somebody is saying that if you want to have an inquiry into this matter to look into this aspect, then it will give some propaganda-handle to certain other countries. India is a mature democracy. Even if we criticise our law enforcing machinery, it will strengthen the system; it will not weaken the system. We are not tin pots or dust pots. We are not tin pot dictators. Over the last fifty years, democracy in our country has matured, and if the Executive is criticised on certain lapses, I don't think it is going to weaken the system. I am quite confident that it is going to strengthen the system.

In regard to the other aspects which were debated, to some extent, I would like to be enlightened by the legal luminaries belonging to this side and that side. Now, it is true; we are not going to have any inquiry with regard to List Two even if the Government of Jammu and Kashmir is going to set up a judicial inquiry; perhaps, we could have expected to wait for that. But a mere administrative inquiry in a matter like this, to my mind, Mr. Chairman, Sir, does not go well with the democratic traditions which we have built up over the years. This House has agitated and, surely, the Leader of the House and the hon. Home Minister will bear with me. The hon. Home Minister first entered Parliament in 1970. Then also, I happened to be a Member of this House. The only difference was; I was sitting on that side and he was sitting on this side. Therefore, he also knows as to for how many days we debated and agitated for the setting up of an Inquiry Commission on the Bofors and the security scam.

For how many days we debated it? How many hours we spent on it? Therefore, if it had been a judicial inquiry, it would definitely have inspired confidence in the minds of the people that the truth will come out. Even otherwise, in a crisis like this, it was necessary. I do appreciate that the situation is sensitive. I do appreciate that the armed forces require certain extraordinary powers to deal with an extraordinary situation. But, at the same time, we must not forget that we are on the stage. What we are doing is not merely confined to ourselves -- international agencies, national

agencies, free Press, judicial initiatives; all these factors are there. If your entire exercise is confined to having a detailed discussion only on the floor of the House, I am afraid, Mr. Chairman, Sir, neither is it going to strengthen the system, nor is it going to help the Government. Therefore, I would like to submit that a judicial probe, which we have been demanding, is absolutely called for. It should be done. A mere administrative investigation -- without making any reflection on the officers who would be conducting the investigation — is not going to help us. Secondly, the point which I was trying to drive at is, before the disturbances started, the Government of India had a special responsibility. If I remember correctly, a committee, namely, the Sengupta Committee, was set up by the then Home Minister, Shri Indrajit Gupta, to look into the security aspects of the Amarnath Yatra. I would like to know whether all those recommendations which were accepted by the Government have been implemented or not. It was not merely the job and the responsibility of the local Government. Of course, the local Government has to play a major role. The Amarnath pilgrimage has a significance not merely because certain people are going to offer their prayers, but its successful completion would have projected an image that, despite being a terrorist-affected State, despite the terrorist activities in that part of the country, normalcy prevails, communal harmony prevails. Since most of these pilgrims are Hindus; while their helpers, their guides, each and everyone are Muslim, it would have been a perfect example of communal harmony, so far as the Amarnath *tirth yatra* is concerned. Therefore, everyone concerned, in this House or outside, would like to see that the Amarnath Yatra becomes a success story, and it is completed as a few more days are there. But if certain lapses are there on the part of the executive, would it be incumbent or not to discuss it, to debate it, to identify the deficiency, and, thereafter, to make recommendations to the Government? And, in that process, if you find that certain information is too sensitive, surely the Members who would like to discuss it, would keep in mind that the judicial inquiry which would be conducted -- a judge will preside over that inquiry -- would surely keep in mind the national interests, and nobody is going to compromise the national interests. Keeping that national interest in view, they will take a view. Sitting on that side for umpteen years, I know what will be response of the Government. I can predict that. But, at the same time, I would like to submit to both Advani ji and the Leader of the House, what you would have done sitting here, please do while sitting there. Don't do what I would have done sitting there!

[8 August, 2000]

RAJYA SABHA

SHRI S. RAMACHANDRAN PILLAI (Kerala): Sir, without seriousness, we are discussing the serious developments taking place in Jammu & Kashmir. We, the political parties, and the people of the entire country, are concerned about the incidents taking place. We have very serious apprehensions in our minds that there are serious security lapses. We know that there are elements which are interested in scuttling this process. We have received information that these elements are trying to do mischief. They were able to do it in seven places. And we have not been able to stop it at any one place. So, there are serious security lapses. (*Interruptions*)

SHRI SIKANDER BAKHT (Madhya Pradesh) : Sir, is it going to be a long discussion or what?

MR. CHAIRMAN: They are short; short interventions by some Members.

SHRI S. RAMACHANDRAN PILLAI : Yesterday, Sir, we had made it clear that we don't agree to the demand for appointing a judicial inquiry on this issue. We don't think that will find a solution to this present problem. Of course, there are doubts. How to clarify those doubts and how to give an assurance to the entire country that such lapses will not be repeated? Of course, we are acting in a very complex situation, and also, some responsibility should be fixed -- those who are responsible for these lapses. So, how to do that? From the Congress side, they are proposing a judicial inquiry. We don't agree with that. But we should try to find a method as to how to go into this entire question and how to fix the responsibility and how to see that such incidents are not repeated in future. Let us have a discussion on this limited purpose. And let us come to some conclusions on this.

MR. CHAIRMAN: Now, Mr. Yadav.

AN HON. MEMBER: Sir, there are two Yadavas.

MR. CHAIRMAN: Prof. Ram Gopal Yadav. He has given his name.

प्रो. रामगोपाल यादव (उत्तर प्रदेश): श्रीमन् यह मसला अत्यधिक गंभीर है, अत्यधिक संवेदनशील है, इस में दो राय नहीं है। सारा देश जानना चाहता है कि काश्मीर में क्या हो रहा है

और भारत सरकार क्या कर रही है। अगर इस मामले को जूडिसियल इंक्वायरी तक सीमित रखा गया तो कुछ हल निकलने वाला नहीं है। श्रीमन् में न्यायपालिका और न्यायधीशों की निष्ठा में पूरा विश्वास व्यक्त करते हुए कहना चाहूंगा कि चाहे शाह कमीशन के रूप में इंक्वायरी हुई हो, चाहे हासिमपुरा मलयाना से संबंधित रही हो, चाहे वह लिब्राहिम कमीशन से संबंधित हो जोकि अभी भी जांच कर रहा है, रंगनाथ मिश्र कमीशन जांच कर चुका है, लेकिन अभी भी सिखों को न्याय नहीं मिल पाया है, श्रीकृष्ण आयोग का मामला भी हमारे सामने है, अब अगर इसे भी जूडिसियल इंक्वायरी में डाल दिया गया तो मामला खटाई में पड़ जाएगा और लोगों को न्याय मिलने वाला नहीं है। इसलिए मैं स्पष्ट रूप से न्यायिक जांच की मांग से सहमत नहीं हूँ।

सभापति जी, मैं चाहता हूँ कि काश्मीर के मामले पर पूरी जांच हो क्योंकि वहां रोज लोग मारे जा रहे हैं और लोग जानना चाहते हैं कि हिंदुस्तान की सरकार और हमारे अधिकारी जो मुंह बंद कर के बातें कर रहे हैं, वह क्या कर रहे हैं। जो लोग एक तरफ यह कह रहे हैं कि काश्मीर बिल्कुल आजाद हो, हिंदुस्तान से अलग हो जाय और जिन का रुख पाकिस्तान समर्थक है, उन के साथ बैठकर चुपचाप गुपचुप तरीके से बात नहीं की जा सकती। इस मामले में सारे देश को विश्वास में लेना ही होगा। दूसरे, अब सारे देश की जनता का धैर्य भी टूट चुका है और अगर मैं गलत नहीं हूँ तो ससद पूरे देश की कलेक्टिव विल को रिप्रजेंट करती है। अब देश की जनता की यह इच्छा है कि सीमा के उस पार जो ट्रेनिंग सेंटर्स हैं, जहां से कि टेरेरिस्ट्स भेजे जाते हैं, उन ट्रेनिंग सेंट्रर्स का ध्वस्त करने की कार्यवाही सरकार करे। इसलिए अब बहुत जरूरी हो गया है कि जनता को विश्वास में लेकर काश्मीर के मामले पर पूरी चर्चा हो। आप रणनीति के तहत उस के लिए क्या कार्यवाही करेंगे, आप सरकार में हैं इसलिए जनता वह आप पर छोड़ देगी, लेकिन अगर इस मामले को आप ने लंबे अरसे तक टाला तो स्थिति दिनों-दिन खराब होती जा रही है। सभापति जी, मैं एक बात और कहना चाहता हूँ कि गृह मंत्री जी पर ही सारी जिम्मेदारी मत डाल दीजिए। काश्मीर के मामले को अब तक गृह मंत्रालय से अलग रखा गया है।

अगर गृह मंत्रालय में रखा गया होता सरदार पटेल के जमाने में तो यह नौबत आ ही नहीं पाती। इस लिए अगर कुछ करना है, कभी कुछ करना भी होगा तो आडवणी जी नहीं कह सकते डिफेंस फोर्सिस से कि अंदर जाइए, जार्ज फर्नान्डीज भी नहीं कह सकते, यह अधिकार प्रधान मंत्री को ही है। इसलिए अगर फैसला लेना होगा तो प्रधान मंत्री को ही लेना होगा और अंतिम रूप से जिम्मेदारी भी प्रधान मंत्री की ही बनती है। केवल सिंगल आऊट करके होम मिनिस्टर के बारे में कहना चाहें, हम उससे सहमत नहीं हैं। काश्मीर का इतिहास उठाकर देख लीजिएगा कि गृह मंत्रालय को उससे अलग करने के ही दुष्परिणाम ये हुए हैं। इस लिए यह समस्या क्यों उलझी, यह नौबत क्यों आई, यह सब कैसे हुआ, जब तक इस पूरे मामले पर सदन में चर्चा नहीं होगी देश की जनता पूरी तरह से नहीं समझ पाएगी कि आप क्या कर रहे हैं और देश की जनता यह स्पष्ट जानना चाहती है कि आप क्या करना चाहते हैं।

इसलिए हमारी यह मांग है कि इस मामले पर अलग से एक दिन, दो दिन, जितना समय निकाल सकें, चर्चा होनी चाहिए और किसी स्पष्ट फैसले पर इस ससद को आ ही जाना चाहिए।

**श्री रंजन प्रसाद यादव** (बिहार): सभापति महोदय, अमरनाथ यात्रियों के साथ जो घटना घटी वह काफी दुर्भाग्यपूर्ण है। इस संबंध में माननीय प्रधान मंत्री जी का स्टेटमेंट आया है कि सुरक्षा की पूरी व्यवस्था थी, पूरी चौकसी बरती जा रही थी, लेकिन इसी सरकार के रक्षा मंत्री का स्टेटमेंट उनसे बिल्कुल भिन्न था और भिन्न-भिन्न समाचार-पत्रों में भिन्न-भिन्न प्रकार के समाचार आ रहे हैं, सी.आर.पी.एफ की भूमिका की भी चर्चा चल रही है। ऐसी स्थिति में हमारी राय बिल्कुल माननीय प्रणब मुखर्जी जी के विचारों से मिलती-जुलती है कि ज्यूडिशियल इंक्वायरी होनी चाहिए। इस पर पूरी बहस भी होनी चाहिए लेकिन ज्यूडिशियल इंक्वायरी निश्चित रूप से होनी चाहिए।

**SHRI J. CHITHARANJAN** (Kerala): Hon. Chairman, Sir, last time when I spoke on this issue, I said that there were some serious lapses in providing security to the Amarnath pilgrims and also in the security arrangements, in general, in J & K. After the hon. Home Minister and the Prime Minister had spoken in this House, several reports have appeared in the Press, giving different versions in relation' to what was said by the Prime Minister and the hon. Home Minister. I do not want to go into all those details. There were some reports that some people were murdered due to interference by our own security personnel. If this was the situation, these things will have to be looked into more seriously. But at the same time, the question is, whether there should be a judicial inquiry or not. Our Congress friends have raised this demand. I disagree with that. I would say that instituting a judicial inquiry in a State like Jammu & Kashmir will not be of any help, due to several reasons. Firstly, immediately, what will be the reaction of the security forces? It will create a feeling among them that they are being let down with the consequence that the activities of the security forces will almost get paralysed, atleast, for the time being. Therefore, it will not be of any help in maintaining peace and providing security to the pilgrims or the others.

Sir, another point is that if a judicial inquiry is conducted, it will take some time. By the time the judicial inquiry comes out with a report, a lot of time will be lapsed; and even if it comes out with a very good report, it will not be of much use to solve the problem which is now there and to find solutions to the lapses which are already there at the moment. Therefore, my suggestion is, instead of demanding and ordering a judicial inquiry, we will have to think of some other alternative; and what shall be the alternative is, of course, a question which has to be discussed in detail. Sir, my suggestion in this in this is, the hon. Prime Minister should convene a meeting of the leaders of the various political parties and have a discussion in order to find an agreed solution to see that the lapses are rectified.

Sir, the other question is related to the attack on Amarnath pilgrims. The Amarnath pilgrims were attacked even before sometimes, and as a result of that some inquiry has been conducted. Sir, that Committee had submitted a report. It will have to be looked into at this moment in order to find out as to whether those recommendations were approved by the Government. Sir, if these recommendations are approved by the Government, I would like to know whether they are implemented properly. And what steps have been taken to provide sufficient protection to the pilgrims? I hope this matter will also be looked into; and my suggestion is that a meeting of leaders of the various political parties will have to be convened by the hon. Prime Minister and the whole matter should be discussed there. Thank you, Sir.

SHRI FALI S. NARIMAN. (Nominated) : Sir, I thank you for giving me an opportunity to speak on this subject. I only rise to say a few words. I support the hon. distinguished Member, Shri Pranab Mukherjee's right to speak, even though I do not agree with what he says. Sir, it is a very important matter. The point he made was that every member does have, on a matter of national importance, to express his views; and I think that this House is very well advised to listen to those views. I have not hesitated to criticise the Government's policies on various aspects, both in the past and in the present, whether before my nomination to this august House or even thereafter. But, on the point at issue, Sir, my views, both legal and political -- if I may express them -- fully accord with the views of the Government. First I come to legal reasons. There is already an on-going inquiry initiated by the State Government on the assumption that this is a matter pertaining to public order, a matter exclusively within the competence of the State Government in List II, and not within the competence of the Centre so far as Jammu & Kashmir is concerned under the proviso to Section (1) of the Commission of Inquiry Act. It could be hypothetically said that this also concerns the security of the State, a wider issue, a matter in List I and, therefore, a matter within the exclusive competence of the Central Government. But, Sir, for the Central Government to take this step, at this stage, would mean that it has already made up its mind that this is not a matter of public order. It is something which I submit in the context of the State of Jammu & Kashmir and Article 370, would not be permissible for the Central Government to do. On the non-legal part, I would respectfully urge for the consideration of this House that the Leader of the House, I believe, has put forward the correct position that there are two stages for consideration by us.

The current situation is that there is an investigation by some high-powered official, non-judicial, ordered by the State of Jammu and Kashmir. Once that report is made, if that report, when read by the Members of the House, does not meet with the scrutiny of the House, that would be time enough for the House to say, "On the basis of its finding, this is not a matter of public order but a matter of the security of the State. There was cross fire. People died etc. etc. by reason of some security lapses." It is at that stage that this would come up. To suggest today that we should pre-empt this enquiry into public order and assume that it is a matter of the security of the State, picking up little bits and pieces from journals, newspapers etc., I respectfully agree with the hon. Leader of the House, would really give credence, an unnecessary credence, to something published outside the House, and it is liable to be misunderstood by the country as being endorsed by the House. This is the reason for my supporting the stand taken by the Leader of the House.

Thank you, Sir.

SHRI M. VENKAIAH NAIDU : Mr. Chairman, Sir, as I said the other day, the nation is facing a challenge. It is a proxy war that is continuing. It has not started yesterday or the day before. After losing three wars, open wars, our enemy is trying to strike us through this proxy war. How mercenaries from different areas have come to Kashmir is a matter known to everybody.

My respectful submission is that when we are dealing with an enemy, we should not deal with the security forces, which are doing a commendable job. Going by the situation prevailing in Jammu and Kashmir, the past history, the tactics of our enemy and the way in which it tried to create an atmosphere and also malign our forces, should be kept in mind. Today, fortunately, the entire international community is appreciating India's stand, that we stand for peace and that we are interested in negotiations. In spite of the fact that some of the groups that had taken to arms and that had been talking of so many things earlier, have come to the table to discuss some issues, and the country is placed in such a situation. Now, going in for a judicial inquiry—I am not going into the legalities of it, and others are there to deal with that--and demoralising the forces is no good. We are not doing anything good to the country.

The propaganda being carried on by Pakistan is that what has happened to the Amarnath *yatris* was a creation of the Indian forces. This is the propaganda of Pakistan. Now, today, if we give credence to the arguments given in any magazine or newspaper in India, whichever newspaper it may be, definitely, we will be demoralising our security forces and we will be giving a handle to our enemy to defame us in the international community.

That being the case, Sir, if one wants to discuss the Kashmir issue, I have no problem. I really feel that people should discuss in depth for one day, two days or three days the Kashmir issue right from 1948 till now, what all has happened. All these things can be discussed. How did people get holed up in Hazratbal? Was there an inquiry? How was Charar-e-Sharief burnt? Was there an inquiry? How have 23,000 persons been killed in Jammu and Kashmir so far? Was there an inquiry? We can think of having inquiries into all these aspects. We can also understand the lapses and the accountability on the part of each and every region. These things can be discussed threadbare, but not now. We are almost in the middle of the proxy war. Our enemy is challenging us. We should unitedly stand together, speak with one voice and foil the attempt of the enemy, rather than trying to score political points. I respectfully submit, Sir, I am not saying that the House has no right to discuss any issue.

I would like to make a personal explanation also. When Pranab babu rose to say something, I really wanted to raise a point of order, and I tried to draw your attention. I have the utmost respect for him. I was just trying to know whether you had permitted him and under what rule it was being discussed. *Itna hi*. Otherwise, I had no intention of stopping him. Even if we want to raise this issue again, there is a proper procedure. I need not tell him or anybody else about it. But my only concern is that once a discussion is allowed, the discussion can cover various aspects. Various facts can be brought to the notice of the country, and people can be enlightened on the issue. But my only worry is this. See what is happening. On the one side, somebody is demanding that Pakistan should be called for the talks. On the other side, some people are trying to put conditions.

[8 August, 2000]

RAJYA SABHA

1.00 P.M.

They have been isolated internationally. One after another nations have condemned them. The American President condemned, the British Prime Minister condemned.

MR. CHAIRMAN: Hon. Members, it is 1'o clock. Because we have to take up the other business also, shall we continue dispensing with the lunch break?

SHRI PRANAB MUKHERJEE: We can have it after lunch.

MR. CHAIRMAN: I think he can complete his speech.

SHRI PRANAB MUKHERJEE: Yes; Mr. Vankaiah Naidu can complete his speech..

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI O. RAJAGOPAL): We can conclude this before we break for lunch. Afterwards we can take up the other business.

MR. CHAIRMAN: He says we can conclude this before we break for lunch.

SHRI PRANAB MUKHERJEE: On this issue, we would like some more hon. Members to participate. If the Treasury Benches agree, we can resume the discussion after lunch. So far as the legislations are concerned, I can assure you that we are not standing in the way of the legislations. All the Government legislations will be passed with due consideration; not without consideration.

श्री संघ प्रिय गौतम (उत्तर प्रदेश): सभापति जी, जो एक दो सदस्य बोलना चाहते हैं, उन्हें बोलने दीजिए और लंच के बाद विधेयक को ले लीजिए।

MR. CHAIRMAN: He says that when we meet after lunch, we will pass the legislations. I think Mr. Vankaiah Naidu can complete his speech and then we will adjourn for lunch.

SHRI M. VENKAIAH NAIDU: Sir, I was referring to the fact that voices are heard from Karachi and Islamabad and then the way in which Pakistan is now trying to find an escape route for all the violence and crimes it has committed against India and against the humanity. They should not be given any credence. Sir, one of the hon. Members has referred to a story, which appeared in a particular weekly. There are also

other reports in various other newspapers. When we bring them to the House, we give credence to them, which have a reflection on such a sensitive matter. Even if a newspaper publishes something, which is not in the interest of the country, I respectfully urge the House that these references should be avoided, in the larger interests of the country's security and also in the larger national interest, particularly, when we are engaged in a proxy war with a country which has often violated all international norms. We have umpteen number of instances where the enemy has done like this. That being the case, the Indian Parliament, the Parliamentarians, and the people in this country have a greater responsibility to show that we are mature enough. As Pranab Babu has said we are mature enough and we will face those situations. Right now, other forces do not want us to succeed. They are trying to strike again. We have seen today that six terrorists were killed by the security forces. A news about this has come today. That means, it is a continuing situation there. That being the case, what is it that we are trying to achieve by a judicial inquiry? We should understand it properly. Fortunately, the State Government is there. The hon. Prime Minister yesterday made it very clear that we are trying to find out whether there was any lapse on the part of any force in a particular sector. The Jammu and Kashmir Government is alive to the situation. They are making an inquiry. The Government of India is also very much concerned. The House has also expressed its concern. As many as 30 hon Members, cutting across party lines, have participated in the discussion. The hon. Prime Minister has also taken time to explain each and every point. He has also explained the Government's viewpoint. The Leader of the House, today has again reiterated it. That being the case, I would urge the House and all the political parties, with all the humility at my command, that they should not use this issue to score a point. This is not an issue where we should appear as if we are divided. This is not an issue where we should try to criticise each other. We have seen, the Prime Minister has taken all the Opposition parties into confidence. All of them have gone to Jammu and Kashmir. That has sent a message to the international community as to how much we are concerned. We have shown our solidarity there. We have shown to the world community that the same tradition will be continued. Let the inquiry be over.

First, let us focus our attention on spoiling the attempts by our enemy. That alone should be the priority of each and every Indian who loves their motherland. Thank you.

[8 August, 2000] RAJYA SABHA

MR. CHAIRMAN: We adjourn for one hour.

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

The House re-assembled at seven minutes past two of the clock,  
MR. CHAIRMAN in the Chair.

MR. CHAIRMAN: Now, Shri Shankar Roy Choudhury.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): Mr. Chairman, Sir, I have been following the discussions and the concerns which have been expressed in this House on the question of a judicial inquiry into the incident of Pahalgam. I would just like to say that the Pahalgam incident is not the first of its kind. There had been earlier incidents of a similar nature. Way back in 1995-96, in Kohima, a column of our own army was ambushed by the NSCN inside Kohima town. They reacted. There was cross-firing and a number of people got killed. In that case, the Nagaland Government did order a judicial inquiry. Thereafter, there were other incidents in Kupwara in the Kupwara Bazar, in the Mukaf Chowk, where there were civilian casualties in the cress-tire. In the latter two incidents, there was no judicial inquiry announced. So, two things I wish to say. An inquiry was ordered in both the cases. In one case, it was a judicial inquiry. In the other two cases, it was a departmental inquiry oh which a report was sent to the National Human Rights Commission. Both served their purpose.

There was a demand for a judicial inquiry in this case. I would only like to make one point. The issue has been raised that such an inquiry will strengthen our entire democratic system, our international projection. That is correct. The world will recognise that indeed India is not afraid of an inquiry into alleged incidents of excesses by its own security forces. We had been doing that earlier also.

I just wish to bring to the attention of this House that we will debate these issues and we look at them from a higher point of view, which is right. But at the ground level, where the soldier, whether he is from the CRPF or BSF or the Army, who is actually facing the bullet, an inquiry does definitely inhibit these responses. There is no doubt about that. I have been through such inquiries. I am not concerned with what impression Pakistan has. We are big enough, and we can ignore what impressions

they have in Pakistan. In our own case, the inhibitions of the troops, their responses to every such inquiry, are inhibited. That is a natural human reaction, and I think, that is a factor we should bear in mind when we are debating the issue, whether we should have a departmental inquiry or a judicial inquiry. To my mind, having, seen both, a departmental inquiry brings out as many facts as a judicial inquiry. Of course, our very hon. and respected Shri Pranab Mukherjee has stated that a demand for a judicial inquiry does not cast an aspersion on the high officials of the Government, who will hold an administrative inquiry. But, I think, by implications, it does cast an aspersion, because it implies, to my mind, that there is a feeling or there is a fear that possibly, an administrative inquiry will not bring out all the facts which a judicial inquiry might do. Hence, in this particular case, keeping all circumstances in view, I would like to support the Government and say that we should have a high level administrative inquiry which has been ordered, and later on, if anything further is to be inquired into, we should have a judicial inquiry. Thank you.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Mr. Chairman, Sir, today, we are discussing a very sensitive issue. Today morning, a report has come from the Himalayas that three bodies of the soldiers, who were killed during the Kargil stand off with Pakistan, have been recovered. Due to cross -border firing and snow fall, these bodies could not be retrieved earlier. The names of these persons who have laid down their lives for the cause of the nation were, Captain Sunil K. Yadav, Sepoy Rajinder Singh and Sepoy Sushil Kumar. They were able to recover these bodies only two days back. In this background, we are discussing the issue regarding the Amarnath firing. Sir, even though there are two opinions about finding the facts regarding the Amarnath firing, we stand as one man on this issue. A message can go to the neighbour from this august House that they should not feel that because of this discussion, we are divided. A clear message should go to the neighbour that so far as the question of unity, integrity and sovereignty of this great nation is concerned, we are one, even though we are discussing the issue in different manners. We will forget our party differences and stand as one man in safeguarding our independence. There can be no two opinions about that. Sir, the Opposition leaders have vehemently argued for some judicial inquiry.

Sir, we have to find out the truth; i agree, but, at the same time, we should know the ground reality. What is the ground reality? What was

reported in the Press yesterday is denied today. What for we adjourned the House yesterday, the reason for which we adjourned the House is actually nullified today. The Defence Minister has refused that, he has denied that. I quote from *the Pioneer*:

"DEFENCE MINISTER George Fernandes on Monday denied to have said that the massacre of Amarnath pilgrims could have been avoided or that there had been any security lapse."

"In fact, I said that the security forces had done their best at Pahalgam. I did add that the Government would put in place a more effective security arrangement for future years," Mr. Fernandes said in a statement.

Sir, what appeared in yesterday's newspapers is denied today. Therefore, what appears in today's newspapers or what we have quoted today in the House may be denied tomorrow also. So, merely based on media reports, we cannot come to any conclusion. That does not mean that we should discard all the reports appearing in the Press. We cannot take for granted every report appearing in the Press; that is my contention.

Sir, already, the State Government has appointed a Committee to inquire into the matter. The Committee is headed by a General Officer-in-Command of the Unified Command. He is not an ordinary Tehsildar or a Revenue Officer or an R.D.O. or a D.R.O. He is a General Officer-in-Command of the Unified Command. It includes the Home Secretary, and also the Deputy Commissioner of the District. It clearly shows that the Jammu and Kashmir Government has taken an appropriate action to find out the truth. The Home Secretary knows the ground reality of that particular place. The Deputy Commissioner has been included to find out as to what has exactly happened on that particular day. To exclude politics from the judgement that is going to be arrived at by the Committee, it is headed by a General Officer-in-Command of the Unified Command. If once the State Government is seized of the matter, and if he says that the Central Government should also initiate another inquiry, that is against the principle of federalism. That is what I feel. I feel so, Sir, because, we know, in eleven States in India, insurgency has taken place in different degrees. Every day, we come across issues like this. If, to find out the

truth, for each and every thing, the Central Government starts appointing a committee, then what will happen? If you say that it is only the Committee appointed the Centre, or it is only the judicial inquiry held by the Centre, which can find out the truth, then what about the Committee appointed by the State Government? Therefore, it is totally against the principle of federalism. That is what I feel. At this juncture, what I expect of the Central Government is that it should help the State Government. If the State Government requires anything from the Centre in the form of any information or any intelligence report, it should provide the same to them. The Central Government should support and help them by providing that information. That is what I feel. Therefore, Sir, a Committee has already been set up to probe the possible security lapse. Yesterday, our hon. Prime Minister clearly told us that a nation of one billion could not be judged by terrorism and violence. It is a message which I think has reached the other side. That is why they want to have a dialogue with our Prime Minister during the month of December. They are putting pressure on U.S. to have a 'darshan' of our Prime Minister. That is the situation. When it is so, we feel that we must strengthen the hands of our Prime Minister. When he goes abroad, and when he goes to America, the entire nation, whether it is the ruling party or the Opposition party, or whichever party we belong to, should stand by him. They do not want to stand with the NDA, but, they want to stand by the Prime Minister. I feel that what we have taken at this juncture, is the appropriate decision. We should not detract from that position. That is what I feel. Therefore, let the Committee appointed by the Jammu and Kashmir Government go into the matter and probe the lapse.

If the hon. Members of Parliament still feel that it is not sufficient and some further probe is necessary, we can do so. Yesterday, the Leader of the House has very clearly stated that it is unconstitutional, I totally agree with him. Once a committee is set up by the State Government, if the Centre enters in that arena, it is entirely unconstitutional I stand by the Leader of the House. Therefore, I fully support the decision taken by the State Government, if any further information or help is needed by the State Government, that should be provided by the Central Government. If the hon. Members feel that the truth has not come out, the Central Government may further probe it, if necessary.

With these words, I conclude and we support the Government in its every move.

SHRI R. MARGABANDU (Tamil Nadu): Sir, it is unfortunate to say that a judicial inquiry is insisted on the information given by the media. Day in and day out, the life of the common man in Kashmir is in danger. People are not able to live peacefully, it is a very heinous crime that has been committed. It has posed a grave threat to the nation, and the sovereignty of the nation is challenged.

The security of the nation is also at stake. If it is a small incident or any such thing that has happened in a particular State, an inquiry by the Department can be accepted. But since it is a case which involves foreign terrorists, great care should be taken by the Government. Ignoring the security lapses or taking them in a light way may not be appropriate. A judicial inquiry is needed to find out the truth. A commission of inquiry is only to find out the truth. I appeal that the inquiry commission must give its report as early as possible. If any security lapse is there, it has to be rectified. Merely saying that finding out the security lapses will demoralize the security forces is not a proper argument. If any security lapse is there, it will affect the entire nation. The security lapses, if found out, have to be rectified as early as possible. This controversy has been brought to the House only on account of lack of collective responsibility on the part of the Government. The Prime Minister and other Ministers state that proper security arrangements have been made. But a Minister holding an important portfolio, the Defence Minister, says there is a security lapse. Today, the version has been changed. Anyway, a message has gone to the nation that there is a security lapse on the part of the Central Government and that there are contradictory opinions in the Government. In these circumstances, it is necessary that a judicial inquiry commission must be appointed to find out the truth and the deficiencies, if any, must be rectified. The situation cannot be treated in a light way. It should not be considered in a light manner. Effective steps should be taken. If the Indian Government wants to protect Kashmir and wants to see that it continues to be with Indian sovereignty, greatest caution is needed and, therefore, a judicial inquiry is needed. I stand for a judicial inquiry and feel that a judicial inquiry has to be ordered. My humble request is that the report of the inquiry commission must be made as early as possible so that any security lapse, which has occurred, can be rectified as early as possible without demoralising the security forces. Thank you.

श्री संजय निरुपम (महाराष्ट्र): आदरणीय सभापति महोदय, 12 बजे से इस विषय पर चर्चा हो रही है। प्रश्न इतना है कि इस पूरी घटना की छानबीन कैसे हो। इस तरफ का विचार

कुछ है, उस तरफ का विचार कुछ है। कोई जरूरी नहीं कि दोनों तरफ का विचार एक हो। मतभेद तो रहेंगे ही। जब तक जनतंत्र रहेगा, तब तक मतभेद रहेंगे। लेकिन कई ऐसे मुद्दे होते हैं जिन विषयों पर, जिन मुद्दों पर मतभेद नहीं होना चाहिए। हमारे लीडर श्री बाला साहब ठाकरे जी ने जो हमें सिखलाया है, उनकी सीख के आधार पर मैं जो कहना चाहता हूँ, वह यह है कि कुछ मुद्दों पर मतभेद न करें जहां राष्ट्रीय हित का मुद्दा आ गया उन मुद्दों पर सहमति होनी चाहिये। इंडिया टूडे में क्या छपा या हिन्दुस्तान टाइम्स में जो कुछ छपा या 'टाइम्स आफ इंडिया' में जो कुछ छपा, निश्चित तौर पर अगर उसमें थोड़ी भी सच्चाई है तो वह दुर्भाग्यपूर्ण घटना है। ज्युडिशियल इन्क्वायरी इस मुद्दे पर नहीं मांगी जा रही है कि वहां अमरनाथ यात्री मारे गये, जितना मैं कांग्रेस का पक्ष समझ पाया हूँ, उस हिसाब से अदालती जांच की मांग वहां से शुरू होती है जब इन्हें पता चलता है कि आर्मी या सी.आर.पी.एफ के जवानों ने अनजाने में या जानबूझ कर के गोली चलाई। यानी जो मुख्य घटना है, अमरनाथ यात्रियों के हत्याकांड से जुड़ा जो मुख्य प्रश्न है, उस प्रश्न से मुझे लगता है कि बहुत ज्यादा चिंता नहीं हो रही है, चिंता इस बात की हो रही है कि वहां आर्मड फोर्सज ने यह सब किया, इसलिए छानबीन होनी चाहिये। अगर उन्होंने किया, नहीं भी किया, कुछ भी हो, छानबीन होनी चाहिये। अब यह छानबीन कैसे हो, यह महत्वपूर्ण है। अगर ज्युडिशियल इन्क्वायरी होती है तो निश्चित तौर पर इस विषय की जो संवेदनशीलता है, उसको समझते हुए आने वाले दिनों में खतरे पैदा हो सकते हैं। हमारे अखबारों में जो आज कल छप रहा है हम सब को याद होगा कि जिस दिन यह घटना घटी एक अगस्त को उसके तुरंत बाद जो सब से पहले इस तरह की बात कही गई थी वह पाकिस्तान के तरफ से कही गई थी। पाकिस्तान ने सब से पहले कहा था कि आतंकवादियों ने वहां पर हमला नहीं किया बल्कि हिन्दुस्तान की आर्मड फोर्सज ने यह सब कुछ किया है। यह पाकिस्तान का दुष्प्रचार था। उस प्रचार को हम यहां सदन तक ले कर आ गये हैं और उसके अंदर जो छिपे हुए तथ्य हैं, उन तथ्यों पर हम चर्चा करने जा रहे हैं। इस तरह की चर्चा, इस तरह की बातों से पाकिस्तान का जो दुष्प्रचार रहा है, उसको हम बल दे रहे हैं, उसको हम मजबूत करने जा रहे हैं। बड़ी मुश्किल से अंतर्राष्ट्रीय समुदाय में हमने पाकिस्तान को एक्सपोज किया था। आज पाकिस्तान जो लगभग आइसोलेट होता जा रहा है इंटरनेशनल कम्युनिटी में यह सब देख कर अच्छा लगता है। पाकिस्तान को एक टेररिस्ट स्टेट घोषित करने में हमें जो सफलता मिलनी चाहिये थी भले उतनी नहीं मिल पाई है लेकिन एक आधार बनता चला जा रहा है अंतर्राष्ट्रीय स्तर पर इन बातों को महत्व दिया जाने लगा है। अब प्रश्न यह उठ रहा है कि यह कब होगा, कब उसको आतंकवादी देश घोषित किया जाएगा। लेकिन हम इस तरह की ज्युडिशियल इन्क्वायरी के बहाने इस तरह की बातें उठाएंगे कि कश्मीर में जो इंसीडेंट हुआ है उसमें आतंकवादी संगठनों का कम रोल था, ज्यादा भूमिका हमारे आर्मड फोर्सज की रही है या सी.आर.पी.एफ के जवानों की रही है या बी.एस.एफ के जवानों की रही है या आर्मी आफिसर्स की रहीं हैं, इस तरह की बातों से अंततः कहीं न कहीं जा कर के पाकिस्तान का जो दुष्प्रचार है, उसको बल मिलेगा और पाकिस्तान फिर कहेगा कि देखिये हिन्दुस्तान की सरकार के द्वारा ज्युडिशियल इन्क्वायरी की डिमांड जो कांग्रेस की तरफ से आई उसको टुकरा दिया गया, निश्चित तौर पर हिन्दुस्तान की सरकार कुछ छिपाना चाहती है। कल ही अटल बिहारी वाजपेयी जी ने बहुत स्पष्ट तौर पर कहा कि हमारे पास छिपाने के लिए कुछ नहीं है, जो कुछ भी है, सामने है। फिर भी अगर लग रहा है तो एडमिनिस्ट्रेटिव इन्क्वायरी भी अपने आप में एक महत्वपूर्ण इन्क्वायरी होती है और उससे भी छानबीन होती है। ज्युडिशियल इन्क्वायरी के अब तक हथ्र क्या हुए हैं। कितने न्यायिक आयोग बने, उन जांच

आयोग की रिपोर्ट कहां आज? खुद जम्मू कश्मीर में वहां की सरकार ने अलग अलग घटनाओं की ज्युडिशियल इन्क्वायरी कराई थी वह रिपोर्ट कहां हैं आज? जब भी कोई जांच आयोग बनता है तो उसकी रिपोर्ट आने में पांच-सात साल लग जाते हैं और उसकी बाकायदा छानबीन चलती रहती है, विटनेसेज को बुलाते हैं और उनका क्रास एग्जामिनेशन होता है क्रास एग्जामिनेशन में बहुत सारी इस तरह की चर्चा हो जाती है जो चर्चाएं अखबारों में आती हैं जबकि उनको अखबारों में नहीं आना चाहिए लेकिन आती है। उसके बाद पांच साल बाद जब रिपोर्ट आती है तो रिपोर्ट कौन लागू करने जाता है। आज तक कितनी रिपोर्ट लागू हुई है? हमारे यहां बार बार श्रीकृष्ण आयोग की रिपोर्टों के बारे में बोला जाता है, अभी जनेश्वर जी भी कुछ बोल रहे थे। इसके लिए हमारा कोई ऐसा विरोध नहीं है लेकिन जब एक घटना घट जाती है और उसके पांच सात साल बाद जब रिपोर्ट आती है तब तक जखम भर चुके होते हैं। फिर आप उस रिपोर्ट को लागू करने की बात करते हैं तो फिर जखम हरे करने की बात आ जाती है। जो एक रिश्ता ठीक हो गया, माहौल बदल गया, सुधर गया तो फिर से बिगाड़ने जैसी बातें निकल कर आती हैं। इसलिए मेरा ऐसा कहना है कि ज्युडिशियल इन्क्वायरी जैसे कह रहे हैं राजनीतिक मुद्दा बन गया है, इस मुद्दे पर सरकार की तरफ से अपने ढंग से जबाब आता रहेगा लेकिन मेरा व्यक्तिगत तौर पर ऐसा मानना है कि कश्मीर में जो कुछ भी हुआ एक दर्भाग्यापूर्ण घटना थी, 24 घंटे में 6-6 जगह इस तरह की दुर्घटनाएं घटी, 6-6 हादसे हुए। पहलगांम में जो कुछ हुआ वह तो बहुत ही बड़ा हादसा था भगवान ना करे कि इसके बाद कभी इस तरह का कोई हादसा हो और उस हादसे की जांच जिस तरह से हो रही है, वह अपने आप में प्रयाप्त है और किसी भी तरह की न्यायिक जांच में अपनी तरफ से, अपने पक्ष की तरफ से नहीं कर रहा हूं। धन्वाद।

DR. KARAN SINGH (Delhi): Mr. Chairman. Sir, this whole debate can be looked at in two dimensions. Many broader issues have been raised with regard to the Jammu and Kashmir situation — the conflict with Pakistan over 53 years, the three wars, the Kargil war, the eleven years of Pakistan-backed militancy, the cross-border terrorism, the National Conference's demand for autonomy, the talks which the Government of India is reported to have had with the Hurriyat Conference and then the dramatic offer of the Hizbul Mujahideen, namely, the three-month ceasefire. These are all matters pertaining to the broader problem and questions relating to Jammu and Kashmir. I certainly agree with what the Leader of the House has said that this House should have an opportunity to debate and discuss these issues in some depth. Obviously, that cannot be done today. Some time will have to be fixed before the House rises in this Session. We still have another fifteen days or so, and, perhaps, in the next eight to ten days, the position may somewhat become clear and then it would be a good opportunity for the Rajya Sabha to have a debate, in depth, on the entire gamut of the Jammu and Kashmir situation. I do not want to even touch upon that now. Mr. Chairman, Sir, I have a very special relationship with the State which was founded by my ancestors. It was my father who signed the Instrument

of Accession. I was the head of the Sadar-e-Riyasai for 18 years. I represented the State in the Lok Sabha for 18 years. Without casting any reflection on anyone, I do not think there are many people in this country who know more in depth about that State than I do. But this is not the occasion to go into those details. Today, Sir, we are dealing with the limited issue of the tragic events on the 1<sup>st</sup> and 2<sup>nd</sup> of August in which almost a hundred people were gunned down in cold-blood in different incidents in the Kashmir valley as also in the Jammu region, in Doda. Sir, the Amarnath yatra has a very special significance; as Pranabbabu has pointed out, it is a unique yatra. It goes back to the dawn of history; it was during the times of the Mughal rule in Kashmir that the yatra began getting well-known. And, when the yatra takes place, it is a combined effort of the Hindus as well as जीम Muslims. It is an extraordinary event for those of you who have been there. Most of the porters, most of the horse-people, are Muslims. They are saying ला इलाही इल लल्लाह and the yatris are saying, ओम नमः शिवाय, ओम नमः शिवाय। Taking God's name, these yatris go towards the cave. This is a very unique pilgrimage, and you will be interested to know that this is perhaps the only place in India where one-third of the offerings go to the Muslim Malik families; one-third goes to the Mahant and one-third goes to the Pandas of Matan. So, it is certainly a unique pilgrimage. A large number of people are going there, and this year the rush has been even more than before. So, what we have to see now is: What should be done to look into these tragic incidents? I am somewhat surprised when some friends on the other side, including my young friend, Shri Sanjay Nirupam, said that the Congress was not interested in the welfare of the Amarnath yatris but that they were only trying to find fault with the security forces. This is entirely wrong. Let me assure you, my dear Sanjayaji. long before you were born, I was interested in the Amarnath yatra. I used to perform pujas at the Chhadi-Mubarak in the Dashanami Akhada every year. We were all deeply involved with it. मैं तो भगवान शंकर का अनन्य भक्त हूँ। “ यत यत कर्म करोमि, तत तत अखिलम शम्भो तवाराधनम्” We are very deeply hurt we are very deeply mortified what has happened. My friend, Shri Venkaiah Naidu, said that the House should not take cognisance of any report that appears in the newspapers.

Mr. Chairman, Sir, we live in a democracy. When reports begin appearing in newspapers, lakhs and lakhs of people throughout the country read them. How can the House remain indifferent? Then, of course, we have our irrepressible Defence Minister who apparently, on tape, has said

certain things which he subsequently denied. Mr. Chairman, Sir, he reminds me one of the marvellous cartoons by Laxman, of a Minister standing before the microphone and saying, "In order to prevent any misunderstanding, I deny, in advance, the statement that I am now about to make".

SHRI T. N. CHATURVEDI (Uttar Pradesh): Perhaps, it is borne out of your own ministerial experience!

DR. KARAN SINGH: I have said that it is Mr. George Fernandes on tape. So, the point is this. There is a certain amount of confusion, distress and disturbance in the public mind. Now, I, myself, happened to be an honorary Major General in the Indian Army. Of course, Gen. Shankar Roy Chowdhury was the Chief of the Army Staff; I was not as senior as he had been. We are all involved in the armed forces. Our families are involved. Our communities are involved. Our armed forces, from Tawang, on the one hand, all the way up to Uri, on the other, are, day-and-night, guarding our security. We sleep in peace because of our armed forces. How can anybody say that anything any party - far less the Congress that has been the ruling party for so many years and that is now a responsible opposition -- may do, will be either against the interests of the security forces or that it will be playing into the hands of Pakistan. This is a very wrong and a very unfair approach. I would submit that to make these sorts of references is not fair. We are all, in this House, dedicated to the national welfare and, therefore, Sir, I have a constructive suggestion. I have not had the opportunity yet to discuss it within my own party. Pranab babu has put forward very clearly our point of view. But I have a constructive suggestion which might get us out of the present deadlock. Don't forget that apart from the Amarnath Yatris who were killed, on that day, 27 Bihari labourers were gunned down. People were killed in Kupwara. People were killed in Pogalparistan. Sir, the National Conference is an ally of the National Democratic Alliance. The National Conference representatives sit on the Council of Ministers of the National Democratic Alliance Government. Why can't the Prime Minister use his immense charm, tact and authority to persuade the Chief Minister of Jammu and Kashmir to appoint a judicial inquiry to look not only into this incident of the Amarnath Yatris, but also the other incidents? Why were the Bihari labourers shot down? Who shot them down? Clearly, these were elements who did not want the peace process to go *on*. Clearly, these were anti-national elements. There were Hindus and Muslims; Muslims were killed in Kupwara; Hindus were killed in

various other parts. Let the Government of Jammu and Kashmir appoint a judicial inquiry. There are very eminent sitting judges in Jammu and Kashmir. Let the Prime Minister persuade Dr. Farooq Abdullah. Let me say one thing. The present departmental inquiry — I am not going into who is on it -- will not carry any credibility; let us be very clear about it. It will not carry credibility, for various reasons into which I need not go. On earlier occasions also, the Jammu and Kashmir Government has ordered judicial inquiry. If Dr. Farooq Abdulla can be persuaded that instead of this limited inquiry, departmental inquiry into one incident, he appoints a sitting judge who inquires into the totality of the incidents on the 1st and the 2nd of August, it will set everybody's mind at rest; it will solve the present deadlock, and I think all sections of this House should welcome this move and then we can get on with the process of passing our legislations and also of safeguarding the national interest.

SHRI R. K. ANAND (Bihar): Mr. Chairman, Sir, I am not going into the legality of the Lists I and II of the Constitution of India for the purpose of supporting or not supporting as to whether an inquiry can be conducted under the Commissions of Inquiry Act. If we go legally, much can be said from both the sides about the applicability and non-applicability of the Commission of Inquiry Act. But, Sir, the question is, what is the real object of an inquiry to be conducted under the Commissions of Inquiry Act. The object is to find out the true facts about the incidents which caused this massacre, for the benefit of the Government, so that steps can be taken to prevent such occurrences in future.

Sir, a high level official inquiry has already been ordered. There is no allegation of bias against any of them, nor such allegations are sought to be levelled. We cannot rely solely on newspaper reports or periodicals' reports. Even if they are correct, the same can be considered by the Committee. We have seen the undue delay in the process of judicial inquiries and action taken thereupon. In view of the urgency of the situation and in the fitness of things, we should await the report of the Committee constituted by the Government of Jammu and Kashmir, and if we find that such report is lacking in some areas, there would be nothing wrong in having a discussion on the report in this House. But at this stage, to rely on these newspaper reports and making a base for holding a judicial inquiry, will amount to sending a wrong signal to Pakistan, and is certainly not in the interest of the nation, especially when the Government is contemplating to

hold peace talks. Thank you. Sir.

SHRI PRAFUL PATEL (Maharashtra): Mr. Chairman, Sir, the House is seized of a very important subject of national interest; therefore, my friends who have been asking for...

MR. CHAIRMAN: Are you speaking from your own seat?

SHRI PRAFUL PATEL: No, Sir.

MR. CHAIRMAN: Then, go to your own seat.

SHRI PRAFUL PATEL: Sir, I have requested for a change of seat.

MR. CHAIRMAN: Seats are not changed that way.

SHRI PRAFUL PATEL: I am sorry, Sir.

MR. CHAIRMAN: All right.

SHRI PRAFUL PATEL: Sir, the House is seized of a very important matter of national interest. Though the Prime Minister made a statement on the subject in the House and some discussion also took place on that, it would be unfair to the Members belonging to some sections of the House who have been demanding since morning that further discussion should be held on this matter, if such a discussion is not held. I think it was a fair demand, and I am thankful that the Government also saw merit in this argument and, therefore, this discussion is going on.

Sir, the Kashmir problem is a complex problem. Time and again, in this House and outside, we have been discussing this problem. The Home Minister is here, though this incident is not directly connected with his Department, as, in Kashmir, there is a problem of unified command because we see that the Army is operating there; the BSF is operating there; the CRPF is operating there and to find the local police of Jammu and Kashmir is also operating there. Therefore with the complex structure of the armed forces and the security forces, it is but natural that there could be incidents of the kind which have occurred. The newspaper reports have suggested that the security forces were involved in the cross-fire which resulted in the

death of some of the *yatris*. It is very unfortunate. It would be rather unfair to the newspapers also; because of their investigative journalism and their efforts, if they have been able to unearth some lapses of the kind which have taken place, I think the Government should also take a very serious look at it and it should have more concern on this issue.

In view of the cross-border terrorism in Kashmir and the sensitivity of the matter, I think, the Government, in its wisdom, has taken a decision that the judicial inquiry, for the time being, should be kept in abeyance, and an inquiry, as instituted by the Government of Jammu and Kashmir, would be the first step in trying to find out what the truth is. Sir, on behalf of my party and on my own behalf, I would like to reiterate that the Kashmir problem is very serious. Shri Virumbi rightly said that the entire House stands united on the issue of resolving the Kashmir problem, on the issue of facing the threat from Pakistan and from other underground groups which are operating in Kashmir. In fact, all sections of the House appreciated the hon. Prime Minister when he visited Pahalgam immediately after that incident. Leaders of all the political parties accompanied the Prime Minister in a bid to show that the entire country is one on this issue. I think that was the first step which was taken towards confidence building measures.

The second step to build up confidence has been done by the Jammu Kashmir Government by instituting a high-level inquiry. I believe and trust your words, Sir, when you have stated that the stature of the people conducting the inquiry is very high and much above board. Therefore, for the time being, we should rely on the inquiry which has been instituted. At the same time, I would like to remind you that yesterday, the Prime Minister, when he spoke, assured that the Government would spare no efforts to go further deep into the matter and it would be agreeable for any other kind of inquiry, which would be in the fitness of things, to get the truth out from what has happened. Sir, I would urge the Government to not only go ahead with the present inquiry but also, in future, if there are some facts which are brought out not only by the media, but by the inquiry itself, the Government should not shy away from taking further efforts to let the truth come out. At the same time, keeping in view the sensitivity of the matter and the situation in Jammu & Kashmir, I do not think a judicial inquiry is desirable.

**श्री गुलाम नबी आजाद:** माननीय सभापति महोदय, एक कश्मीरी होने के नाते मैं अपने

आपको सौभाग्यशाली समझता हूँ कि हमारा भारत धर्मनिरपेक्ष है और इस देश के दो महान तीर्थ-स्थान —माता वैष्णो देवी और अमरनाथ जी- जम्मू-कश्मीर में हैं और यह भारत की तथा विशेष रूप से कश्मीर की धर्मनिरपेक्षता की एक बहुत बड़ी निशानी है। माता वैष्णो देवी के दर्शन के लिए जहां हर साल तकरीबन 40 से 50 लाख यात्री देश के कोने-कोने से आते हैं, वहीं इस साल बहुत अरसे के बाद, कश्मीर में आतंकवाद होने के बावजूद भी ऐसा वातावरण बना, ऐसा माहौल बना कि वहां लाखों की संख्या में तीर्थ-यात्री गए और इसके लिए मैं न सिर्फ सरकार को बल्कि उससे भी ज्यादा वहां के लोगों को बधाई दना चाहूंगा। इस साल 1.70 लाख के करीब यात्री वहां पहुंच चुके हैं और 15 अगस्त को मुझे लगता है कि इनकी संख्या 2 लाख से भी ऊपर पहुंच जाएगी। जैसा डा. कर्ण सिंह जी ने बताया मैं भी कहना चाहता हूँ कि आर्मी, फौज, बी.एस.एफ, सी.आर.पी.एफ., पुलिस शायद सिक्योरिटी दे सकते थे लेकिन जब तक वहां के लोग माहौल वहां नहीं बनाए, तब तक कुछ नहीं हो सकता। डा. साहब ने कहा कि वहां छोड़े वाला, तांगे वाला, चाय वाला, दुकान वाला, सब्जी वाला, यात्रियों को पीठ पर उठाने वाला, यात्रियों को पालकी पर उठाने वाला, इनमें मैक्सिमम लोग मुसलमान हैं, लेकिन मैं कहना चाहूंगा कि उनमें 100 प्रतिशत मुसलमान हैं और वहां के लोकल लोग हैं। जब हालात ठीक थे तो जम्मू वगैरह के लोग भी वहां पर होते थे, लेकिन जब से आतंकवाद है, वहां बाहर का कोई नहीं है, जम्मू का भी कोई नहीं है, 100 परसेंट वहां के कश्मीरी लोग हैं। ऐसे माहौल में, जब दो-तीन लाख लोग वहां हों, तो वहां पर वहां के कई हजारों मुसलमान भी पार्ट एंड पार्सल हैं, जिनकी सहायता और मदद के बिना वे यात्री सकुशल यात्रा नहीं कर सकते। इसलिए हमारे इन साथियों का कहना है कि हमारा पार्टिजन ऐटिच्यूड है, चाहे रिकार्ड में आया हो या न आया हो, सही नहीं है। कभी-कभी हम अपने साथियों की बातें, जब हम कान में आला लगाते हैं, वे आपस में बात करते हैं, कभी छोटी भाषाओं में, इशारों में बात करते हैं, लेकिन हम उसको समझकर नजरअंदाज करते हैं, लेकिन जो डा. कर्ण सिंह जी ने बताया उससे हमारा दिल बहुत दुखता है। कोई भी फोर्सिस के खिलाफ नहीं है। आप तो फोर्सिस आज देख रहे हैं हम और डा. साहब तो बहुत पहले से देखते आए हैं और मैं तो 1947 के बाद पैदा हुआ हूँ, उस दिन से फोर्सिस देख रहा हूँ और इसलिए हमारा उनके साथ संबंध आम लोगों से ज्यादा है, हमारा प्रेम-प्यार उनसे आप लोगों से ज्यादा है। कभी-कभी आपका हर चीज में ज्यादा प्रोएक्टिव होना, प्रोएक्टिव धर्मनिरपेक्षता में, आर्मी में, आप ही हैं और कोई नहीं है, यह भी हमारे कम्पोजिट कल्चर के लिए एक प्राब्लम खड़ी कर देता है। मैं आपसे निवेदन करूंगा कि कश्मीर में एक मिसाल दी जाती है कि इस साल पैदा होने वाली चिड़िया दूसरी चिड़िया से कहती है कि पिछले साल बहुत बर्फ पड़ी थी। दूसरी चिड़िया ने कहा कि पिछले साल तो मैं पैदा हुई थी, तुम तो पैदा ही नहीं हुई थी तुम कैसे पिछले साल की मिसाल दे सकती हो? इसी तरह आप लोग पिछले साल की मिसाल उनको देते हो जिनका इतिहास 115 साल पुराना है, जहां हजारों और लाखों लोग हिंदुस्तान की आजादी के लिए मारे गए...(व्यवधान)...उस वक्त मैं नहीं था, मेरा बाप था, मेरा दादा था। उस 115 साल वाले को इस साल वाली चिड़िया कहे कि पिछले साल बड़ी बर्फ पड़ी, यह ठीक नहीं है। मैं यह मानने के लिए तैयार नहीं हूँ। हम सब धर्म निरपेक्षता पर विश्वास रखने वाले लोग हैं, चाहे वे इधर हों, चाहे वे उधर हों लेकिन जिस परंपरा को, जिस आईडियोलॉजी को हम जानते हैं, वह आईडियोलॉजी देशभक्तों की है, उसमें कोई भी देश के खिलाफ नहीं है, यह मानकर चलना चाहिए। हर चीज को आप अपने से मत जोड़ा करिए कि एक ही साईड देशभक्त है, दूसरी साईड नहीं है।

जहां तक इन्क्वायरी का संबंध है, उसमें दो-तीन मुद्दे हैं कि क्यों जुडिशियल इन्क्वायरी होनी चाहिए और क्यों हम ऐक्जीक्यूटीव इन्क्वायरी के हक में नहीं है ? सबसे पहले तो यह कहा गया है कि जुडिशियल इन्क्वायरी हुई नहीं। मैं आपको याद दिलाना चाहता हूँ कि 1993 में जनवरी के महीने में 7 या 9 जनवरी को सोपूर में एक बहुत बड़ी घटना हुई थी जिसमें बहुत से लोग मारे गए थे, अहलुवालिया जी को मालूम है। पार्लियामेंटरी अफेयर्स मिनिस्टर होने के नाते मैं एक डेलीगेशन लेकर वहां गया था, उसमें अहलुवालिया जी भी शामिल थे। उसमें 50 से ज्यादा लोग जल गए थे, आग लगी थी। अब आग लगी थी या लगाई गई थी, जैसे आज विवाद है, उसी तरह का विवाद उस समय भी था। तो हमने गवर्नमेंट ऑफ इंडिया की ओर से जुडिशियल इन्क्वायरी बिठाई थी। अगर मुझे ठीक याद है तो पंजाब हाईकोर्ट के जस्टिस अमरजीत चौधरी इसकी इन्क्वायरी की थी। उस वक्त भी यही विवाद था और लोग कहते थे कि ये फोर्सेज हैं। मैं पूछना चाहता हूँ कि 1993 से आज तक क्या हुआ? क्या फोर्सेज का मॉरल नीचे चला गया? मैं आपसे कहना चाहता हूँ कि यह यहां नयी चीज लगती होगी लेकिन कश्मीर में 10 साल से यह रोज चलता है।

**श्री संजय निरुपम:** उस कमेटी की रिपोर्ट कहां है वह रिपोर्ट इंप्लीमेंट हुई या नहीं ?

**श्री गुलाम नबी आजाद:** मैं आता हूँ उस पर, मैं अभी उस पर आता हूँ। पहले आप सुन लीजिए फिर बताइएगा। इसी तरह से पिछले डेढ़ दो साल में सुरनकोट की इन्क्वायरी हुई और अभी छत्ती सिंहपुरा में यह इंसिडेन्ट हुआ। अनंतनाग में स्टेट गवर्नमेंट ने जुडिशियल इन्क्वायरी की। आप कहते थे कि रिपोर्ट प्रकाशित हो या न हो, लागू होनी चाहिए। मैं मानता हूँ कि भले ही रिपोर्ट प्रकाशित न हो लेकिन जो उस वक्त की गवर्नमेंट होती है, उस गवर्नमेंट को चलाने वाले लोगों की नजर में वह रिपोर्ट जरूर आती है। आप नेशनल इंटरस्ट में करते हैं। हम लोग भी मंत्रिमंडल में रहे हैं। हम भी कभी नेशनल इंटरस्ट में कहते थे कि इसको प्रकाशित न करो लेकिन एक जिम्मेदार सरकार और जिम्मेदार मिनिस्टर, जिसकी नजर में वह रिपोर्ट आती है, जिसके विचाराधीन वह रिपोर्ट होती है, वह करेक्टिव मैजर्स जरूर लेता है। यानी रिपोर्ट प्रकाशित किए बगैर असर होता है कि सोपूर में हमने यह गलती की, आइंदा हम इसका ध्यान रखें। ऐसा नहीं है कि असर नहीं होता है, असर होता है, स्टेट गवर्नमेंट ने जो जुडिशियल इन्क्वायरी की, जम्मू-कश्मीर की विधानसभा में चीफ मिनिस्टर से पूछा गया था कि वह रिपोर्ट क्यों नहीं आई? मुख्यमंत्री ने बताया कि नेशनल इंटरस्ट में हम उसको प्रकाशित नहीं कर सकते। लेकिन यह उसका मतलब नहीं है कि उन्होंने उस पर ऐक्शन लेना शुरू नहीं किया, ऐक्शन लेने का मतलब कि करेक्टिव मैजर्स उन्होंने शुरू किए। तो रिपोर्ट का यह फायदा होता है कि असली तथ्य सामने आ जाएं चाहे हम उसका प्रचार करें या पार्लियामेंट या विधान सभा में चर्चा करें या नहीं करें। लेकिन जिम्मेदार जो व्यक्ति, जो मंत्री और मुख्य मंत्री हैं उनके सामने तथ्य आ जाते हैं और अपने तरीके से उन गलतियों को दूर करने का प्रयास करते हैं। लेकिन यहां जब हमें गलती ही मालूम नहीं पड़े तो चाहें भले ही होम मिनिस्टर साहब आकर उसको पूरे इंटरनेशनल मीडिया के सामने प्रकाशित करें लेकिन अगर रिपोर्ट आएगी तो कम से कम यह कहेंगे कि नेशनल इंटरस्ट में प्रकाशित करना जरूरी नहीं है। लेकिन मुझे पूरी उम्मीद है कि एक रेस्पॉसिबिल आदमी होने के नाते उनकी जो गलतियां हैं, कमजोरियां हैं उनको दुरुस्त करने की कोशिश करेंगे। जैसे हमारे प्रधान मंत्री जी ने भी कहा है, गृह मंत्री जी को भी मालूम है, सदन के सभी सदस्यों को

मालूम है और बताया गया है कि ये जो घटनाएं हुई उसके बारे में सेंट्रल गवर्नमेंट की एजेंसीज को, स्टेट गवर्नमेंट की एजेंसीज को यह जानकारी थी, आफिशियल्स थे, जो अधिकारी थे उनको जानकारी थी कि कुछ घटना होने वाली है। यह कब होगी, कैसे होगी यह किसी को जानकारी नहीं थी। लेकिन यकीनन सेंट्रल और स्टेट गवर्नमेंट के लोगों ने बताया कि हमको मालूम था। अब उस स्टेट के आफिसर्स जिनको मालूम था जिन्होंने यह एक्सेप्ट किया कि हमको मालूम था इत्तला के बारे में तो यह इंफार्मेशन खुफिया एजेंसी ने बताई। अगर वही उसकी इंक्वायरी करे तो अपने आपको फांसी देने की बात होगी। वह तो यही कहेंगे कि हमे नहीं मालूम था। मेरी समझ में नहीं आता कि जो आफिसर्स कहते हैं कि हमको जानकारी थी तो वही कलेक्टर, वही होम सैक्रेटरी — होम सैक्रेटरी के अंडर तो स्टेट एजेंसीज हैं अब वे कहते हैं कि हमको इत्तला थी, तो अगर आप उन्ही से इंक्वायरी कराओगे तो वे क्या अपनी इंक्वायरी में यह कहेंगे कि हमको पहले इत्तला थी और हमने इस पर कुछ नहीं किया। इसलिए हमारा यह मानना है कि सत्य को जानने के बाद आप खुफिया तरीके से उसको इम्प्लीमेंट करो या जिस तरीके से करो लेकिन सत्य सामने आना चाहिए। हमारा विश्वास हमेशा ही रहा है चाहे हम इस तरफ से रहे हों या हम उस तरफ से रहे हों हमेशा जुडिशियरी पर हमारा विश्वास रहा है। इसीलिए हम समझते हैं कि जुडिशियल इंक्वायरी अनिवार्य है और उसके बगैर यह मामला ठीक नहीं हो सकता। कल मैंने यहां मसला उठाया था कि माननीय प्रधान मंत्री जी और रक्षा मंत्री जी में अलग-अलग विवाद है क्योंकि रक्षा मंत्री जी ने वहां परसों जाकर कहा कि वहां सिक्योरिटी लेप्स था। मैं आपको बधाई देता हूँ आपकी शक्ति पर, आपकी ताकत पर कि कल तो आपने उनको आने पर और अंधेरी रात में उनसे लिखवाकर और दस्तखत कराकर कि — बेचारे मिनिस्टर , मिनिस्टर रहना है या नहीं रहना, यह कह कर उनसे दस्तखत करवाकर कह दिया , वैसे भी ... (व्यवधान)...

**श्री संघ प्रिय गौतम:** अपने तजुर्बे बतला रहे है ।

**श्री टी.एन.चतुर्वेदी:** अंधेरे मे बहुत काम किए है आपने भी।

**श्री गुलाम नबी आजाद:** वैसे भी माननीय रक्षा मंत्री बड़े शक्तिमान है। वह हमेशा अपने लफ्जों को, शब्दों को खाने के लिए बड़ी शक्ति रखते हैं। कारगिल वार के दौरान भी उन्होंने कहा था कि पाकिस्तान के प्रधान मंत्री को कारगिल वार के बारे में जानकारी नहीं है। कारगिल वार के बारे में उन्होंने बताया था कि मिलिटेंट्स को या इन्ट्रूडर्स को फ्री पैसेज दिया जाएगा। जब हंगामा हुआ तो उन्होंने अपने ही शब्द खा लिए। इसीलिए उन्होंने कल दोबारा अपने शब्द खा लिए। तो यह हमारे लिए आश्चर्य की बात नहीं थी। जैसा कि डाक्टर साहब ने फरमाया कि पहले मानकर चले थे कि जिस वक्त यह इस तरह की कट्रोवर्सल बात कहेंगे तो साथ ही साथ उन्होंने अपना रिजोइंडर भी, स्टेटमेंट भी लिखकर रखा होगा कि यह मैंने नहीं कहा। हमारे हर साथी ने कोट किया है कि पाकिस्तान क्या कहेगा। मुझे बहुत अफसोस होता है कि हमे अपनी क्षमता पर, अपनी शक्ति पर अपनी बुद्धि पर, अपनी ताकत पर विश्वास और भरोसा नहीं है। हिन्दुस्तान इतना कमजोर नहीं है, हिन्दुस्तान एक बहुत बड़ा लोकतांत्रिक देश है जो दुनिया का बड़ा डेमोक्रेसी देश माना जाता है और आज अगर हम कहें कि हम पाकिस्तान से प्रभावित हुए, 1947 से लेकर हर 5 साल के बाद, तीन साल के बाद एक न एक जनरल वहां कूप करता है , डिक्टेटरशिप लागू हुई है, तो क्या 50 साल से हम उनसे प्रभावित हुए हैं? क्या यहां की आर्मी

प्रभावित हुई है? क्या यहा का लोकतंत्र प्रभावित हुआ है? क्या यहां का वोटर प्रभावित हुआ है? जब पचास साल में हम उनसे प्रभावित नहीं हुए हैं तो आज हम कहेंगे कि पाकिस्तान का लाहौर टेलीविजन यह कहता है तो इससे हमें क्या असर पड़ेगा। क्या हम अपने आपको कमजोर और इतना निराधार समझते हैं कि हम पाकिस्तान के टेलीविजन के प्रचार से प्रभावित हो सकते हैं? पाकिस्तान का टेलीविजन 24 घंटे प्रचार करता है—अगर हम इतने कमजोर होते हैं तो मैं सोचता हूं कि यहा के लोगों को समझना बड़ा मुश्किल होगा। पाकिस्तान तो 24 घंटे रेडियो और टेलीविजन में एंटी इंडिया कम्युनलिज्म और हिन्दुस्तान में एक-दूसरे के खिलाफ प्रचार करता है, मैं तो समझता हूं कि उसके प्रचार से प्रभावित होकर यहां पर हर रोज खानाजंगी होनी चाहिए, लेकिन हिन्दुस्तान और हिन्दुस्तानी लोग इतने कमजोर नहीं है कि हम पाकिस्तान से प्रभावित हो जायेंगे। मैं चाहूंगा कि हम आइंदा अपने आपको इतना कमजोर न समझें।

**श्री एस. एस. अहलुवालिया (बिहार):** सभापति महोदय, प्रश्न काल के बाद से यहां एक चर्चा चल रही है कि काश्मीर में जो घटना घटी है उसकी न्यायिक जांच हो या न हो, हम जिन हालातों से गुजर रहे हैं, उन हालातों में इस विषय पर चर्चा की जाए या न की जाए। महोदय, मेरे पूर्व वक्ता, मेरेमान्यवर राजा कर्ण सिंह जी ने...

**श्री गुलाम नबी आजाद:** महाराजा।

**श्री एस. एस. अहलुवालिया:** महाराजा हैं।

**श्री गुलाम नबी आजाद:** आपने राजा कहा है।

**डा. कर्ण सिंह:** भूतपूर्व महाराजा।

**श्री गुलाम नबी आजाद:** तीन अमेंडमेंट आ गए।

**श्री एस. एस. अहलुवालिया :** महाराज हैं, यह सच है। उसके साथ-साथ मेरे बड़े भाई गुलाम नबी आजाद जी ने भी वही बात दोहराई है। काश्मीर की संस्कृति, काश्मीर की सभ्यता क्या कहती है। यह वह काश्मीर है, मैं इसको दोहराना चाहूंगा कि जहां माता वैष्णो देवी का मंदिर है, लोग वहां जाकर अपने बच्चे की बलाएं उतारते हैं। बाबा अमरनाथ का मंदिर है, इस्लाम का सबसे बड़ा स्थान हजरत बल, चरार-ए-शरीफ है, छटी बादशाही का स्थान है, शंकराचार्य का स्थान है, वह सर्वधर्म का एक मिलाजुला संगम स्थान माना जाता है। इन सारी चीजों को अमरनाथ यात्रा में दिखलाया जा रहा था। खुद मेरे पूर्व वक्ताओं ने कहा कि अमरनाथ यात्रा सिर्फ हिन्दुओं की यात्रा नहीं है। इन हिन्दुओं के साथ जुड़े हुए वह गरीब मुसलमान भी हैं जो सारे साल इंतजार करते हैं कि कब यात्रा शुरू होगी और मैं कुली का काम करके, मैं अपने टट्टू को ले जाकर, मैं अपना बोझ में टांगकर, उठाकर बूढ़ो को, बुजुर्गों को ले जाऊंगा और अपनी मेहनत और मशक्कत की कमाई खाऊंगा। यह काश्मीरियों का और हिन्दुओं का मिलाजुला एक त्यौहार है। उसके लिए हरेक आदमी इंतजार करता है। इसका मैसेज सारी दुनिया में क्या जाता है? इसका सारी दुनिया में मैसेज यह जाता है कि काश्मीर जिसको पाकिस्तान यूनाइटेड नेशन्स में और सेक्योरिटी

काउन्सिल में बार-बार उठाने की कोशिश करता है, काश्मीर में हिन्दुस्तानी फोजों या हिन्दुस्तानी सरकार किस तरह से तसीहेतस रही है, पर हिन्दुस्तान की सरकार और काश्मीर के लोग, सारे यात्री बाबा अमरनाथ के यात्री इस चीज को प्रमाणित कर देना चाहते थे कि बहुत सौहार्दपूर्ण वातावरण में हम वहां पर यात्रा करने जाते हैं और बाबा अमरनाथ के दर्शन करके लौटते हैं और अपने आपको अहो भाग्य समझते हैं। इसमें फायदा हिन्दुस्तान को है, पर नुकसान किसको है.. न नुकसान आपको है, न नुकसान हमें है। काश्मीर से कन्याकुमारी तक जो लोग बसते हैं और कोहिमा से कच्छ तक जो लोग बसते हैं, उनको नुकसान नहीं है। नुकसान उनको है जो सरहद के उस पार रहते हैं। नुकसान उनको है जिन्होंने आज तक भारत के खिलाफ काश्मीर में षड्यंत्र रचे हैं, सेब और बादाम के बीजों की जगह जिन्होंने ग्रेनाइट और माइन्स बोर्ड है। नुकसान उनको है। वे नहीं देखना चाहते थे और यही षड्यंत्र उन्होंने रचा। यह हमारा दुर्भाग्य है कि हम असफल रह, हम कहीं चूक गये। वे अपने षड्यंत्र में सफल हो गये और उनके षड्यंत्र में सफल होने के बाद यहां पर भी सदन के अंदर, पार्लियामेंट के अंदर हम एक दूसरे की नौक-झोंक में व्यस्त हो गये और हमने अपने राष्ट्र के हित को त्याग दिया। मैं अपने बड़े भाई गुलाम नबी आजाद जी से और बातों में सहमत होता कि पाकिस्तान यहां हमें गुमराह नहीं कर रहा। पाकिस्तान पूरी तरह गुमराह कर रहा है।...(व्यवधान)...

**एक माननीय सदस्य:** ये आपके बड़े भाई हैं कि छोटे?

**श्री एस. एस. अहलुवालिया :** आप सफेद दाढ़ी पर मत जाइये, मन अभी जवान है। महोदय, आज जो हालत है, इससे फायदा किसको हो रहा है? भारत सरकार ने एक पहल चलाई, एक शांति प्रक्रिया की शुरुआत की है। उस शुरुआत में अगर भारत सफल हो जाता है तो यह भारत की जीत है, भारत के एक अरब भारतवासियों की जीत होगी और अगर भारत असफल हो जाता है तो यह भारत की हार होती है और पाकिस्तान की जीत होती है। अभी गुलाम नबी आजाद जी ने कहा कि 115 साल पुरानी कांग्रेस है। मैं 32 साल उसी कांग्रेस में रहा हूं और (व्यवधान) कौशिक जी, मुंह नहीं खोलिए तो अच्छा है, नहीं तो आपका भी कुछ हो जाएगा। आप भी किस किस पार्टी से आए हैं, मैं बता दूंगा।...(व्यवधान)...

**श्री बालकवि बैरागी:** अहलुवालिया जी, अगर मुंह नहीं खोलेंगे तो क्या खोलेंगे? वह क्या है जो मुंह के सिवाय आप खोल देंगे?...(व्यवधान)...

**श्री एस. एस. अहलुवालिया :** बैरागी जी, आप बैठ जाइए।

**श्री बालकवि बैरागी:** अफसोस है कि आप इस तरह की बात कर रहे हैं।

**श्री एस. एस. अहलुवालिया :** मैंने आपको नहीं कहा है, मैंने उनको कहा है। अगर आपको लगती हो तो आप बात करिए।

**श्री बालकवि बैरागी:** मुझे लगेगी ही।

**श्री एस. एस. अहलुवालिया :** आप कृपया शांत रहिए। तो सर, 115 साल पुरानी पार्टी है। मैं पहले भी सदन में कह चुका हूँ- अगर कश्मीर का मुद्दा, सही मायने में जब से यह शुरू हुआ था तब ही इसको शांत करना चाहते तो पंडित नेहरू जी शांत कर सकते थे। श्री कृष्ण मैन्नन ने यूनाइटेड नेशंस की अपनी स्पीचिज में बार-बार, चीख-चीख कर कहा कि "मुझे समझ में नहीं आता क्यों हमारी सरकार, हमारा प्रधान मंत्री पाकिस्तान आकुपाईड कश्मीर को आजाद कश्मीर कहता है?" यह बहुत सारे सांसदों को नहीं मालूम है। यूनाइटेड नेशंस की स्पीच पढ़िये। कृष्ण मैन्नन को पढ़िए, जो बार-बार कह रहे थे। अगर उस दिन से ही पंडित जवाहर लाल नेहरू जी ने पाकिस्तान आकुपाईड कश्मीर को आजाद कश्मीर कहना छोड़ दिया होता तो शायद आज माहौल दूसरा होता। दूसरी बात यह है कि कश्मीर की उन्नति, कश्मीर का पिछड़ापन अगर दूर करना होता, आज इन हालातों से वंचित रहना होता, आज अगर वाकई "अगर फिरदौस बर रु-ए-अस्त, हमीन-अस्त-ओ हमीन-अस्त-ओ हमीन अस्त" को चरितार्थ करना होता तो शायद जवाहर लाल नेहरू फूलपुर चुनाव न लड़ते, कश्मीर से लड़ते।

**एक माननीय सदस्य:** जैसा आपने किया। ...**(व्यवधान)**...

**श्री एस. एस. अहलुवालिया :** मैं तो वहां पैदा हुआ। मैं भी अगर कश्मीर में पैदा हुआ होता तो कश्मीर छोड़कर महाराष्ट्र नहीं भागता। मैं पैदा वहां हुआ हूँ। ...**(व्यवधान)**...

**श्री गुलाम नबी आजाद:** पंडित नेहरू कश्मीर में पैदा नहीं हुए थे।

**श्री एस. एस. अहलुवालिया :** मेरा दुर्भाग्य है जो भारत का विभाजन हुआ, ...**(व्यवधान)**... सियालकोट का रहने वाला हूँ। ...**(व्यवधान)**... सियालकोट में आपने रहने नहीं दिया। मुझे कहीं और जाना पड़ा।

**श्री बालकवि बैरागी:** पंजाब से क्यों नहीं लड़े?

**श्री एस. एस. अहलुवालिया :** मैं पंजाब का नहीं हूँ।

**एक माननीय सदस्य:** पंजाब से कब लड़ोगे?

**श्री एस. एस. अहलुवालिया :** सियालकोट पर जिस दिन कब्जा कर लूंगा, वहीं से लड़ूंगा, घबराते क्यों हो? ...**(व्यवधान)**...

**श्री बालकवि बैरागी:** इस सरकार की हिम्मत नहीं है।

**श्री एस. एस. अहलुवालिया :** अरे भाई भूल गए कि राजीव गांधी जी का सपना था कि लाहौर पर तिरंगा झंडा फहराना है? उसको भूल गए क्या? भूल गए क्या आप?

**श्री बालकवि बैरागी:** भूलने वाले उधर खड़े हुए हैं।

**श्री एस. एस. अहलुवालिया :** इसलिए कह रहा हूँ कि सियालकोट जिस दिन अपने कब्जे में होगा, वहाँ से मैं ही खड़ा होऊंगा।

**श्री बालकवि बैरागी:** आडवाणी जी से बात कर लीजिए। ये भी वहीं से आए हैं...ये भी वहीं से आए हैं।

**श्री एस. एस. अहलुवालिया :** सभापति महोदय, इसलिए कश्मीर का मुद्दा आज उन लोगों से जुड़ा हुआ है, वे लोग तिलमिला रहे हैं जो लोग नहीं चाहते कि यह शांति प्रक्रिया जारी रहे। यह पहली बार नहीं है। जब पंजाब में आतंकवाद था और पंजाब के आतंकवाद को समाप्त करने के लिए जब भी कोई पहल की गई तो बस से उतार कर धर्म के नाम पर, जाति के नाम पर आदमी बांट दिए गए और गोलियों से ढेर कर दिए गए ताकि शांति प्रक्रिया आगे न बढ़े। पंजाब एकाँर्ड कराने वाले चश्मदीद गवाह अर्जुन सिंह जी खुद यहाँ बैठे हैं और वे सब जानते हैं, उन्हें अच्छी तरह से मालूम है कि क्या-क्या बाधाएं आती रहीं क्या-क्या तकलीफें आती रहीं शांति प्रक्रिया को सुचारु रूप से चलाने के लिए या सफल करने के लिए। हम भूले नहीं हैं कि मिजोरम में लालडेंगा के साथ जो हमारा समझौता हुआ, उस वक्त क्या हुआ। जब भी शांति प्रक्रिया करने के लिए आदमी सामने आए तो उनको रोकने के लिए हर तरह से कोशिश हुई। आज भारत सरकार की जो चेष्टा है वह सिर्फ भारत सरकार की चेष्टा नहीं या 40-50 मंत्रियों की केबिनेट की चेष्टा नहीं, वह हरेक भातरवासी का सपना है, एक रक्तरंजित कश्मीर को शांतिप्रिय कश्मीर बनाने की उनकी कोशिश है, वह सपना पूरा करने की कोशिश है। तो हमारे प्रधान मंत्री जी ने जो पहल की है..... अभी सोपूर का जिक्र आ रहा था। महोदय, मैं गुलाम नबी आजाद जी के साथ बारामूला गया था, सर्वदलीय नेताओं की एक टीम गई थी। सोपूर की घटना हुए काफी समय गुजर गया है, इन्क्वायरी कमीशन बैठा था या नहीं बैठा था, मुझे याद नहीं पर इतना जरूर याद है कि जब हमने मांग की, बतौर सांसद मैंने मांग की थी कि मैं सोपूर जाऊंगा, सोपूर की जनता से मिलना चाहता हूँ। बात करना चाहता हूँ, देखना चाहता हूँ हालात को क्योंकि लोग आए हुए थे मिलने के लिए लेकिन इंकार कर दिया गया। कहा गया कि सांसद नहीं जा सकते सोपूर सोपूर के लोगों से नहीं मिल सकते और मिलने भी नहीं दिया गया, यह तो हमारे प्रधान मंत्री जी की सूझबूझ थी, उनका बड़प्पन था कि चौबीस घंटे भी नहीं गुजरे थे कि वे सर्वदलीय नेताओं को वहाँ मौका-ए-हालात पर ले गए। कुछ छिपाया नहीं, कुछ भी छिपाने की कोशिश नहीं की। हो सकता है किसी दल ने अपने इस नेता को नहीं, उस नेता को भेजा हो, वह अपनी जगह है पर प्रधान मंत्री जी ने कोई भी चूक नहीं की और सर्वदलीय नेताओं के दल को वहाँ पर ले गए।

महोदय, जिस तरह से आज सुसाईड स्क्वैड कश्मीर की इस शांति प्रक्रिया को विफल करने के लिए है और जिस तरह से पाकिस्तान डिटरमिन है, डेस्परेट है भारत को डीस्टॉब्लाइज करने के लिए, डिस्ट्रॉय करने के लिए और जिस तरह से पाकिस्तान टी.वी. और पाकिस्तान रेडियो.....महोदय, मेरी एक आदत है कि मैं सुबह हिन्दुस्तान की तो बात छोड़िए, विश्व के जितने रेडियो चलते हैं, सबकी खबरें सुनता हूँ।...(व्यवधान)...

**श्री रंजन प्रसाद यादव:** एक ही टाईम में?

**श्री एस. एस. अहलुवालिया :** एक ही टाईम में नहीं। मैं कई भाषाएं जानता हूँ। सुबह चार बजे से लेकर सात बजे तक मैं वॉइस ऑफ अमेरिका, रेडियो पीकिंग, रेडियो बंगलादेश, रेडियो पाकिस्तान, बी.बी.सी. सब सुन लेता हूँ और मेरा फायदा यह है कि पंजाबी की न्यूज आ रही हो तो मैं वह सुन लेता हूँ, उर्दू की न्यूज आ रही हो तो वह सुन लेता हूँ, बंगाली की न्यूज आ रही हो तो वह भी सुन लेता हूँ। अंग्रेजी की न्यूज आ रही होती है तो वह सुन लेता हूँ और हिन्दी की न्यूज आ रही हो तो वह भी सुन लेता हूँ।

मुझे पता है पाकिस्तान इस तरह से जूडिशियल इन्क्वायरी की मांग करके भारतवासियों को भ्रम में डालना चाहता है। वह भारतवारियों को भ्रम में डालकर सारे विश्व में, इन्टरनेशनल कम्यूनिटी के सामने बदनाम करना चाहता है। क्या हम सब उसी मे सरीक होना चाहते हैं, क्या हम सब उन्हीं के सरीक हिस्सेदार बनना चाहते हैं, क्या हम सब उसी षड्यंत्र में अपने पैर फंसाकर उनकी मदद करना चाहते हैं? मैं समझता हूँ कि कोई भी भारतवासी ऐसा नहीं चाहता है। अगर चाहता है तो यह कि हमारी कोशिश यह होनी चाहिए, हमारा हर कदम वैसा उठना चाहिए जिससे कश्मीर में सौहार्दपूर्ण वातावरण रहे, सुरक्षा बलों का मनोबल न टूटे। क्योंकि अगर कश्मीर में सुरक्षाबलों का मनोबल टूटा तो वह हमारी सरहदों पर टूट सकता है, शियाचिन में टूट सकता है, कारगिल में टूट सकता है और हिमालय की चोटियों पर टूट सकता है जहां पर चीन और बर्मा से लगे बार्डर पर हमारे जवान देश के चप्पे-चप्पे की रक्षा कर रहे हैं। अगर यहां हमारा मनोबल टूटा तो समुद्र में तैनात हमारे कोस्ट गार्डों का मनोबल टूट सकता है। हमारा कोई भी ऐसा कार्यकलाप नहीं होना चाहिए या कोई भी ऐसा कदम नहीं उठना चाहिए जिससे हमारे जवानों का मनोबल टूटे, मैं यह चाहता हूँ। सभापति जी, मेरी आपसे विनती है और आपके माध्यम से पूरे सदन से विनती है कि कोई ऐसी चेष्टा न हो जिससे शांति प्रक्रिया का राजनीतिकरण हो। हम राजनीतिक फायदे की बात न करें, हम भारतमाता के फायदे की बात करें, अपने फायदे की बात कम करें तभी हम राष्ट्र के हित में अगला कदम उठा सकेंगे और एक गौरवमय स्वाभिमानी भारतवासी कहलाने का हक पा सकेंगे।

**SHRI N.K. PREMACHANDRAN (Kerala):** Mr. Chairman, Sir, this House has been discussing this issue for the last so many days. First of all, I would like to submit that the whole House is concerned about the recent developments which have taken place in the State of Jammu & Kashmir. Mr. Chairman, Sir. it is being observed that some of the Members from the Government, the Treasury benches, have pointed out about the sincerity of the Opposition in taking up this issue in this House again and again. I would like to know from the Government as to what were the circumstances which led to this situation, especially, of seeking a judicial probe into the incident. Because, it was the sole respnsibility of the Governemnt to bring such an issue to the House. Last week, there were two statements in the House, one from the hon. Home Minister and the other from the hon. Prime Minister. Immediately after the massacre, a statement was made in the House, clarifications were sought and the reply

was given. Then, immediately after the spot- visit by the hon. Prime Minister, a statement was made by the Prime Minister in the House and clarifications were sought. The next day, a statement was made by the Defence Minister, outside the House. The Defence Minister, in his statement, though he denied it yesterday, said that there were lapses in the security arrangements. The statement of the Prime Minister and the other press briefings which appear everyday are creating a cloud of suspicion in the whole country. The Government is responsible for all this; not the Opposition. Therefore, it is for the Government to clarify the position; it is for the Government to clear the clouds of suspicion from the political atmosphere of our country. The debate is now confined only to the point of seeking a judicial probe into the matter. In this regard, my party is having a different view. It may be a legitimate demand, of the Congress that there should be a judicial probe into this matter. We are not against it, but we have a slightly different view because of the following three reasons. First, whether these killings and incidents can be treated as an isolated issue; .and a judicial probe into this whole complicated issue should be there. Sir, cross-border terrorism is there, ISI activities are there, and so many killings are taking place for the last two decades. It is a very complicated and serious issue, as far as our country is concerned. I do not think, by knowing the reasons for the killings of the Amarnath *yatris* at Pahalgam, we will be able to solve the problem or do justice. Sir, I do not think a judicial probe on this issue of killings would solve the problem.

Sir, we are not seeking the judicial probe because this may adversely affect the morale of our jawans. It has already been highlighted in this House that we cannot question the morale of our security personnel; we cannot question or we cannot challenge the sincerity of our security personnel at this juncture, especially, whether they belong to the BSF, CRPF or they belong to the State police. Maybe, there are lapses, and it is an admitted fact now. Even the statement of a Cabinet Minister is there. So, the morale of the security personnel or jawans or military personnel should be protected. It is the right time to boost their morale. There is no doubt about it. Therefore, a judicial probe into this matter will help or not is a matter for consideration. Sir, .the other reason as to why we are not demanding a judicial probe into the matter is due to the federal structure of our country, which has already been highlighted in this House. Is it proper to have a judicial probe when an inquiry ordered by the State Administration is already going on? I am saying this not only because of

Article 370 of our Constitution, but because of our federal structure. Sir, the State Government is there; a democratic process, a political process, is there, and the Government in power there ordered an administrative inquiry. I would like to know whether it is proper on the part of the Central Government to order a judicial probe in a State. Sir, if that be the case, I think the case of Coimbatore bomb blast and so many other incidents which involved national security can be considered for a judicial probe. It is not merely the State of Jammu & Kashmir, where the Government may agree. There is no doubt about it that it is a matter of national security. As far as the Coimbatore bomb blast is concerned, is it proper on the part of the Government of India to conduct or order a judicial probe into the matter? I do not think it is proper. Sir, because of the aforesaid three reasons, we are not for a judicial probe. But some mechanism has to be evolved, there is no doubt about it. The matter has to be debated and we have to protect the interest of the nation. Sir, the whole House and the whole nation is very much concerned about the anti-national activities which are going on in various parts of the country and, especially, in the State of Jammu & Kashmir. We have to prevent it. So, the Government has to come out with a clear statement; and, if possible, the Government should convene a conference of all party leaders and have a full-fledged discussion in this regard. The Government should take stringent measures to prevent all these things, and a message should go to the nation and the whole world that the whole country is united in this matter. There is no Opposition or Government as far as this matter is concerned. The whole country is united in the fight against terrorism and terrorist activities. With these words, I conclude. Thank you, Sir.

DR. L.M. SINGHVI (Rajasthan): Mr. Chairman, Sir, my thoughts are the same as those of hon. Members, Shri Fali S. Nariman and Shri R.K. Anand. Both of them have spoken of the Constitutional difficulty in appointing a judicial commission by the Government of India. Much can be said from different points of view on this issue, but one thing is clear that while an inquiry, an investigation, to find the facts is pending, we might perhaps wait till the report of that inquiry is available. The results of that inquiry would indicate to us as to whether the matter requires to be probed further. It seems to me that the Leader of the House spoke with a feeling for parliamentary norms. I am glad that he responded to Shri Pranab Mukherjee's plea for openness in the discussion, which is, after all, the stuff of the parliamentary system. I am very glad that many of us have supported the right of the Members to speak on this issue, to participate in this issue

and to make their views known because by shutting out a debate we do not gain anything at all.

It is by this debate that we gain a great deal. But the debate, Mr. Chairman, has to be a debate that creates a greater solidarity. In the words of the great savant of the last century, we should marshal the consent of the people, the solidarity of the people, on this issue. Truth will not hurt, I agree. I think ours is a mature democracy, and we can afford to face the truth that will emerge from an inquiry. But, at this point of time, we must understand that it is most appropriate in this delicate situation first to investigate the facts, to ascertain the facts, to find out what actually happened, why it happened, whose hand was in it, etc. Then, we could perhaps consider further steps by a sense of consensus. I think, the Leader of the House spoke with the resilience of that kind of transcendence of partisanship, and that is what is important.

A point has been made, and it has been articulated very eloquently, by some of the hon. Members on the other side. I think we should respect that point of view. But, at the same time, having persisted in this with a great deal of logic, they should also come to terms with some amount of patience. Persistence is a great quality, but patience is a greater quality. I think it is important that the Opposition, having made its point, should come to terms with some degree of patience until the results of the enquiry in Kashmir is available, until further information is available. It would then be the appropriate stage for us all to go into this matter.

As the Leader of the House assured us, this is not the last time when we will discuss Kashmir. No hold bars these discussions. We have them with the spirit of creating a greater sense of national understanding and unity. But, I think, we must also understand what is involved in this at this stage. Some versions have appeared in some newspapers. What is involved at this stage is also the morale of our armed forces. It is not as if the argument for the morale of our armed forces, makes them immune to accountability. I do not believe that any institution in a state like ours is wholly immune to accountability. But this Parliament is a responsible institution, and it is a very sensitive institution. I think, it is no use of anyone questioning the patriotism of the other. It is important for all of us to realise that we must hold our hands and suspend our judgement, not pre-judge the facts, until the facts are ascertained.

Having spent nearly 49 years in the field of law, I may say, Mr. Chairman, that a judicial inquiry is not a panacea and it is not the ultimate in finding the truth. Mr. Chairman, when our Supreme Court was inaugurated, the then Chief Justice spoke and then the doyen of the Bar, Mr. Setelvad, spoke. He said, "We shall earn reverence for this institution through truth." We want to find, the Government is determined to find, the truth. After the Prime Minister spoke, as he spoke, we should not have the slightest doubt about the determination of the Government to find the truth and to resolve and rectify the problems. But we must have patience. Without patience, democracies can never function. Democracies do not function and cannot function by being impulsive. It would be impulsive at this stage for any one to suggest that we must immediately jump into the arena of a judicial inquiry. Surely, there may be a good case for a judicial inquiry or there may not be a good case for a judicial inquiry. But this is not the time.

SHRI S. VIDUTHALAI VIRUMBI: If we institute an inquiry for every firing and other things, even judges may not be available in the country because our country is like a sub-continent.

DR. L. M. SINGHVI: Sir, I have found that judicial inquiries are a way of avoiding a decision. Dr. Johnson used to say, "You appoint a committee in order not to take a decision." You appoint a judicial inquiry to arrive at the truth swiftly and efficaciously. We may have a judicial inquiry for certain kind of issues. It all depends on the type of issues that have arisen. Here, the issue is primarily concerned with public order. That puts it squarely, constitutionally-speaking, in the domain of the Government of Jammu and Kashmir. Supposing, after ascertainment of the facts, they come to the conclusion that there are other issues of national security' -- no one can deny that there are issues of national security — supposing, they come to the conclusion afterwards that it would be better to have a judicial inquiry or any such kind of inquiry, there would certainly be a time for it. What has happened is ghastly, what has happened is tragic, what has happened is on account of a concerted plan of an enemical nature by people who are hostile to us, by people who want to destroy amity and harmony. My distinguished friend, Dr. Karan Singh, has rightly said that the Amarnath Yatra was a pilgrimage. I think, a psychological moment was seized by our enemies to attack that Yatra and to take a heavy toll of life. Only a few days earlier, Mr. Pranab Mukherjee and myself happened to be together in Srinagar. We did have a feeling that this was one possibility

that could happen. The Government was also aware of it. The intelligence sources were also aware of it. It is not as if no one knew that such a thing could happen. But what has happened is a matter of the deepest concern to us. It is not something to be brushed under the carpet. It is not something that we can easily forget. But I am sure, with patience, we shall uncover the truth. Nor do we want to cover up anybody's lapses. This Parliament exists here to make a Government accountable, but at the same time, this Parliament exists here to provide the support for the Government in a moment when solidarity is needed. When this whole situation is being represented in a particular light in another country, which is our enemical neighbour, we must take care to see that we do not create a situation of avoidable embarrassment to ourselves.

An inquiry has been instituted by the State Government. I do not speak in the context of the Autonomy Report, which I have studied carefully, but I think, in the existing Constitutional context, it would be wrong to tread on the toes of the State Government which has instituted an inquiry. If we find afterwards that there are other aspects which this Parliament thinks must be gone into, this is not the last time that we have an opportunity to discuss it. I only plead, Mr. Chairman, with the hon. Members that having had a discussion which is appropriate and to which, I am glad, the Leader of the House has readily agreed on the suggestion of Mr. Pranab Mukherjee, and you, Mr. Chairman, allowed this discussion -- it will serve a useful purpose to make us more vigilant and more alert -- at the same time, it is important that we avoid controversies of a partisan nature, we avoid attacking the motives of each other, we avoid questioning the patriotism of each other.

SHRI ARJUN SINGH (Madhya Pradesh): Sir, I am grateful to you for the time you have given me to speak on this very sensitive and important issue. I have no intention of repeating the arguments made, but I cannot help referring to some of the points made by some of the learned speakers. My friend, Shri Ahluwaliaji, who has lived up to the adage -- I don't want to repeat the description which fits -- started with Pandit Jawaharlal Nehru. I don't say that Pandit Jawaharlal Nehru was not a human being; that he was above all human error. But to talk about him in the context of Kashmir in such a cavalier manner, has Mr. Ahluwalia reflected for a moment that whose heart must have been gladenod? Certainly no one in this House, no one in this country all those people

whom he was saying are our worst enemies. This is what they would like-to. What Jawaharlal ji did in the life- span of a human being, thousands of years later history will remember it. When he spoke in the Constituent Assembly, on the midnight of 14th-15th August, Mr. Chairman, as a young person, I had the privilege to be present in the visitors' gallery. He said, "The birth of one human being is a miracle, the births of 30 crore people..." when he said with a choked voice that India was now having a tryst with destiny, it is these moments that give sustenance to us, however, imperfect we may be. But when we start politics with fundamentals, then, all the problems arise. Even today, who is calling Jammu and Kashmir a disputed territory? Are we calling it? Is the Congress Party calling it a disputed territory? The persons who call Kashmir as a disputed territory even today, the leaders of those countries, are treated and honoured in the Central Hall of Parliament. Even today that is there.

SHRI T.N. CHATURVEDI : Under what Chapter of the United Nations? Why don't you refer to that?

SHRI ARJUN SINGH: So, you want to go back to the Chapter.

SHRI T.N. CHATURVEDI: Yes, Sir. which it was referred, not as a suggestion but as a disputed *..(interruptions)..* under Nehru's Government.

SHRI ARJUN SINGH: Then, why do you say that Kashmir is an inalienable part of India? Why do you mouth it?

SHRI T.N. CHATURVEDI: We say it.

SHRI ARJUN SINGH: We also say it.

SHRI T.N. CHATURVEDI: But committed that mistake. *..(interruptions)..* It is a fact of history. As a young man, I was also with the same emotion. *..(Interruptions)..*

SHRI ARJUN SINGH: Sir, we are talking of helping to overcome the terrorists and create amity and peace. Who is against it? The Congress Party is not against it. My friend, Shri Ahluwalia, referred to Punjab. Yes; it was a high point of the statesmanship of Shri Rajiv Gandhi who could reach

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cut to the people who were projected. All of them were not so to be directly responsible for the murder of his mother, it is that section of the people to whom Rajiv Gandhi reached out.

PROF. R.B.S. VERMA (Uttar Pradesh) : Who had 'created Bhindhranwale? ..{interruptions}...

SHRI GHULAM NABI AZAD: Sir, having decided that the proceedings will be smooth, this type of running commentary will not help us. ...'interruptions)...

MR. CHAIRMAN: Mr. Arjun Singh, please continue.

SHRI ARJUN SINGH: I have no hesitation in answering all of them . ..{interruptions}... An accord was reached with Lal Denga. We had sacrificed a Congress Chief Minister for that. ..'(Interruptions)... Not life. But these days, even a seat is a very difficult thing. He had stepped down; and allowed lal *Denga* to assume office. Even under the 1975 agreement, in

Kashmir this arrangement -had taken place. Now, it is, more or less, accepted even by this Government that as the basis on which the dialogue

and proceed. How was that acquired? How was that made? ...{Interruptions}...

SHRI SHARIEF-UD-DIN SHARIQ (Jammu and Kashmir): It was never implemented and the support was withdrawn after just thirty days. *interruptions*).

MR CHAIRMAN: Let us hear each other and conclude the debate.

SHRI ARJUN SINGH: That is the spirit in which great events in history are shaped. That is the intention and the total commitment with which the forces of history are led to conclusion, not in this ad hoc, cavalier, manner in which, today, you want something, tomorrow you will want something and the day- after-tomorrrw, you will want something else. I am happy that Mr. Vajpayee, our Prime Minister, went to Pahalgam after this tragedy. I wish he thought to go amongst the Yatris where all this happened. I am sure the security forces must have advised him not to do that. That is also a fact of life. But some people did go. {Interruptions):

SHRI T.N. CHATURVEDI: The news item in the Asian Age says that the Prime Minister talked to everybody. Please don't say half-truths. I do not think Mulayam Singh will hide only in the Circuit House. *{Interruptions}*.

SHRI ARJUN SINGH: I am not talking of any Mulayam Singh.

SHRI T.N. CHATURVEDI: You talked of the Prime Minister. It is all here.

SHRI RAJU PARMAR. Sir, what is this?

SHRI ARJUN SINGH: He might have talked to many people who came to meet him. *{Interruptions}*.

SHRI T.N. CHATURVEDI: It is a search for the truth. *{Interruptions}*.

SHRI GHULAM NABI AZAD: This was in the club, not at the venue of the incident. *{Interruptions}*.

SHRI T.N. CHATURVEDI: Not in the club. The Prime Minister went to the people. *{Interruptions}*. Not only the club, other places also. *{Interruptions}*.

SHRI GHULAM NABI AZAD: Yattris are not in the club. *{Interruptions}*. There is a difference between a club and a venue. *{interruptions}*.

श्रीमती सविता शारदा(गुजरात): ये एक-दूसरे पर दोषारोपण कर रहे हैं ।  
...(व्यवधान)... अब इस समस्या को सॉल्व करने के लिए कुछ तो करना पड़ेगा ।  
...(व्यवधान)...

श्री गुलाम नबी आजाद: फिर गलत रिप्रेजेंटेशन तो नहीं करना चाहिए ।  
...(व्यवधान)...

श्री टी.एन.चतुर्वेदी: देखिए, वह इसी में है ।...(व्यवधान)...

श्री गुलाम नबी आजाद: हम लोग तो मौजूद थे, आप तो पेपर पढ़ रहे हैं ।  
...(व्यवधान)...

श्रीमति सविता शारदा: मैं आपको बताऊं, मैं जम्मू की हूँ और आज भी मझे रेफ्यूजी माना जाता है। ...(व्यवधान)...

**श्री टी.एन.चतुर्वेदी:** यह बात तो सही है।...(व्यवधान)...

**प्रो.आर.बी.एस.सिंह वर्मा :** कौन है जिम्मेदार? ...(व्यवधान)...

**श्रीमति सविता शारदा:** सब बोलते हैं...(व्यवधान)... जिन औरतों के पति मर गए, जिनके बेटे मर गए,उनकी हालत कोई नहीं जानता है। 50 साल के बाद भी मुझे रेफ्यूजी माना जाता है। मैं जम्मू की हूँ, लेकिन मैं जम्मू में अपनी जगह पर जा नहीं सकती, क्योंकि आज मेरे पिता जी नहीं हैं, मेरे दादा नहीं हैं। यह सारी सिचुएशन क्रिएट करने वाले कौन हैं? ...(व्यवधान)... जो सीचुएशन क्रिएट की है ...(व्यवधान)... मैं उसकी गवाही देती हूँ। मेरे पिता जी को कितने साल जम्मू में कारावास में रहना पड़ा। इसका जिम्मेदार कौन हैं? कोई नहीं बता सकता।

**SHRI ARJUN SINGH:** Sir, I defer to the sentiments of the lady. But I think I should be allowed to continue. (*Interruption*).

**श्रीमति सविता शारदा:** खाने के लिए हमारे पास कुछ नहीं था। आज भी जम्मू के बहुत सारे लोग ऐसे ही घूम रहे हैं। आप एक-दूसरे पर दोषारोपण करने की बजाय जो प्रधान मंत्री ने कहा है उस बात को समझिए और करने की कोशिश कीजिए। शांतिपूर्ण जो वार्ता कर रहे हैं उसमें आप भागीदार बनने की कोशिश करिए। धन्यवाद।

**श्री अर्जुन सिंह:** आपको बहुत-बहुत धन्यवाद।

**श्री सुरेश पचौरी:** हमारे सदस्य को आपने बोलने का अवसर दिया...(व्यवधान)...

**श्री सभापति:** हाँ, ठीक है।...(व्यवधान)...

**श्री संजय निरुपम:** बोलें, तो सारी बात सही-सही बोलें।...(व्यवधान)... बोलने का कोई विषय मिले तो क्या कुछ भी बोलेगे।

**MR. CHAIRMAN:** Please continue, Mr. Arjun Singh. (*Interruptions*). Let the hon. Member complete his speech. (*Interruptions*).

**श्री अर्जुन सिंह:** चैयरमेन साहब, अगर ये सच सुनना चाहते हैं और वह भी शुद्ध हिंदी में...(व्यवधान)...

**प्रो.आर.बी.एस.सिंह वर्मा:** गुलाम काश्मीर को आजाद काश्मीर कहना किसने शुरु किया?

**श्री अर्जुन सिंह:** मेरी राय में अगर आप इस समस्या की जड़ में जाना चाहते हैं और मैं समझता हूँ कि सदन में यह कहने का मेरा अधिकार है, इस समूची परिस्थिति के विकृत होने,

गलत रास्ते पर जाने के लिए एक पार्टी की राजनीतिक सोच के अंदर काम करना ही कारण है और वह कारण क्या है? सभापति महोदय, एक पॉलिटिकल थ्योरी ईजाद की गयी- बैक ट्रेक डिप्लोमैसी जिस के बहुत अच्छे ज्ञाता हमारे लीडर ऑफ द हाउस हैं। मैं उन के बारे में कुछ नहीं कहना चाहता, लेकिन अब बैक ट्रेक पॉलिटिक्स भी होती है। सामने तो एक चीज कहो, उस के बारे में ऊंचे-ऊंचे सिद्धांत बघारो- भक्ति और आतंक के बीच की लड़ाई है, भक्ति विजयी हो रही है। और जो भक्ति अपने हृदय में लेकर सारी दुनिया और भारत के कोने-कोने से वहां पहुंचे थे, उन के मन की भक्ति को जो धक्का लगा है, वह केवल आतंकवाद से नहीं लगा है, यह कैसे मालूम होगा? यह तब मालूम होगा, आप उन से जाकर पूछिए, यात्रियों से पुछिए। अब उन के बयान आ रहे हैं और सभापति महोदय मैं पूछता हूँ कि वहां जो कुछ हुआ, उस का सूरत से क्या लेना-देना? भारत के अन्य कोने-कोने में जो दंगे हुए, उन से क्या लेना-देना? यह उसी मनसिकता का असर है जो मानसिकता भारत की एकता को तोड़ने से संतुष्ट होती है और जो बातें सूरत और अन्य जगह जहीं दंगे हुए वहां कही गयीं। अहमदाबाद में क्या कहा गया, तुम जाओ पाकिस्तान। जो भारत को अपनी भूमि मानता है...(व्यवधान)...

**प्रो.आर.बी.एस.सिंह वर्मा:** आप ने सुना है?

**श्री अर्जुन सिंह:** जी हां।

**प्रो.आर.बी.एस.सिंह वर्मा:** सभापति जी, यह गलत कह रहे हैं ...**(व्यवधान)**... भारत की छवि को बिगाड़ने की कोशिश कर रहे हैं।

**श्री राजू परमार:** सूरत में दंगे किस ने करवाए? किस ने करवाए दंगे? आप के ही लोग थे।

**श्री अर्जुन सिंह:** यह सच सुनने की क्षमता है।

**श्री संजय निरुपम:** आप इस को साबित करिए...**(व्यवधान)**...

**श्री मूलचंद मीणा:** राजनीतिक लाभ के लिए दंगे करवाते रहे...**(व्यवधान)**...

**श्री राजू परमार:** गुजरात बंद का एलान किस ने किया? ...**(व्यवधान)**... आप के ही लोग थे ...**(व्यवधान)**... किस ने किया? आपके ही लोग थे और आप की ही सरकार थी, आप की बी.जे.पी. की सरकार ने किया। ...**(व्यवधान)**... आपके ही लोगों ने ही बंद करवाया है।

**श्री अर्जुन सिंह:** यह जो वहां गुजरा है, वह कह रहे हैं। डा. सिंघवी ने हम लोगों को पेशंस की सलाह दी, जरा उन को भी पेशेंस की सलाह दीजिए। ...**(व्यवधान)**...

**प्रो.आर.बी.एस.सिंह वर्मा:** यह भारत की छवि को बिगाड़ने की कोशिश है, राष्ट्र को गुमराह करने की कोशिश है ...**(व्यवधान)**...

**श्री मूलचंद मीणा:** जिन लोगों का ध्येय सांप्रदायिक दंगे कराना है, वह हमें नसीहत दे रहे हैं। हमें इन से प्रमाण-पत्र नहीं चाहिए। ...

**प्रो.आर.बी.एस.सिंह वर्मा:** सन् 84 के दंगों में सिखों को किस ने मरवाया ...**(व्यवधान)**...

**श्री संजय निरुपम:** ऐसी बात कहां कही गयी कि तुम पाकिस्तान जाओ। आप इसे साबित करिए।

**श्री अर्जुन सिंह:** आप बाल ठाकरे जी से पूछ लीजिए न।

**श्री संजय निरुपम:** आप ने जो बोला, उसे साबित करिए...**(व्यवधान)**... इस तरह की बातें नहीं आनी चाहिए ...**(व्यवधान)**... जो बात उन्होंने कही है, उसे सब्सेनसिएट करें, नहीं तो अपनी बात वापस लें।

**श्री राजू परमार:** गुजरात बंद का एलान किस ने किया, विश्व हिंदू परिषद ने ...**(व्यवधान)**... और आप की सरकार ने सपोर्ट किया। ...**(व्यवधान)**...

**श्री अर्जुन सिंह:** दंगे होना अलग बात है, लेकिन यह कभी नहीं कहा गया कि तुम पाकिस्तान जाओ। ...**(व्यवधान)**...

**श्री संजय निरुपम:** ऐसी कोई बात नहीं कही गई। ...**(व्यवधान)**...

**प्रो. आर.बी.एस.सिंह वर्मा :** आप मुसलमान भाइयों को भडकाने के लिए ऐसी बात कह रहे हैं। हिन्दू और मुसलमान इस देश में मिलकर रहते रहे हैं। आप कह रहे हैं कि जब दंगा हुआ तो कहा गया कि मुसलमान पाकिस्तान में जाएं, आपने सुनी है ऐसी बात?

**श्री बालकवि बैरागी:** सुनी है, तभी तो ये कह रहे हैं। ...**(व्यवधान)**...हम लोग सुनकर तो आ रहे हैं। ...**(व्यवधान)**...

**प्रो.आर.बी.एस.सिंह वर्मा:** 1984 में केन्द्र में और दिल्ली में आपकी सरकार थी, हजारों निर्दोष सिखों का कत्ल किया गया। ...**(व्यवधान)**... सिखों का कत्ल किसने कराया? ...**(व्यवधान)**...

**श्री मूल चन्द मीणा:** कांग्रेस से ज्यादा आर.एस.एस. के लोग थे 1984 के दंगे में। ...**(व्यवधान)**...

**श्री लक्खीराम अग्रवाल:** इसी प्रकार गलत बोल-बोल कर आपने इस देश पर राज। ...**(व्यवधान)**...

**श्री सभापति:** अर्जुन सिंह जी, आप अपनी बात कहें।

**श्री संजय निरुपम:** सभापति महोदय, अर्जुन सिंह जी ने जो बात कही है, वह सरासर गलत बात है।

**श्री अर्जुन सिंह:** गलत बात नहीं है।

**श्री संजय निरुपम:** अर्जुन सिंह जी ने जो बात कही है, वह सरासर गलत बात है, ऐसा कोई सबूत नहीं है, अपनी बात को इन्हें वापिस लेना पड़ेगा।

**श्री अर्जुन सिंह:** आप क्या-क्या कहते हैं, सबको वापिस लेते हैं।

**श्री बालकवि बैरागी:** सुनकर आए है उस बात को।...(व्यवधान)...

**श्री संजय निरुपम:** अहमदाबाद में कहां कही गई यह बात, बताइए? ... (व्यवधान)...

**श्री सभापति:** हमें इस डिबेट को पूरा करना है, 4:00 बजने वाले हैं, इसलिए माननीय सदस्य को बोलने दीजिए।

**श्री अर्जुन सिंह:** सवाल यह है ... (व्यवधान) ... बात यह है कि ... (व्यवधान) ...

Sir, it would be better if we confine ourselves to the subject, instead of referring to other issues like Uttranchal. ... (Interruptions)...

**श्री राजू परमार:** अभी आपके एक साथी ने पूरे वर्ल्ड के बारे में बता दिया और अब आप सब्जेक्ट पर बोलने की बात कर रहे हैं। ... (व्यवधान) ...

**श्री संजय निरुपम:** उस बात को सदन के रिकार्ड से निकाला जाए। ... (व्यवधान) ... ... (व्यवधान) ...

**श्री भारतेन्दु प्रकाश सिंहल:** कार्रवाई से निकाला जाए। ... (व्यवधान) ...

**श्री संजय निरुपम:** मेरा निवेदन इतना है कि जो बात श्री अर्जुन सिंह जी ने कही है, वह सरासर गलत बात है और ये या तो उसको वापिस लें या फिर सदन के रिकार्ड से उसको निकाल दिया जाना चाहिए।

**श्री अर्जुन सिंह:** माननीय सभापति महोदय, सच्चाई बोलने के लिए कहा गया है। सच बोलना बहुत आसान है, उसको बर्दाश्त करना बड़ा मुश्किल है। इसलिए आप जो कुछ भी कर रहे

**4.00 PM**

हैं, मैं समझ रहा हूँ, मुझे उसकी कोई चिंता नहीं है, न मुझे कोई विचलित कर सकता है। जो बात अपनी जगह है, वह अपनी जगह है। यह जो

[उपसभाध्यक्ष (श्री सुरेश पचौरी) पीठासीन हुए]

बैंक-ट्रेक पालिटिक्स चलाते हैं, उसी का यह नतीजा है और इस पर अगर गंभीरता से सोचकर आप इसको बदल सकें तो शायद कुछ स्थिरता आए इस देश में। लेकिन आदत से मजबूर हैं, फायदा मिलना चाहिए।

**श्री भारतेन्दु प्रकाश सिंहल:** अपने विषय पर बोलिए। सर, मेरा अधिकार है प्वाइंट आफ आर्डर रोज करने का।

**उपसभाध्यक्ष (सुरेश पचौरी):** इंटरप्ट मत कीजिए प्लीज।

**श्री भारतेन्दु प्रकाश सिंहल:** मेरा अधिकार है प्वाइंट आफ आर्डर रोज करने का। विषय से बाहर जो बात हो उसे रोका जा सकता है और मान्यवर, आप इसे रोकें।... (व्यवधान)...

**श्री राजू परमार:** अभी अहलुवालिया जी ने पूरे इंडिया, पूरे वर्ल्ड की बातें कीं, तब कहां थे आप? ... (व्यवधान)...

**श्री अर्जुन सिंह:** हम तो सभापति महोदय, के आदेश के कारण चुप थे वरना जितनी बातें आपकी तरफ से अलग-अलग लोगों ने कहीं, हम उन पर टीका-टिप्पणी कर सकते थे लेकिन मैं जानता हूँ कि आप चुपचाप सुन नहीं सकते क्योंकि सुनने की क्षमता रखने वाले के अंदर प्रजातंत्र के प्रति सही तरीके की भावना होती है, वह आप में है नहीं। बात यह है कि जो भी घटनाएं हुई हैं उनके गवाह हम लोग नहीं हैं। उनके गवाह देश भर से आए हुए यात्री हैं जिन्होंने वह देखा। अब उनके ऊपर इसका क्या असर हुआ, यह धीरे-धीरे समाचारपत्रों के माध्यम से बाहर आएगा। कुछ सही आएगा, कुछ अतिशयोक्त आएगा, कुछ अपनी तरफ से सोचकर लोग कहेंगे क्योंकि वे घुस रहे हैं इनके बीच। इसलिए यह नितान्त आवश्यक है कि एक जुडिशियल कमीशन बनाया जाए ताकि इस तरह की चर्चाओं पर विराम लग सके और सही चीजें सामने आ जाएं और फिर आप बैठकर जो भी फैसला करना हो, कर लीजिए। वरना रोज एक कहानी छपेगी, वह एक अलग रास्ता लेगी, उससे प्रतिक्रियाएं होंगी और उन प्रतिक्रियाओं को रोकते-रोकते कुछ भी हो सकता है। आप उस हालत में क्या करेंगे?

जहां तक इस बात का सवाल है कि यह जुडिशियल कमीशन ऑफ इंकवायरी बिठाया जा सकता है या नहीं, इस विषय पर हमारे जो कानून के ज्ञाता हैं, वे अपनी बात रखेंगे, आप उनकी बात सुनिए। मैंने तो केवल इसके राजनीतिक पहलू पर अपने विचार रखे हैं और चूंकि सदन के नेता ने यह कहा था, शायद उनको याद होगा कि उन्होंने यह कहा था कि यह एक राजनीतिक संस्था है, पोलिटिकल बॉडी है, तो पोलिटिकल बॉडी में ऐसी पोलिटिकल बातें आप कैसे छिपाना चाहते हैं? अगर उनको नजरअंदाज करके आपने कोई रास्ता पकड़ने की कोशिश की तो न तो उसके पीछे ईमानदारी रहेगी, न उसका कोई परिणाम निकलेगा।

आज यह एक ही रास्ता है जो वाजपेयी गवर्नमेंट की सिंसियेरिटी को उजागर करेगा और वह यह है कि जुडिशियल इंक्वायरी को बिठाया जाए। हम यह बिल्कुल नहीं कहते कि आपके रास्ते में कोई व्यवधान आए, हम यह नहीं कहते कि शांति वार्ता में कोई रुकावट आए, प्रॉक्सी वॉर में आप कड़े से कड़े कदम न उठाएं। कौन रोकता है आपको? हम आपके साथ हैं लेकिन हम यह जरूर चाहेंगे कि यह परसैप्शन देश में न जाए कि कुछ ऐसी चीजें हैं जिनको आप दबाना चाहते हैं। यह एक मैच्योर्ड डेमोक्रेसी के लिए, मैच्योर्ड राष्ट्र के लिए अच्छा नहीं होगा। इसके दूसरे परिणाम निकलेंगे।

मैं सदन के नेता से अपील करता हूँ कि सदन की जो मंशा है, उसको समझने की कोशिश करिए। केवल आपकी आलोचना से हमारा संबंध नहीं है, हम केवल आपकी निंदा नहीं करना चाहते हैं लेकिन व्यापक संदर्भ में जो एक रास्ता है एकाउंटेबिलिटी का, आप उस रास्ते को अपनाइए। चीजों को टालने से काम नहीं चलेगा। आज किसी तरह से यह बात खत्म हो जाए, कल दूसरी आ जाए, परसों तीसरी आ जाए, यह भारत को आगे ले जाने का रास्ता नहीं है, इसको समझने की कोशिश करिए और जुडिशियल इंक्वायरी को स्वीकार करके इस बात का प्रमाण दीजिए कि आप भारत की एकता को कायम रखना चाहते हैं।

**श्री राजीव शुक्ला**(उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, यह जो चर्चा कश्मीर के मसले पर शुरू हुई है, खास तौर से अमरनाथ यात्रियों पर हमला होने के बाद, यह अपने आप में बहुत महत्वपूर्ण है लेकिन यह एक इतना संवेदनशील मसला है जैसे तलवार की धार पर चलना। मेरा दोनों पक्षों से यह आग्रह है कि जब इस विषय पर सदन में कोई बहस हो रही है तो इतनी शायस्तगी जरूर दिखानी चाहिए कि उसका असर वहां न पड़े क्योंकि इसके इंटरनेशनल रैमिफिकेशंस हैं।

आज जो हालत है, और बातचीत जिस दौर में चल रही है या जिसकी शुरुआत हुई है उस बातचीत को सेबोटाज करने के लिए ताकतें लगी हुई हैं। कश्मीर में शांति स्थापित न हो इसके लिए तमाम फोर्सेंज सक्रिय हैं, पाकिस्तान तो एक है और भी ताकतें हैं। लेकिन जो माहौल बना है उसमें हिजबुल मुजाहिदीन और हुर्रियत कांफ्रेंस हैं, उन लोगों से बातचीत चल रही है। हिजबुल मुजाहिदीन के बारे में सब लोग जानते हैं कि वह कश्मीर मिलिटेंट्स का आर्गनाइजेशन है। बाकी जितने वहां पर आर्गनाइजेशन सक्रिय हैं उनमें तमाम ऐसे हैं जैसे खास तौर से लश्कर-ए-तोएबा, जिसमें या तो भाड़े के लिए हुए मर्सनरीज हैं या पाकिस्तान से भेजे हुए मिलिटेंट्स हैं, तो उन लोगों से बातचीत चल रही है। जो लोग सचमुच में घाटी के अंदर घाटी के लोगों की समस्याओं को लेकर आंदोलन कर रहे हैं, मिलिटेंट्स हैं, आतंकवादी हैं जो भी कहिए सब कश्मीरी हैं। पूरी डेलीकेट दौर में बातचीत है। जो घटना होती है उस घटना में जैसा कि लश्कर-ए-तोएबा का नाम आता है तो लोग यह कहते हैं कि उन्होंने कुछ दावा किया है कि पाकिस्तान उसके पीछे है, सभी यह बात मानते हैं। उसमें एक जो सबसे अहम मुद्दा है जो दोनों तरफ से उठाया गया उसको लेकर जो बहस हो चुकी है उससे शंका का वातावरण तो निश्चित रूप से पैदा हो गया है। उन्होंने कहा कि सी.आर.पी.एफ के जवानों से या फोर्सेंज से ऐसी रिपोर्ट आई है कि उनसे कुछ तीर्थ यात्री मारे गए। देखिए, जब क्रास फायर होती है या मिलिटेंट्स उनके बीच में चल रहे हों, तो हो सकता है इस तरह से कुछ लोग मर गए हों। लेकिन यह बात कोई नहीं मानेगा कि सी.आर.पी.एफ के लोग तीर्थ यात्रियों को मारेंगे। अब चूंकि

इसमें शंका पैदा हो गई है इसलिए उसका कुछ फायदा दूसरे लोग लेना चाहेंगे। तो मेरा कहने का मतलब यह है कि इस विषय को मुद्दा बनाना ठीक नहीं। कितनी ऑड सर्कम्सटेंसिज में जो हमारी सिक्योरिटी फोर्सज वहां लड़ रही है शायद किसी को पता नहीं। अगर उस समय आप वहीं हों तब पता चलेगा, अंदाजा लगेगा। लेकिन इसको मुद्दा बनाना मेरे ख्याल से यह एक बहुत गंभीर बात है जो नहीं होनी चाहिए साथ साथ मैं सरकार से भी कहूंगा कि जब एक बार शक पैदा हो गया है तो उसका निराकरण भी होना चाहिए। वह भले ही जुडिशियल इंक्वायरी हो या न हो मैं उसमें नहीं पड़ना चाहता और जुडिशियल इंक्वायरी का क्या परिणाम होगा, कितने दिन चलेगी मैं उसके पक्ष में नहीं हूँ। लेकिन सरकार की इस शंका का भी निराकरण हो जाए और साथ साथ मैं विपक्ष से भी कहूंगा कि वह इस बात को तूल न दे क्योंकि इसके जबर्दस्त गंभीर परिणाम होंगे। पी.टी.वी. को जो भी देखते होंगे जिसमें सुबह शाम यह चल रहा है कि सिक्योरिटी फोर्सज ने मारा है और वह यह चाहते होंगे कि यह बातचीत न हो, सुलहनामा न हो, कश्मीर घाटी में कुछ न हो। काजी हुसैन जो पाकिस्तान के जमायते इस्लामी के प्रजीडेंट है आप उनका स्टेटमेंट पढ़ लीजिए। वह इस बातचीत के शुरु होने से कितना खफा हैं। कम से कम एक बार बातचीत शुरु होने से थोड़े से डिमॉरलाइज हुए हैं पाकिस्तान के कुछ संगठन, आप उसका अंदाजा लगा सकते हैं। इसलिए इस बात का बहुत ख्याल रखना है दोनों तरफ से सत्ता पक्ष से और उस तरफ से कि इसमें पौलिटिकल स्कोर करने की बात नहीं है कि कुछ पौलिटिकल प्वाइंट को स्कोर कर लें दोनों के खिलाफ। असली बात यह है कि इस सम्बेदनशील मसले पर तलवार की धार पर चलने की बात है। ऐसी बात कही जाए कि सका सही मैसेज जाए। सरकार भी इसको निर्मूल साबित करे और दूसरी तरफ सिक्योरिटी फोर्सज के ऊपर कोई इल्जाम नहीं लगाया जाए जब तक कोई बात सामने नहीं आ जाती। क्योंकि ऐसा भी पता चला है कि कल कुछ लोग हमें बतला रहे थे कि लोग अब तो पुलिस वरदी में आ रहे हैं और पुलिस वर्दी में मार रहे हैं, उनको पहचानना मुश्किल है। इस तरह की उन्होंने शुरुआत कर दी है। एक बात और है। कहा जा रहा है कि 75 हजार तीर्थ यात्रियों के जाने का बंदोबस्त था लेकिन वहां पर डेढ़ लाख यात्री पहुंच गए। जो सेक्रेटेरिएट फोर्सज हैं या जो उनका सेटअप है वह भी उनको मैनेज नहीं कर पा रहा है। कहते हैं कि गुजरात, राजस्थान, हरियाणा की राज्य सरकारें इसमें कोई पाबंदी नहीं लगा रही हैं और धडाधड़ पर्चिया काट रही हैं और सब लोग वहां पर पहुंच रहे हैं या दबाव वहां पर दिया रहा है, तो इन लोगों को भी रोकना चाहिए और जम्मू कश्मीर की सरकार को भी कोशिश करनी चाहिए कि सब को जम्मू से वापिस कर दें। इसमें यह नहीं होगा कि ऐसा करने से शंकर जी नाराज हो जाएंगे। जब आप मैनेज नहीं कर सकते और लोग मर रहे हैं तो वहां पर लोगों को ले जाना खतरनाक है। जितने लोगों को आप वहां पर आसानी से ले जा सकते हैं उनको ले जाएं और इस समय लोगों को ले जाने की आवश्यकता नहीं है। यही दो बात मैं रखना चाहता हूँ।

† श्री मिर्जाअब्दुल रशीद (जम्मू और कश्मीर) : आनरेबल चेयरमैन साहब, आज जिस मौजू पर बहस हो रही है, हमें खुशी है कि इस मुकद्दस हाउस में सच्चाई कितनी भी गहराई से दबाई जाए, उसको सामने लाने के लिए बड़े जत्न किए जाते हैं और इसी से हमारे मुल्क की

† Transliteration of the speech in Persian Script is available in the Hindi version of Debate.

जम्हुरियत का वकार भी है और उसकी जिंदगी भी है। इससे पहले कि मैं आज के इस मौजू में दो बातें करूं यहां हमारे बड़े सीनीयर लीडर साहिबान जब बात करते हैं तो मैं एक अदना सा वर्कर होने के नाते उनसे अपील करूंगा कि बंगलादेश बनने के बाद, शिमला समझौता होने के बाद इंटरनेशनल लेवल की पुरानी बातों को छोड़ना, गड़े मुर्दे उखाड़ना यह मुनासिब नहीं रहेगा क्योंकि जब सदर क्लिंटन साहब यहां पर तसरीफ लाए थे तो उन्होंने भी अपने सवालों के जबाव में यह कहा था कि प्लेबीसाइड के जो नारे हैं, यह आउटडेटेड स्लोगन हैं। अच्छा हो कि उससे पहले ये बातें नें छोड़ी जाएं, वरना यही बातें न जो यहां छिड़ती हैं, हमें फील्ड में मोटीवेट करने में वहां दिक्कत आती है।

दूसरी बात जो मैं यहां अर्ज करना चाहता हूं,-  
‘तू फक्त देखता है साहिल से रजमे-खेरोशर।  
कौन तूफां के तमाचे खा रहा है, मैं कि तू ॥

सभी साथी, सभी लोग दूर से तमाशा देखते हैं, लेकिन अमलीतौर पर कौन इस कत्ले-गारत और इस आग में जल रहा है, वह कश्मीर जल रहा है, जम्मू-कश्मीर जल रहा है। इसमें कोई शक नहीं है कि पिछले 11 साल से वहां प्राक्सी वार चल रही है, खासकर के चार साल से, जब से डा. फारुक साहब जो वहां के चीफ मिनिस्टर हैं, दो-तिहाई मेजोरिटी हासिल करने के बाद से वह आईएसआई का मुकाबला करते हैं, पाकिस्तान की साजिशों का मुकाबला करते हैं, क्रास बार्डर टेरोरिज्म, वहां से जो सिविल वर्दी में पाक आर्मी आती है, उससे लड़ाई लड़ते हैं। हत्ता जब कारगिल की जंग होती है तो उसमें वीर और महावीर जब कुर्बानी देते हैं, उन्हें जलाते हैं, जो शहीद होते हैं, तो उनको दफनाते हैं, जम्मू के मंदिरों में भारत के गीत गाते हैं और यूएनओ और जनेवा में जाकर बेनजीर और नवाज शरीफ के मुंह पर दुनिया के सामने कहते हैं कि तुमने जम्मू-कश्मीर में आग लगाई है। तो ऐसा शख्स जो इस वक्त भी वहां पर जंग लड़ रहा है मिलिटैसी के खिलाफ। अगर उन्होंने हाई लेवल कमीशन मुकर्रर किया है तो मैं हाउस से अपील करूंगा कि उस कमीशन का रिजल्ट आने के बाद अगर हाउस मुतमईन न हो तो हाउस को यह हक है कि हाउस जुडीशियल इन्क्वायरी या अन्य इन्क्वायरी करना चाहे तो कर सकता है। अब चूंकि उन्होंने हाई लेवल कमीशन अनाउन्स कर दिया है और अगर अब वहां पर कोई दूसरा कमीशन मुकर्रर किया जाए तो आर्टिकल 370 के लिहाज से डिस-रिगार्ड होगा। इसके लिए मैं एक ही बात कहना चाहूंगा कि डा. फारुक साहब ने कहा था कि हमें आटोनामी रेस्टोर करो। आटोनामी रेस्टोर करने के सिलसिले में जब मौका आएगा तब हम तफसील में बात करेंगे। लेकिन उनकी तरफ से मैं यह कहता हूं,

‘यही तो कहा था मैंने कि मेरी आंख देखती है,  
मुझ पर टूट पड़ा सारा शहर नाबीना।’

जब उन्होंने वह बात की तो देश के बहुत सारे बुजुर्गों ने, लोगों ने, लीडरों ने, उनको छोड़कर जो हमारा मीडिया है वह तो ऐसा टूट पड़ा जैसे वहां कारगिल की जंग जारी है। सच बात तो यह है कि आर्टिकल 370 जो हमारे हिन्दुस्तान के कांस्टीट्यूशन का हिस्सा है, उसके तहत अगर फारुक साहब को यह हक है कि वहां पर कमीशन मुकर्रर करें, तो कम से कम जो बचीखुची आटोनामी है, जो बचेखुचे इख्तियारात हैं, उनका तो इस्तेमाल करने दीजिए।

**उपसभाध्यक्ष (श्री सुरेश पचौरी):** सदस्यों से अनुरोध है कि जो भी मोबाइल लाए हैं, कृपया स्विच ऑफ कर दें।

**मिर्जा अब्दुल रशीद:** इसलिए जो इस वक्त उन्होंने हाई लैवल कमीशन मुकर्रर किया है, मैं अपील करूंगा कि उसका रिजल्ट आने दें, उस कमीशन की रिपोर्ट को देख लें जैसा कि हमारे लीडर ऑफ दी हाउस ने फरमाया है और उसके बाद अगर ऐसी कोई गुंजाइश होती है तो उसको देख लेंगे। मैं यह कहना चाहता हूँ कि अगर ऐसा न हुआ तो यह बद-ऐतमादी जो है, यह बे-भरोसा जो है, यह जो आपस में गुस्सा है जो 1953 के बाद शुरू हुआ है- ये सारे इसी के परिणाम हैं। यही यह रूप लेते हैं कि आज सारा मुल्क जम्मू-कश्मीर की वजह से जल रहा है। मैं ज्यादा वक्त न लेते हुए इतनी बात कहूंगा कि डा0 फारुक साहब ने जो हाई लैवल कमीशन मुकर्रर किया है, उसका रिजल्ट आने तक इंतजार किया जाए। अगर वह मुतमईन नहीं होगा तो हाउस हक है कि वह ज्युडिशियल कमीशन बनाए या जो मर्जी करे। क्योंकि इस वक्त वहां पीस टॉक्स चल रही हैं। मैं हिजबुल मुजाहिदीन वाले हमारे दोस्त जो री थिंकिंग करने जा रहे हैं, उन्हें महात्मा गांधी की आत्मा की तरफ से, शेर-ए-कश्मीर की रुह की तरफ से अपील करते हुए एक बात कहना चाहता हूँ कि:

तुम्हारी शरपसंदी से जले हैं कितने घर देखो।  
कटे हैं कितने सर इसका तुम्हें ऐहसास क्या होगा?  
बहाओ खून सड़कों पर मगर इतना जरा सोचो।  
वतन जब खून मांगेगा, तुम्हारे पास क्या होगा?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): Mr. Vice-Chairman, Sir, we have been discussing this issue of immense importance for several hours since today morning and we have also been discussing it at a very important moment when a very serious effort is being made to give peace a chance in Kashmir. One thing which is very clear -- I must say with a sense of pride as a Member of this House - is that though there have been different perceptions on certain issues, it is absolutely clear to me as a Member that each one of those who have spoken in the last few hours has the interest of this country foremost in his heart. Each one also has made it clear that, irrespective of the different perceptions, the desire is that our security forces and different agencies must be strengthened rather than scarred, and, therefore, the attitude of each really has to be in that direction. Sir, the Prime Minister, on two occasions in the last few days, after making a detailed statement, also as his response to the various issues which were raised, has spoken on this issue at length. Normally, after a debate which continued for almost a large part of one day and spilled over to the next, there was no real necessity for this issue to come up again

today, but for certain reports that appeared in a section of the newspapers. We have a very independent Press. We are all proud of its independence and I give them the full right to write what they really desire to write. But every national agenda cannot really be dictated on the basis of a news item here or a news item there. The only difference which has taken place between yesterday and today is really some news item in a few newspapers. I was sitting in this House when the debate was going on, going through the news item and I will just read out two sentences from it. "It is just possible that the militants managed to kill 33 people through indiscriminate firing. But a plausible theory is that the ponywallas died during the cross-fire from the CRPF in the bunker set up in the adjoining rocky terrain". I really do not know as to whether this is news, whether this is based on an analysis or whether it is really a kind of an analysis that some writer exercising his freedom to write has been exercising. But then, we must also remember, as the senior Member from the Congress Party, Shri Arjun Singhji, has very rightly said, that we must not play with fundamentals. When he says that we must not play with fundamentals, we must also keep in mind that there are several occasions, very challenging ones in the life of a nation, where we may have to rise above partisan attitudes. We will have to think in terms of institutions. Ghulam Nabiji said, "Why do we think we are so weak that some Pakistani propaganda on PTV can really shake us?" I agree with you. Any propaganda on PTV or any article in any newspaper really cannot unshake our resolve, but at the same time, when you are so confident, and so are we that we are not weak, it is precisely because we are not weak that the outcome of Kargil eventually was what it was. The truth did come out, but let us also have the confidence that the systems in our country are also not unfair, and the agenda for our systems really does not have to be dictated by the Pakistani press or the Pakistani television. ...{Interruptions}...

Sir, I remember, a very similar debate taking place towards the end of the Kargil conflict. The Government, at that time, appointed the Subramaniam Committee, and now we have the facts behind us. The report of the Subramaniam Committee did come. It was a Committee of experts. It went into every aspect of the matter, it gave its Report; and as the Prime Minister said yesterday, the Report was made public, the action taken was announced, and various institutional checks and balances, introspections are going on within the various institutions on the strength of that Report. But let us go back to the day when the Subramaniam Committee was

announced. Precisely the arguments which are being raised today had been raised by some of our friends even at that time. I distinctly remember answering, "Why have you appointed the Subramaniam Committee, and not a commission of inquiry under the Commission of Inquiries Act? How will the cross-examinations take place? How will the witnesses come and depose? Is it a cover-up operation by the Government?" Precisely the issues which have been raised by some of the Members today, were raised even at that time. But now we have eight to ten months of history behind us; the manner in which the Committee functioned; the expeditious manner in which it unearthed all the facts; it pointed out to our areas of strength; areas where we could have done better and the challenges for the future. Today, Mr .Azad raised three questions and said, "People will say that since there is a default purportedly mentioned by somebody in the State Government, how can you have the same State Government officers being part of this Inquiry Committee?"

SHRI ARJUN SINGH: Have you seen the statement of Mr. Subramaniam lately who was a Chairman of that Committee?

SHRI ARUN JAITLEY: Yes, indeed I have. But that statement adds to the fairness of our process that we appointed a Chairman who during the Committee and after the Committee has full, freedom to give his views, and that negates what Mr. Azad has said that when you appoint these committees, you want to appoint people, public confidence will not be there merely because an officer of the State Government is associated. You may have the officers of the armed forces associated; you may have the officers of the State police associated. But that is no reflection on any bias of a Committee of this kind. After all, the systems as they exist in our country, what would an inquiry into the *Amarnath yatra* episode really unravel? How did the whole incident take place? What were the security steps taken? What are the challenges required for the future? What are the improvements required to be kept in mind in the future? These are all findings which will come out of the Committee which has been appointed. The Government and various institutions, Departments will have an opportunity to go through them. But, merely because you have from the armed forces, the police and other departments somebody associated, really should not shake your belief that our systems are unfair, and therefore, nobody really will have confidence in a report of a particular kind.

Sir, the hon. Member mentioned, -- I must give the illustration, I repeat the illustration — that we have gone through such an experience once and there is no reason why when such recommendations do come, those responsible in the Government certainly will take all steps in that particular direction. I must mention that introspection is a positive exercise. Inquiry into important events, when they take place, however unfortunate they are, is a very important exercise. It gives you an opportunity to realise where improvements are required and where strength is required. It gives you an opportunity to analyse whether something has gone wrong somewhere and what the steps' required to be undertaken in the future are. But this exercise, in every case, need not necessarily be an exercise of a judicial inquiry. When you speak in terms of a judicial inquiry, let us just see the manner in which the debate has tended to change in the last few hours or in the last one or two days. It is a great tragedy. Somebody from across the border organises these attacks. Pahalgam is one such incident. There are several other incidents. More than a hundred innocents lost their lives. It is a great challenge for our country to stand up as one, take steps and make sure that these incidents are not repeated in the future.

We are trying to go through a peace process. Somebody is trying to scuttle this process. When somebody is trying to scuttle the peace process, should we now act in panic or start yielding before a propaganda which says that maybe; your own security forces have erred?' The moment we start this exercise, let me tell you, it would be music to the ears of those who are ill-disposed towards this country. The only difference which has taken place is that there are some news items which say, maybe, the militants have killed them but, maybe, the other possibility also does exist. I really do not know whether I can call it a news item at all. It is more like a badly written judgment of a court when a judge is not able to make up his mind and he probabalises both the theories and then says, 'Well, something more requires to be done in this matter.' This is precisely what I read in the news item.

SHRI NILOTPAL BASU (West Bengal) : Mr. Jaitley, would you yield for a moment? Do you consider what the Defence Minister spoke before camera also in this category?

SHRI ARUN JAITLEY: Well, I certainly did hear the Defence Minister before camera. I have also read his statement today. The Defence Minister

has said nothing of that kind before camera, which he categorically denied. Therefore, to merely say that the Defence Minister has said something before camera is wrong. Certainly, camera tapes would be available in a private channel also.

Mr. Vice-Chairman, Sir, we are going through a debate. Some legal issues have come up, raising the question whether it is under the jurisdiction of the Central Government or the State Government. Such issues certainly do arise. Mr. Sibal spoke yesterday, Mr. R.K. Anand, Mr. Fali S. Nariman, and Dr. Singhvi, all very eminent and senior lawyers spoke. They all have given their views on the subject. Sir, the issue is not one of legalisms. The issue is one of far more significant repercussions. We want to know what steps we can take to prevent such occurrences in the future; what the safeguards in future for the Amarnath *yatra* are; have we, at any stage, gone wrong in the past; is there anybody who has not performed his responsibility. The country must know the positive steps which were already taken in the past.

Sir, speed, is the essence of such inquiries. Now, if speed is the essence of such inquiries, it is but obvious that an inquiry of the kind which has already been ordered is an inquiry which can be of an expeditious disposal, is an inquiry which can come out with its findings and observations quite expeditiously. I must also, in this regard, point out the attempted change of focus. The attempted change of focus is not that there is terrorism sponsored by our neighbour, not on the people across the border, not on training taking place there, not on the innocents being killed or on the methods that we must deploy to save them. Obviously, there is a focus. That is what the news item says, and I say this with a sense of regret. People say, 'Possibility exists that CRPF may have been involved and, therefore, have a judicial inquiry.' That is the whole rationale of the story. It is said in so many words. Therefore, if the purpose of the judicial inquiry is that those who are indulging in a proxy war use it as a forum to further their tactics to demoralise and discredit our Security Forces, then, certainly, we must think twice before undertaking a process which is really not going to enable an expeditious finding of all the facts. The administrative inquiry is sufficient for that particular purpose. On the contrary, it is going to be used as a forum for collateral purposes, as the news item which has really started this debate today itself indicates, that it is an exercise which will be counter-productive. Shri Arjun Singhji said that

we must not play with fundamentals. One of the fundamentals in this country has always been that at the time of a proxy war — even at the time of a war — the whole country stands one that nothing must be done to start hair-splitting and finding faults with the Security Forces which are really making all the sacrifices for the country. If there are or in the past if there have been human rights violations, we have our domestic machinery which goes into this; we have our legislative set-up which go into this; we have created the Human Rights Commissions; we have created many other institutions which go into this question. Our mechanisms are strong enough. But, merely because some of us at some stage have felt that a judicial inquiry is the demand of the day, well, we may have felt that. But, I am sure that when you say that you are a party with a years of legacy — you indeed are - then political statesmanship really requires that we do not stand by issues which we picked up and then realised that this could be counter-productive. Even now it is not too late. Seeing the overall debate and seeing a larger cross section of this House certainly wants to know the facts, but does not favour a judicial inquiry, I am sure my friends on the other side would also yield to this larger opinion of this House which is reflective of a larger opinion in this country and not persist with a demand which really will lead us nowhere. Thank you.

SHRI ARJUN SINGH: I did not want to interrupt you second time. ...*(Interruptions)*... But the fundamentals which you referred in my name are not the fundamentals which you have interpreted. ...*(Interruptions)*..

SHRI ARUN JAITLEY: I may specify... *(Interruptions)*... )  
 Sir, when I referred to fundamentals, I did not want to elaborate on that. ...*(Interruptions)*... Since he has raised it, Mr. Vice-Chairman, Sir, let me just explain. The fundamentals I had in mind were very clear. I am a very new Member as compared to Shri Arjun Singhji *(Interruptions)*... The fundamental I had in mind was that on issues of moment, for a country, when we face a situation of this kind, we, at least, try to keep partisan attitudes and partisan issues away. And I say this with a sense of regret, by saying, "the country is getting divided, and so on" it was not a service we were doing to India.

SHRI KAPIL SIBAL (Bihar): Mr. Vice-Chairman, Sir, I thank for giving me this opportunity to participate in this debate. I have listened with rapt attention to the various views expressed by the hon. Members of this House. I am very sorry to say that on some occasions we have been

digressing away from the core of the issue that is before this House. At one level there is an element of unanimity between those who have expressed one view and those who have expressed another view. Those who are in the Treasury Benches and those who are part of the NDA and others feel that the commission of inquiry or the inquiry that has been set up under the General Officer Commanding of the Unified Command, including the Deputy Commissioner and the Home Secretary, is focussed to find out the truth. So, obviously, I do not doubt the intent of the Government in setting up this inquiry to find out the truth. And to that extent, there is unanimity because we too from this end have made a call for a judicial inquiry also for the same purpose. We too want to find out the truth. So, there is no disagreement on that. The issue is, what is the mode, the issue is, how, the issue is, public confidence, the issue is, will this serve the purpose. Now the fact is that Kashmir has been burning. Right from 1998, ever since when an hon. Minister of this Government said, "We must have a pro-active policy towards Kashmir", That very Minister, in fact, made a public statement and told this House, "We will, in fact, issue a White Paper on ISI's activities in India, including Kashmir. We have been noticing; the people in this country have been noticing the levels of terrorism moving higher and higher. More and more innocent people are getting massacred and we have also been seeing in tandem that activities of other countries have been showing more and more interest in the affairs of Kashmir.. Therefore, the nation is concerned and I do not blame any political party. The nation is 'concerned of what is going to happen, of what is going to be our fate and it is seldom that in the history of a nation a hundred people get killed on one day. I do not want to blame anybody, I do not think my party wants to blame anybody and let it be said and stated last without demur that we do not want to blame any security forces. The gravamen of our enquiry is not to blame the defence forces of this country or the security forces of this country. The gravamen of our enquiry is, how it is that terrorist activity in the last several years and recently in the last few months has reached such a pitch that an enemy across the border dares to kill a hundred honest, innocent citizens of our country. That is really the purpose of this enquiry. I do not agree with the hon. Minister when he said that we on this side want to discredit the security forces. When have we said that? I do not agree with my learned friend when he said that we want to find fault with our security forces. We only mentioned that there are some newspaper reports, they may be true, they may be false. Everyday, newspaper reports are brandished about in

this House. Hon. Members from that side and this side wave newspapers on a daily basis to raise matters of importance. We never say, 'let us not look at the-newspaper.' The fact of the matter is the Press in our country is free. They are free to investigate. They are free to find out what they perceive to be true. It may not be the truth, Sir, but they are free to find that out. It is not only the newspaper report, it is also the electronic media and they have done yeoman service in the past. I do not think the intent of the newspaper report was to criticise the Government, The intent was that this is the perception of the people of our country, this is the perception of those who have investigated those matters and it concerns us. It is very strange that in a democracy, newspaper reports can publish what their perceptions are of this House which is the essence, which reports the essence of democracy and it cannot be debated! We do not want that the security forces should be put in the dock. But we certainly want that the truth must come out. Sir, in fact, you will see in the weeks to come, there will be reports in the magazines and newspapers, and there will be reports by outside agencies. You know how outside agencies are working against India and Kashmir, take Amnesty International, take Human Rights Watch. These are agencies, which are going to give out reports which will be anti-India. Now, in order to quell doubts what is the safest way out for the Government of India? The safest way out is to tell the international community that we ourselves have ordered a judicial inquiry. What better course would there be than to be able to tell the rest of the world, 'look at the fairness of our system of inquiry, we have appointed a sitting judge of a court'? Whether the State Government does it or the Central Government does it, is a legal question and I leave the legalese out. But the fact of the matter is, that was the safest course for this Government to have adopted. I am sorry to say that they have- not chosen that course and in that process we will get flapped not only from within the country but also outside the country. The hon. Minister mentioned that such enquiries have happened in the recent past. He gave the example, Mr. Vice-Chairman, of Kargil and he said, 'see, the Subramaniam Committee has given its report and see the kind of objections that some Members of the Opposition raised earlier.' The same issues that are being raised were raised earlier. Sir, what happened to the Subramaniam Committee's Report? Mr. Vice-Chairman, Sir, let me say this, despite the Subramaniam Committee's Report, which was an in house report, Mr. Subramaniam has on record stated today that the Government should, in fact, place on the Table of House documents which the Government has withheld.

Now, what does it show? It shows the attitude of this Government. If you are so open about it, why did you not place all the documents in respect of the Subrahmanyam Report on the Table of this House? That very Mr. Subramanyam has said, "Why has the Government wanting not to place those documents on the Table of the House?" This, in fact, proves what we have been saying all along that if you do not have a transparent, open, inquiry, through a process which earns the confidence of the public, you are going to have doubts on what happened and, therefore, you will not be protecting the security forces of the country. In fact, you are doing something against the interests of those very security forces that you are trying to protect. In fact, I am very, very happy to note that not only the hon. Minister, but also an hon. Member, Dr. Singhvi, from the Treasury Benches, has made a very candid statement here. Sir, Dr. Singhvi said, I quote, "That there was, in Kashmir, in respect of recent incidents, a concerted plan by the people who are hostile to us." And the hon. Minister — I quote — has said, "Somebody from across the border organises these attacks." We agree with you, Sir. Mr. Vice-Chairman, Sir, we agree that it is somebody, from across the border, on a daily basis, who is organising these attacks. We want to find out why has our defence not succeeded. How is it that they were allowed to attack innocent people of this country and we were not able to rebut these attacks? There are some reports that in one area, there were two militants, and the people killed were 33! There were only two militants, and 33 people were killed! Some reports say that. Now, the question is, if we had prior knowledge, why were we not able to stall that? Why were we not able to deal with that? I do not see it is the fault of the security forces. But we must find out whose fault it is? We must find out why were the arrangements not foolproof so that innocent victims could have been protected from this kind of onslaught? Having said that, Mr. Vice-Chairman, Sir, there is another point that I want to touch upon, which is of significance. Sir, this is a debate in which we are all one; and I agree with some of the Members of the other side who said that we must rise above partisan politics because this affects the security of the country and we must put up a united front before the rest of the world. There is no doubt that all of us are united on this. But where does the problem lie? The problem lies in the fact that whenever the Congress Party raises an issue, which it believes of some significance, immediately, there is a tirade against the Congress Party, not only within Parliament but also outside Parliament. And, what is said to us? They say, "Look, you are supporting Pakistan." If we question this Government on any issue, which

either relates to Kashmir or the security of this country, an allegation is made against us. The allegation is, "Look, you are trying to support people outside the country."...*(Interruptions)*...One second...*(Interruptions)*...I did not interrupt...*(Interruptions)*...I did not interrupt anybody...*(Interruptions)*...Please, I request, through you, Mr. Vice-Chairman, Sir, the hon. Members of this House to allow me to complete my point of view. Now, Sir, this is very unfortunate because what happens in the process is, you vitiate the atmosphere. We are, in this House, together to resolve the issue of national significance and we want to work with the Treasury Benches on this. But if you start alleging — very, very senior Ministers have made these statements outside the House — that the Congress Party is playing into the hands of the enemy and that the Congress Party is supporting outside elements, what is the message that you are sending and what is the politics that you are playing? Is this politics or not? This is what vitiates the atmosphere. That is why I say, if you were stop doing that and if you were to come to this House for the purposes of, actually, co-operating - and we, indeed, want to do so with the Treasury Benches -- dehors this kind of atmosphere, then we will be able to do something together for this country.. This is one point I wish to make because neither of us and, I think, Dr. Singhvi was right that these kind of issues should not be raised in this House. And I find, every time this happens, the whole atmosphere gets vitiated. Then the other point I wish to make, is, hon. Members of this House have said, "Look, an inquiry is going on and we should wait for the results of that inquiry to find out whether there should be a judicial inquiry or not." The hon. Minister really said that the Congress Party should not have asked for a judicial commission, under the Commissions of Inquiry Act, in this regard. The real problem arose because yesterday, the hon. Leader of the House got up and solemnly made a statement that the setting up of a Commission of Inquiry by the Central Government was unconstitutional. Had he not said this, this problem would not have arisen because we would not have got up to justify our position, namely, that this was an incorrect statement of law. Then, we were told the reason as to why this cannot happen, the Commissions of Inquiry Act applies only to such laws in which the Central Government can make a law respecting items in List I and List III of the Constitution, and in respect of any item in List II, the Central Government is not entitled to make a law; therefore, the Central Government cannot set up a Commission of Inquiry in respect of any of those items. Now, entry 1 of List II talks of public order, and the contention raised was that this matter relates to public order; therefore, it is a State subject, and being a State

subject, the Central Government, under the Commissions of Inquiry Act, cannot set up an enquiry commission. That is belied by the statement of the hon. Minister in this House when he says — I have quoted him earlier also, and I am quoting him again --, "Somebody across the border organises these attacks." And Dr. Singhvi said, "There was a concerted plan of people who are hostile to us." So, obviously, it is their own case that this is not a matter with respect to public order within Kashmir. It is a matter which relates to terrorism, and the spread of terrorism from across the border. Now, there is the Jammu and Kashmir Order and I will just disabuse the misconception of my learned friends. There is an Order of 1954, The Constitution (Application to Jammu and Kashmir) Order, 1954, in which article 248 of the Constitution of India says, "Parliament has exclusive powers to make any law with respect to prevention of activities, involving terrorist acts, directed towards overawing the Government, as by law established." So, under the Jammu and Kashmir Order, 1954, Parliament has exclusive rights to make laws preventing for activities involving terrorist acts directed towards overawing the Government. Therefore, Parliament has an exclusive right to set up a Commission of Inquiry in this respect. You yourself say, "These are acts of terrorism from across the border." Therefore, for the Leader of the House to say "We have no power under the Constitution to set up a Commission of Enquiry" is not to look at the laws that are staring at your face. Not only that; Sir, there is another entry, entry 97, which is also a part of this Order, and may I just state it before you that entry 97 has been amended, as applicable to Jammu & Kashmir, and it says, "Prevention of activities involving terrorist act directed towards overawing the Government, as by law established."? So, both, under entry 97 and article 248 of the Constitution, it is Parliament which has an exclusive right to set up a Commission of Inquiry in respect of any of those matters. Now, you may say "Notwithstanding the law, we do not think that it is right or appropriate at this point of time to set up a Commission of Inquiry because we are walking on a razor's edge, and, therefore, it may not be good for the country." You may have that perception, and you are entitled to that perception.

And that may be your argument for not setting up a Commission of Inquiry. But, Sir, we have a different point of view. We are trying to place that point of view before the people of this country. And, through you, Mr. Vice-Chairman, I would like to say that you don't have the right to question both our integrity and our patriotism. In no way are we less patriotic than

any of you. In no way will we duck when our country and its security is threatened. And I don't talk only of the Congress Party; I talk of every political party that is represented in this House. So, please don't, please don't, bring a level of intolerance into this House. For, if you do that, we will never be able to have a dispassionate debate for the good of this country. Thank you very much.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now, the Leader of the House to respond.

SHRI JASWANT SINGH: Mr. Vice-Chairman, Sir, it is of some disappointment to me that hon. Pranab Mukherjee, who had initiated this discussion, is currently not here. He had advised all of us that the viewpoints, particularly, his viewpoints and of his party, be heard in advocacy of why there should be a judicial inquiry. I had, even at the very beginning said that the Government is not averse to a discussion, any discussion, at any point of time. Inevitably, Sir, given the nature of the subject, the discussion was not limited to the aspect of the Congress Party's or the other parties' views as to why there should be a judicial inquiry. Hon. Members ranged far and wide and said many things. It is not necessary for me to respond to all these things. The central question is, advocacy of a judicial inquiry into the matter. Many learned practitioners of law have cited various aspects of law. I had occasion even yesterday to submit, Sir, that this House makes laws. We don't discuss issues here, as we do in chambers of law. But hon. Members are free to put across their viewpoints as they like. And, indeed, those who have concentrated on the legal aspects are doing so because that is their persuasion; that is also, perhaps, their specialization. Good luck to them. May they prosper.

SHRI KAPIL SIBAL: May you prosper you too, Sir.  
*(Interruptions)*

SHRI JASWANT SINGH: Let me just put across the essence of it. There appears to be an intermingling of the cause and effect. The cause of what took place, be it in Pahalgam or Kupwara or other areas of Jammu — the cause is cross-border terrorism, promoted, encouraged, inspired, aided, abetted, financed and continues to be supported by forces inimical to India, outside of India, and it is something that Pakistan has continued to do. To establish the cause, a judicial inquiry is not needed. I am astonished at the intermingling of the cause and effect. We don't need a judicial inquiry

to establish the causes that encourage these terroristic activities, not simply in the State of Jammu and Kashmir, but in other parts of India also. We are engaged with the effect of it. Certainly, hon. Members are well within their right. Now, in future, subsequently, not simply hon. Members here, indeed, any citizen, including the members of the fourth estate, is free to find fault with the Government, criticize the Government and point out that this is where the Government has failed, but only with the effect of it. I do not wish to go, Sir, here into the fact as to where the incident has taken place; the best manner of establishing what happened is through an inquiry commissioned by the State Government, as constituted, as they have already announced. I did approach this whole discussion with a view to be enlightened by my distinguished friends from the Congress Party and others as to why the Government should change its mind and do as they advocate. I do not wish to enter into any competitive boastfulness about our concern for the security forces. My gallant friend, General Shankar Roy Chowdhury, and I were cadets together when we started our life as fledgling soldiers. I do not have the distinction of Maharaja Saheb of Kashmir to hold an honorary rank of Major General, but I did also, going through the ranks, as it were, of cadetship, achieve some familiarity, not simply familiarity but also some degree of attachment, with the armed forces. Therefore, it is not the question, Sir. I do commend to the House 'pay heed to what he said that when you engage in such activities - when he says it - he says it - we were cadets - I wandered into this world and he rose to be the Chief of Army staff- he says it with the responsibility of his office -- it does have an effect on the morale of the security forces. Pay heed to it, if you will; if you do not, it is your right not to. I do wish to make one more observation. When a senior Member of the Congress Party, whom I hold in a very high regard, who brings to his public office years of experience of various positions in Government, suggested that I specialise in backtrack diplomacy, उन्होंने फरमाया कि मैं बैक ट्रैक डिप्लोमेसी में महारथ रखता हूँ। मैं वास्तव में नहीं समझ पाया की बैक ट्रैक से उन का क्या अर्थ है, परंतु यह सही बात है उपसभाध्यक्ष जी कि स्वभाव और अनुभव के आधार पर ही तो माननीय सदस्य अपनी बात कहेंगे। स्वभाव और अनुभव से कैसे परे हुआ जा सकता है ...**(व्यवधान)** आप को चुभी बात, आप ने मुझे कहा, मैं बैक ट्रैक डिप्लोमेसी में विश्वास रखता हूँ। मैं विश्वास दिला दुं आप उम्र में भी बड़े हैं हर हिसाब से बड़े हैं, बैक ट्रैक मैं समझा नहीं। शायद आप की महारथ हो जिदगी भर आपने सियासत की, बैक ट्रैक किया है। हो सकता है कि आप स्वभाव से परे नहीं उठ पाए। खैर, वह बात छूट गयी। यह भी सही बात है कि सियासती बहस थी तो स्वभाव के अनुसार आप ने अपनी बात रखी कुछ माननीय सदस्यों ने अपनी बात रखी।

It is indeed the nature of the challenge which we face, as a nation, that issues relating to the State of Jammu and Kashmir should generate the highest possible concern and heat. Pakistan has been given to saying that Jammu and Kashmir is the core issue between India and Pakistan. The present Chief Executive, General Parvez Musharraf Saheb, is also given to repeating this line, I made it clear on behalf of the Government in the UN General Assembly, in September of 1999- and have since repeated often, that Jammu and Kashmir is not either a territorial dispute with Pakistan nor is it a core issue between India and Pakistan. Jammu and Kashmir is at the core of the Indian nation only. And what is at the core of Indian nationhood will certainly generate passion and the kind of discussion that we have had. I would have liked very much to have acceded to the request made by my distinguished friends from the Congress and their repeated advocacy of a judicial inquiry, I regret I am not able to do so, Sir. The Government has taken a position. The State Government has ordered an inquiry. I believe that for the good of Jammu & Kashmir, for the good of establishing what has actually happened, and to enable the people of Jammu & Kashmir — आपने शायद फरमाया और बहुत अच्छे लफ्जों में फरमाया — "we will only debate here, and the heat will be felt by those who live there." Therefore, Sir, after having examined all aspects of it, on behalf of the Government, I do, with due regard to the views expressed by everybody, regret that we cannot accept the suggestion of the Congress Party that a judicial inquiry be ordered. Thank you very much, Sir.

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH) : Mr. Chairman, Sir, I have listened with great attention to what the hon. Leader of the House had said. I agree with him that cross-border terrorism, aided, abetted and inspired from Pakistan is at the root of the trouble in Jammu & Kashmir. But, Sir, that is not the issue. The issue is that we all knew that once the peace process gets going, there will be trouble of this kind. The hon. Prime Minister himself mentioned that intelligence had given warnings to this effect that there could be trouble; and, naturally, the public at large as well as the House is entitled to know — if there were such warnings from the intelligence agencies --. what precautions were taken by the Government to take care that no such untoward incidents took place? That is a legitimate demand of this House and the public at large, and the Government cannot put this issue under the carpet. Sir, yet another issue was raised by my colleague, Shri Pranab Mukherjee. He pointed out that as early as in 1996, the then Home Minister had commissioned a report. This report has been mentioned in the newspapers. We have not seen the

contents of that report. That report had made several recommendations with regard to the protection of pilgrims who might be going for the Yatra of the sacred Amarnath Shrine. Has that report been implemented? If it is not implemented, why has it not been implemented? Have there been any gaps in the process of implementation of that report? This again is a legitimate issue, and the hon. Leader of the House or the hon. Law Minister have not thrown any light on this issue as well. Then there is the other question, a related question, about the type of inquiry. We have heard the pros and cons. We know that the Government is not inclined to order a judicial inquiry. But, Sir, I submit to the Government in all sincerity that our country's fair name demands that we should be transparent to the utmost extent in dealing with these charges, howsoever malicious they might be, that some elements of the CRPF might have inadvertently done what is attributed in the newspapers.

I do not subscribe myself to this charge. This charge has been made in newspapers. As my colleagues have pointed out, this will be repeated. The best way to stop this nonsense is to order an inquiry that will inspire confidence, internally as well as in the rest of the world. For all these reasons, I feel that the hon. Leader of the House has not been able to convince us that there is no case for a judicial inquiry.

I have heard the legal luminaries, Dr. Singhvi, Mr. Anand and Mr. Nariman. I don't think that they questioned the competence of the Central Government to order a judicial inquiry. As I understood them, they said, "Not now, but, maybe, later on." Therefore, on this question of jurisdiction that, I think, the hon. Leader of the House mentioned yesterday, I submit to him that as I heard Dr. Singhvi, Mr. Anand and also Mr. Nariman, they did not endorse the argument that this is an issue that is outside the competence of the Central Government. For these reasons, I feel very sorry. The Government, in its wisdom, has found it fit to reject our demand. We, on our part, cannot accept this situation. We will continue to press for a fair inquiry. We believe that a judicial inquiry is the only answer to this problem. Therefore, in protest, we walk out of this House.

(At this stage, some hon. Members left the Chamber.)

SHRI R. MARGABANDU: In protest, we also walk out.

(At this stage, some hon. Members left the Chamber.)

**उपसभाध्यक्ष** (श्री सुरेश पचौरी) : सदन में एक बहुत महत्वपूर्ण बिल मध्य प्रदेश रिआर्गनाईजेशन बिल, 2000 पर चर्चा होनी है और एक मेजर पोलिटिकल पार्टी ने चूंकि वाक-आऊट किया है, इसलिए मैं सोचता हूं कि इस महत्वपूर्ण बिल पर चर्चा कल करें। मंत्री जी, इस मामले में आपका जो मत हो, वह आप व्यक्त कर दीजिए।

**SHRI O. RAJAGOPAL:** As the Vice-Chairman has rightly pointed out, this is an important piece of legislation, and, as a major party, the Congress Party, is absent now, it will be better that we take it up tomorrow.

**उपसभाध्यक्ष** (श्री सुरेश पचौरी): अब सदन की कार्यवाही कल बुधवार, 9 अगस्त 2000 को प्रातः 11 बजे तक के लिए स्थगित की जाती है।

The House then adjourned at two minutes past five of the clock till eleven of the clock on Wednesday, the 9<sup>th</sup> of August, 2000.