

SHORT DURATION DISCUSSION**Re. The situation arising out of the reported increase in the incidents of lynching and atrocities on minorities and dalits across the country — *Contd.***

श्री माजीद मेमन (महाराष्ट्र): डिप्टी चेयरमैन सर, सबसे पहले मुझे सदन में यह कहना है कि देखिए, कितनी बड़ी irony है कि cow is considered a symbol of peace. हिन्दी में एक मुहावरा है कि कोई व्यक्ति बड़ा ही मासूम, बड़ा ही बेचारा, बड़ा ही सीधा है, तो हम लोग उसे कहते हैं कि 'यह तो गाय है', 'गौ समान'। 'गौ समान' यानी बहुत ही सीधा, बहुत ही peaceful. उसको आतंक के साथ जोड़ा जा रहा है। एक तरफ extreme peace और दूसरी तरफ extreme terrorism. Now, two things have come together and we are discussing this. I want to point that out. Fortunately, the hon. Minister of State for Home Affairs is here. Kindly note that murders in the country are taking place in ordinary times also in different parts in different States. I am not distinguishing between BJP-ruled States and non-BJP-ruled States. I am concerned with my country as a whole and I am shocked. I must share this with the House that I was embarrassed when a foreign dignitary and a legal luminary asked me something on telephone some days before and I had no answer. What he said is this. He said, "What kind of a system, Mr. Memon, do you have in your country as far as dispensation of criminal justice is concerned because if people kill the cow, the result is instant death; and if you kill a human, you have to wait for twenty years?"

[THE VICE-CHAIRMAN (SHRI BASAWARAJ PATIL) *in the Chair.*]

The problem is, what is this instant death? This instant death for doing whatever – be it killing cow or anything else – is lawlessness. It is outlawed act. It's an act which only reflects a society which is certainly not governed by rule of law. Now, we are requesting the Government that the Government must not lose sight of the fact that when we talk of the Constitution of India, we take oath of preservation of Constitution of India. We must understand that in the whole of the Constitution of India, there is one foundational provision, that is, Article 21 of the Constitution of India. It is the right to life and the right to life is the paramount provision under the Constitution. Anything else would follow. Nothing would survive if right to life does not survive. Hon. Minister, please note that the Supreme Court in a series of judgments has educated us. Let us not be ignorant about it. The Supreme Court keeps on repeatedly reminding us as to what right to life is. Right to life includes within its fold right to live with a sense of security, right to live peacefully and right to live fearlessly. This is the duty of the State and if the State fails in discharging its duty for a certain section of the people, who are deprived of this benefit of right to live fearlessly, Article 21 is violated. Now, what is happening in these murders? As

[श्री माजीद मेमन]

I said, there are murders taking place for property; there are murders taking place for personal enmity; there are murders taking place for women, for land and for what not. But, look, here is a danger. All these murders that have taken place in different parts of the country have a common link. There is a common thread and that thread endangers India's integrity. That thread threatens India's unity, India's sovereignty and India's integrity. I am afraid that the motive behind a murder is very significant in any criminal trial. We have conducted a large number of murder trials in our career. We know that the learned Judge while doing justice to the matter has to first question as to why that murder has taken place. Now, remember that these murders have taken place in various States – BJP and non-BJP – but majority of them are BJP-ruled States. There is a common motive and what is that common motive? It is done in the name of cow, but the latent motive behind all these murders is to create religious disharmony, to create communal hatred and to create communal tension in the society. ...(*Time-bell rings*)... These are divisive forces which have been doing so. So, kindly see that this is no less than terrorism and if this terrorism is not cured by effective hand of law by the ruling people, it would certainly become a menace and it would probably threaten our existence, our unity, etc. I would request the hon. Home Minister that kindly do not treat this as an ordinary murder case leaving it to the Police, as Madam from the AIADMK rightly said that we need a special task force for all these cow lynching cases. These are not the cases which have happened just off hand. These are all with larger criminal conspiracy. We will have to go deep into what is that criminal conspiracy. The criminal conspiracy is to threaten the minorities. The criminal conspiracy is to threaten *dalits* and a large weaker sections of people, eliminate them, deter them, make them understand that this is not your land probably. It is very unfortunate. It is contrary to the Constitution of India. The Constitution grants Article 14, Right to Equality to everybody. How can any section of the people ...(*Interruptions*)...

उपसभाध्यक्ष (श्री बसावाराज पाटिल): आपका समय समाप्त हो गया है।

श्री माजीद मेमन: सर, बाकी लोगों ने बीस-बीस मिनट बोला है, जिनका टाइम सिर्फ तीन या चार मिनट था। मुझे दो-तीन मिनट और बोलने दें, I will just take. ...(*Interruptions*)... I am just concluding. ...(*Interruptions*)...

उपसभाध्यक्ष (श्री बसावाराज पाटिल): ठीक है, आप अपनी बात जल्दी खत्म कीजिए।

SHRI MAJEED MEMON: What I was, therefore, suggesting was that in the morning also whilst a question was raised by our friend Shri Naresh Agrawal, the reply came from the hon. Minister of State for Home that FIRs have been registered. Now, please understand that FIRs are automatic course under Code of Criminal

Procedure. It is not the act of the Government. It is there. The local court will do it. The local Magistrate will do it. What has happened to those FIRs? Are they gathering dust? The House is entitled to know that if the first lynching case appeared in 2014, how far the investigation has proceeded. On two sides we have to see, if you want to satisfy this House and the people of this country through this House, that you are doing justice to it. You mean business. You want to stop it by your action, not by mere words. But in that event, you must place before the House as to what is happening in the progress of all lynching cases which are separate from other murder cases. Please prepare a list of all the lynching cases in the country and see who the victims are. Have you done anything for those victims? Have you provided any compensation or relief to them? Have you told them: 'Do not worry. This has happened. Now, it will not happen. You can live happily in this country and fearlessly you can continue to follow your pursuit.' ...*(Interruptions)*... Nothing of that kind has happened. You have neither taken effective steps to eliminate this menace, nor have you taken any effective steps, which is to our knowledge that the victims would feel safe hereafter. So, my request to them is that it is not the question of BJP or any other political party. I am prepared, we are all prepared to help the Government in ensuring that this terror must stop hereafter and there is absolutely no grievance. ...*(Interruptions)*... Thank you very much. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BASAWARAJ PATIL): Thank you. Shri K. T. S. Tulsi, not present. ...*(Interruptions)*... Shri Swapan Dasgupta.

SHRI SWAPAN DASGUPTA (Nominated): Thank you very much for giving me the time although I know it is all, you know, on the last legs of this. Sir, we have heard the entire chronology of the dastardly acts which have happened. I think, at the end of the day, all sections of the House, despite the change, the shift in their rhetoric, will agree on a few things and have agreed on a few things. One is that the rule of law must always prevail in India.

Secondly, I think, everybody agrees without hesitation that there is no space for extra judicial killings whether they come in the form of lynching or whether they come in the form of mob violence or what had you.

Thirdly, I think, at the end of the day, we also seem to agree that many of what took place in the past few months, few years, some of them, at least, were definitely hate crimes. I think, on all these, there is a measure of agreement. I think, where that agreement stops is on the question of attribution, of who is responsible. Now, the Leader of the Opposition was very kind and he was very precise in saying in a sense that these were the acts of individuals. In his intervention to the Leader of the AIADMK, he said that these were the acts of individuals. But he went on then

[Shri Swapan Dasgupta]

to add a political complexion to it. A political complexion which was exacerbated by the intervention of Shri Sitaram Yechury, who quoted generously from German history and who sought to link everything to a sort of Hitlerian regime which has suddenly come about. Now, a certain question arises: Has India changed fundamentally? Has the character of India changed fundamentally since May, 2014? The Leader of the Opposition said that it is a matter of great shame that nobody in that train came forward to help the boy in Ballabgarh station. And, at the same time, he quoted a New York Times' piece suggesting that in the United States, people act differently. Now, are we to conclude from there that India has suddenly become a lesser sort of human being? That, suddenly, all humanity in India has been taken out and that, what they used to say, Indians don't deserve Independence because we are lesser beings. Is that what has happened to India? Take the case. Is violence, political violence or anything, something new which has happened since 2014? I think we all of us remember the name of a police station in Uttar Pradesh called *Chauri Chaura*.

SHRI PRAMOD TIWARI (Uttar Pradesh): Gorakhpur.

SHRI SWAPAN DASGUPTA: Yes, Gorakhpur, thank you Mr. Tiwari. *Chauri Chaura* incident was famous for one thing that it was a crowd of Indian nationalists carrying Congress flags, shouting, "*Mahatma Gandhi ki Jai*" who burnt 24 policemen. Gandhiji called off the movement after that. A lot of people said that he was a betrayal. Now, the point is, are we going to tar the entire nationalist movement because of what happened in *Chauri Chaura*. It is a question we should ask ourselves. A lot of aberrations took place.

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): What Gandhiji did, you should also do. He stopped the freedom movement and said, 'No'. ...(*Interruptions*)...

SHRI SWAPAN DASGUPTA: Gandhiji said, "It was a '*Himalayan* blunder.'" It was a *Himalayan* blunder. Sir, Gandhiji withdrew the movement and a lot of people opposed it. A lot of Congressmen opposed it. ...(*Interruptions*)... They opposed it. ...(*Interruptions*)... In 1857, we saw a lot of violence. Violence has been an unfortunate part of Indian history. It has been an unfortunate part. Does that make us lesser human beings? To say that suddenly humanity has been taken away from India is, to my mind, shameful. And, if tomorrow, we start feeding into the New York Times and the prejudice, I don't think we do ourselves any credit. I think what people have to realize is that while extra-judicial killings are out of order, unacceptable and should be met with the strongest opposition, strongest action, it has

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also to be recognized that beef is a very, very sensitive subject in India. You have to acknowledge that because you have to acknowledge that there must have been compelling reasons as to why in the Directive Principles, there is a clause about cow slaughter. You have to also recognize as to why so many legislations since Independence have been passed against cow slaughter and alas, they weren't passed by the BJP, they were passed by the Congress Governments. So, there is a certain degree of intense sensitivity. The question is how do we manage that sensitivity and, yet, prevent this sort of vigilantism. I think that is the real challenge which faces us. It is not an issue which should divide the House. It is a common project. It really is a common project. I find it very peculiar that a lot of people are trying to use this vigilante killing into saying, "You know the whole thing is that there should be an absolute food freedom." In that case, they will say that there should be absolute drink freedom and Bihar should take back its prohibition laws. So, there is no such thing as 'absolute'. There are certain sensitivities which had to be recognized. I believe that the Government and the Opposition must sit together to find out as to how best to manage such things. That is the real crucial thing. We have to get around over this कू-कू, मैं-मैं issue, while taking into account that law has to be respected. Sir, I think we need to recognize that this is an issue which has tarred the name of India. It has been deliberately done and it has been done with a certain sense of purpose and there are people who, in terms of trying to be more cosmopolitan, more enlightened, have tried to suggest that somehow they are lesser beings, who protect the cow. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BASAWARAJ PATIL): Shri Swapan Dasji, your time is over.

SHRI SWAPAN DASGUPTA: Sir, I am just finishing. One last sentence. Certainly, everybody has political differences and these must be there. I think there is no reason to suggest that just because you are anti-lynching, you have to be anti-GST, you have to be anti-something else and this has to be connected with economy, etc. This is a separate problem. Address it, because if we don't address it, we are going to tar the name of India. Thank you very much.

SPECIAL MENTIONS

THE VICE-CHAIRMAN (SHRI BASAWARAJ PATIL): Now, the Special Mentions. Shrimati Wansuk Syiem; not present. Shri Vivek Gupta; not present. Dr. V. Maitreya; not present.