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Anandpur Sahib Resolution

(A Legal & Constitutional Exposition)

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I

Identity of Resolution

By now there appears to be no dispute as to which is the authenticated final Anandpur Sahib Resolution. The case of the political Akali Party has all along been that the final Resolution for the achievement of the objectives of which agitation (*marcha*) was started in 1981 by them (and called off on the 25th of July, 1985 as soon as the Central Government acceded at least in principle to practically all the demands therein) is the one which was approved by the General House of the Akali Dal attended by over a *lac* of persons at its General Session at Ludhiana on 28/29th October, 1978. A copy thereof authenticated under the hand and signatures of late Sant. Harchand Singh Longowal, President, Shiromani Akali Dal has been published as Annexure III (at pages 67-90) to the "Government of India, White Paper, on the Punjab Agitation".

2. Moreover, it has been specifically noticed at page 72 of the Government of India version of the Punjab Agitation contained in the said White Paper (hereinafter referred to as the White Page) that "it was after the passing of these Resolutions (dated October 28-29, 1978) that the Shiromani Akali Dal started the struggle for the achievement thereof.

II

The Occasion and Motivation for this Article

3. Friends and well-wishers of the country (both Hindus and Sikhs) have been asking me for quite sometime to put the record straight by taking my fellow-citizens and the whole world into confidence as to the legal aspects of the much maligned Anandpur Sahib Resolution and what are its constitutional possible implications. I was particularly asked to discuss those resolutions which might in any manner seek to endanger the unity or integrity of the country or be aimed at forming or carving out a separate independent state outside India, by whatever name it may be proposed to be called. I, however, deliberately avoided to open the Pandora's Box in the earlier

surcharged atmosphere wherein for purely political reasons, several political parties used the Resolution as the stick with which to beat the whole Sikh community on the public media and label them as extremists, secessionists and enemies of the country committed to disintegrate it. It is interesting to note that in speeches made in South, East, West or North of the country condemning the Resolution, the propounders thereof and the community which they represented in the political field, no indication was ever given as to what is the actual content of the Resolutions. From June to December 1984, U. N. I. and P. T. I. reports in the newspapers gave prominence to those speeches. Daily T. V. Broadcasts on the National hook-up carried on incessant propaganda on those lines. It was repeated ad nauseam that the Resolution contained secessionist demands to disintegrate the country, to strike at its unity, integrity, solidarity without making any effort to spell out the same. Challenges made in Letters to the Editor written by many persons to point out even one sentence in any Resolution which could in any manner be interpreted to be secessionist or unconstitutional or opposed to the interest of the country were disdainfully ignored and not even attempted to be met. A hint was often thrown that the Anandpur Sahib Resolution was not within the framework of the Indian Constitution and the Government was not prepared to touch it with a pair of tongs or consider any aspect of it as it was not within the Constitutional framework. One of the conditions precedent for reopening talks with the Akalis was that no mention be made of this "ghost".

III

Framework of the Constitution

4. It appears to be necessary to indicate briefly as to what is the legal connotation of the phrase "the framework of the Constitution" before embarking upon an attempt to answer the significant query as to whether the Resolutions or any one of them are in fact outside such framework.

5. "Framework of the Constitution" includes Article 368 which confers wide statutory powers on the Parliament to amend the Constitution itself by following the prescribed procedure. At the time of passing the 42nd Amendment Act, the Congress Ruled Parliament went to the length of adding clauses 4 and 5 to Article 368 purporting to take away even the Courts' powers of Judicial Review of any amendment and by declaring that the power to amend was unlimited. Fortunately the newly added clauses 4 and 5 were struck down by the Supreme Court as unconstitutional being destructive of the basic feature of Judicial Review enshrined in the Constitution in the *Minerva Mills* case—AIR 1980 SC 1789.

Nevertheless the validity of clause 3 of Article 368 has been upheld. By operation of that clause, the till then supposed inviolability of the fundamental rights (on, inter alia, the ground that the amending law abrogating any fundamental right would itself be void as being violative of Article 13) has gone to the winds. Property rights enshrined in sub-clause (f) of clause (1) of Article 19 as framed by the founding Fathers of the Constitution have just evaporated by the Constitutional amendment.

The Constitution has already been amended at least 44 times during the last 35 years. It has been amended at least twice by the current Parliament. There is certainly no impediment in the way of the Parliament to make any number of further amendments of widest amplitude, subject only to the condition that the amendments do not alter, or prejudicially affect, the basic features of the Constitution such as power of judicial review, sovereign democratic republic status, equality of states, opportunity of individuals, secularism, freedom of conscience and religion, Government of laws and not of men, federal structure, etc. etc. All other amendments would be within the framework of the Constitution. It is an entirely different matter if the party having majority in the Parliament does not like to make any particular amendment, howsoever vociferous may be the demand for the same from all over the country. Recent illustration is the refusal to make an amendment to extend President's Rule and postpone elections in case of Assam despite heavy public pressure, but making the very same amendment in case of Punjab without the least hesitation. This is the sweet will of the Parliament depending on its own wisdom which is immune to any question in any legal field.

6. Even the bar to amendment of Basic Features has been created by the judge-made law contained in "Kesavananda Bharati's Case—(1973)" 4 Supreme Court Cases 225. By resort to principles of Constitutional Interpretation, it has been held by a bare majority of one by the largest ever Bench of the Supreme Court in that case, that notwithstanding the amplitude of power to amend the Constitution, the power does not authorise the changing of the basic features thereof. How long this view based on a tenuous majority will hold the field may be anybody's guess! The "basic feature doctrine" has been subsequently followed and affirmed in Indira Gandhi's case (1975 SC 2299) and in "Minerva Mills Case" (*ibid*). In any event, re-aligning Centre-States relations, making substantial changes in Part XI of the Constitution relating to legislative powers and other similar changes would all be well within the framework of the Constitution. The Government of India

constituted the Sarkaria Commission ("Commission on Centre-State Relations") by Home Ministry Notification No. IV/11017/1/83-CSR dated June 9, 1983, with the following terms of reference:—

- “(i) The Commission will examine and review the working of the existing arrangements between the Union and States in regard to powers, functions and responsibilities in all spheres and recommend such changes or other measures as may be appropriate.
- (ii) In examining and reviewing the working of the existing arrangements between the Union and States and making recommendations as to the changes and measures needed, the Commission will keep in view the social and economic developments that have taken place over the years and have due regard to the scheme and framework of the Constitution which the Founding Fathers have so sedulously designed to protect the independence and ensure the unity and integrity of the country which is of paramount importance for promoting the welfare of the people.”

The task assigned to the Commission has been described in the Commission's own official circular letter as of "immense National Importance"—and indeed it is. The questionnaire issued by the Commission shows that it is dealing with Centre-State relations (i) Legislative relations including proposed amendments in that sphere, (ii) Administrative relations, (iii) Financial Relations, (iv) Economic, and Social Planning, (v) Industries, (vi) Agriculture, (vii) Trade and Commerce, (viii) Food and Civil Supplies, (ix) Education, (x) Inter-governmental Co-ordination etc.

7. Any amendment to the Constitution reducing the number of Entries in List I (Exclusive Powers of Parliament to Legislate) to the Seventh Schedule to about 20, deleting List III (Concurrent List) altogether and putting all other entries in List II (other than those enumerated in List I) including the residuary power to legislate on subjects not covered by any Entry in either of the two Lists in the State Legislative List (and not in the Union List) and making consequential changes in Articles 245 to 255 so as to have water-tight compartments in which the Centre on the one hand and the States on the other may legislate without any mechanisation for encroachment by the Centre into the State field or vice versa—would all be within the framework of the Constitution I have laid emphasis on this aspect as the "Commission on Centre-States Relations" is expected to make its recommendations "within the framework of the Constitution". I cannot imagine the Law Minister being charged

with violation of his oath of allegiance to the Constitution by proposing any Constitutional amendment.

8. Once again it appears to me to be axiomatic that by giving complete autonomy to the States in the legislative and executive field and reserving only real Central subjects with the Union (as is the case in the United States of America which is the most successful democracy) could possibly affect the unity or integrity of the country. The Union represents the whole country. If the State units of which it is comprised, are weak or dissatisfied or distrustful of the Centre or in emotional revolution, there is greater danger to the unity, integrity and sovereignty of the country than if each of the State units is a satisfied, strong, autonomous unit-looking up to the Centre as the *Patria Postestas*, rather than a step father—it would surely contribute to the strength of the Union. I believe in a very strong Centre because subjects like defence of the country, its fighting services, atomic energy, foreign affairs and other such subjects have to be dealt with by the Centre with one strong invincible hand for the whole country. But it does not appear to me to be necessary at all to retain Entries like 2-A, 7, 20, 43, 44, 48, 52, 63, 84 to 88 and 97 in the Union List. Personally I am also opposed to the provisions contained in Articles 246 (2), (3) and (4) and 248 to 252 giving powers to the Centre to encroach on the States' sphere of legislative action.

9. In my opinion, therefore, looked from the point of view of the similar demands for drastic revision of the Centre-State relations from almost all the Southern States and the comparatively less drastic demands in the Anandpur Sahib Resolution, the bogey of "framework of the Constitution" is a mere non-existing Paper Tiger.

10. It is in this background that I proceed to examine the authenticated Anandpur Resolution of October 1978 from a critical point of view.

Resolution No. 1

"The Shiromani Akali Dal realizes that India is a federal and republic geographical entity of different languages, religions and cultures. To safeguard the fundamental rights of the religious and linguistic minorities, to fulfil the demands of the democratic traditions and to pave the way for economic progress, it has become imperative that the Indian Constitutional infra-structure should be given a real federal shape by *redefining the central and state relations* and rights on the lines of the aforesaid principles and objectives.

The concept of total revolution given by Lok Naik, Sh. Jaya Parkash Narain is also based upon the progressive *decentralization of powers*. The climax of the process of the Constitution during the Congress regime came before the countrymen in the form of the Emergency, when all fundamental rights of all citizens were usurped. It was then that the *programme of decentralization of powers* rom advocated by *Shiromani Akali Dal* was *openly accepted* and *adopted by other political parties* including Janata Party CPI(M), ADMK etc.

Shiromani Akali Dal has ever stood firm on this principle and that is why after very careful consideration it unanimously adopted a resolution to this effect first at All India Akali Conference, Batala, then at Sri Anandpur Sahib which has endorsed the *principle of State autonomy in keeping with the concept of Federalism*.

As such, the Shiromani Akali Dal emphatically urges upon the Janata Government to take cognizance of the different linguistic and cultural sections, religious minorities as also the voice of millions of people and *recast the constitutional structure* of the country on real and meaningful *federal principles* to obviate the possibility of any danger to *National unity and the integrity of the Country* and further, to enable the states to play a useful role for the *progress and prosperity of the Indian people* in their respective areas by the meaningful exercise of their powers." (Emphasis supplied by me).

Resolution No. 2

"The momentous meeting of the Shiromani Akali Dal calls upon the Government of India to examine carefully the long tale of the excesses, wrongs, illegal actions committed by the previous Congress Government, more particularly during Emergency, and try to find an *early solution to the following* problems :

- a) *Chandigarh* originally raised as a Capital for Punjab should be handed over to Punjab.
- b) The long standing demand of the Shiromani Akali Dal for the merger in Punjab of the *Punjabi speaking areas*, to be identified by linguistic experts with *village as a unit*, should be conceded
- c) The control of *Head Works* should continue to be vested in Punjab and, if need be, the *Reorganisation Act* should be amended.
- d) The arbitrary and unjust Award given by Mrs Indira Gandhi during the Emergency on the *distribution of Ravi-Beas waters* should be revised on the universally accepted norms and principles, thereby *justice be done to Punjab*.

- e) Keeping in view the special aptitude and martial qualities of the Sikhs the present *ratio* of their *strength in Army* should be maintained.
- f) The excesses being committed on the *settlers in the Terai region of U:P*, in the name of Land Reforms should be vacated by making suitable amendments in the Ceiling Law on the Central guidelines".

11. Splitting up the Resolution into its different parts, may I ask as to which of the following operative parts of the Resolution can be called outside the framework of the Constitution, or secessionist or capable of threatening the unity and integrity of the country or in any other manner opposed to the interest of the country as a whole :

(i) "The Akali Dal realizes that India is a federal and republican geographical entity of different languages, religions and cultures".

Can anyone point out whether this statement is in any way untrue or illegal ? Can anyone state that India is not a federal republic ? Can it be argued that the geographical entity of India is not comprised of different languages, religions and cultures ?

(ii) "To safeguard the fundamental rights of the religious and linguistic minorities, to fulfil the demands of the democratic traditions, to pave the way for economic progress....."

The above quoted citation in the First Resolution is a mere basis for what is suggested thereafter. It contains nothing more than what is contained in Articles 25 (1) of Part III (Fundamental Rights) and Article 38, 39 (b) and 46 contained in Part IV (Directive Principles of State Policy) and Article 51-A (f) (Part IV A) which are, for sake of ready reference reproduced below :

Article 25 (1) "Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion".

Article 38 : "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life".

Article 51-A (f) : "to value and preserve the rich heritage of our composite culture".

(iii) After referring to the realisation (which is a patent fact) that India is a federal republic and is an entity of diferent languages, religions and cultures and is an entity of different languages, religions and cultures and thereafer referring to the object of safeguarding the relevant fundamental rights and directive principles of state policy and fundamental duties, the Resolution proceeds :

"It has become imperative (in the light of the realisation and the necessity to safeguard etc.) that the Indian constitutional infra-structure should be given a real federal shape by redefining the central and state relations and rights on the lines of the aforesaid principles and objectives".

The desire expressed in the above quoted operative part of the First Resolution envisage nothing more than what was referred to in the speeches of various jurist members of the Constituent Assembly including Jawaharlal Nehru and what has been referred to the Sochina Commission.

12. Akali Dal is by no means alone in the expression of the desire to give a real federal shape to the constitution and to redefine the centrsal and state relations with the objectives spelt out in their First and Second Resolutions forming part of the Anandpur Sahib Resolutions of 1978. This has been the open public demand accepted and adopted by other political parties, including the Janta party, the CPI(M) and the A.D.M.K. etc. as specifically referred to in the body of the Resolution itself.

The height of the complaint, for the redressal of which this Resolution was passed is referred to in the next part of the Resolution as the climax of the process of centralization of the powers of the States through repeated amendments of the Constitution during the Congress regime". The people propounding the Resolution have made reference to two historical facts which cannot be denied "the concept of total revolution given by Lok Naik, Sh. Jaya Parkash Narain which was based upon the progressive decentralisation of powers" and "repeated amendments of the Constitution during Congress regime" and what came before the country in the form of Emergency

Howsoever much one may wish to, no one can shut his eyes against what was claimed and openly propogated by Jei Parkash Narain nor the factum of repeated amendments of the Constitution during the period of Emergency, nor the legal, judicial, historical fact of suspension of fundamental rights, during the Emergency.

Nor can we so soon forget the strong impact of the Jai Parkash Narain philosophy which resulted in the widespread all-India rout of the Congress at the Polls in 1977.

12 The third part of the First Resolution again refers to the historical fact of having adopted unanimous resolutions at the Akali Conference at Batala and at Anandpur Sahib and states that the Akali Dal, has ever stood firm on that principle and "has endorsed the *principle of state autonomy in keeping with the concept of federalism*". (emphasis supplied by me).

The concept of federalism is wholly inconsistent and irreconcilable with the concept of a separate state. Federalism can have reference to different states within the composite whole of the country as envisaged in the federal structure legislated by the British Parliament in the 1935 Constitution Act and carried over in a somewhat hybrid form in our present constitution

13. It is at the end of the above-mentioned 3 Paragraphs that the operative part of the First Resolution addresses itself to the Government which was holding the field at the Centre in October 1978 (emphatically urges upon the Janata Government) to take cognizance of the different linguistic, cultural sections', religious minorities as also voice of millions of people (which is consistent with the voice of the entire Indian nation) and then urges the then Central Government to 'recast the *constitutional structure of the country on real and meaningful federal principles to obviate the possibility of any danger to national unity and integrity of the country* and, further, to enable the States to play a useful role for the *progress and prosperity of the Indian people* in their respective areas by the meaningful exercise of their powers". It is impossible for anyone having elementary knowledge of the English language to suggest that the claim for recasting the constitutional structure of the country, as envisaged in the Constitution itself and as upheld by the Supreme Court in Keshvananda Bharati's case or the object of attaining real and meaningful federal principles with the express object of maintaining the 'National Unity and Integrity' of the country come anywhere near any secessionist objective. The scheme in the Resolution is expressly made "to obviate the possibility of any danger to national unity and integrity of the country". The Congress Party during the recent elections appears to have been charmed by this slogan of the Akali Dal (most probably borrowed from Article 51-A(c) of the Constitution) for maintaining the "national unity and integrity of the country" and proclaiming the same during its election meetings as if the Anandpur Sahib Resolution claimed

to be the opposite i.e. the 'disunity' and 'disintegration' of the motherland ; There can be no worse travesty of facts than this. It appears that either those who propagated during the elections on these lines did not have the opportunity or time to read the Resolution published in the Government's own Paper or they were naive enough to positively misrepresent that the Resolution contained just the opposite of what it expressly states.

14. By Second Resolution the Akali Dal called upon the then Government of India "to examine carefully the long tale of excesses, wrongs and illegal actions" committed by the previous Congress Government more particularly during the Emergency" and to "try to find an early solution to the problems enumerated at (a) to (f) in that Resolution". No one can deny that it is the legal and constitutional right of every citizen and every lawful body of citizens, more so of recognized political parties, to make claims on their own Central Government for whatever such citizen, body or party thinks to be in the interest of the country as a whole or any part of the country and/or for the Indian nation as a whole, or for the benefit of any unit which forms part of such whole. Even otherwise, let us examine as to which of the demands made by the Akali Dal in the Second Resolution on the then Central Government is either secessionist or opposed to the interest of the country or the nation or in any manner inconsistent with the "unity or integrity of the country".

15. In demand (a) the request is that Chandigarh should be allocated to the State of Punjab as it was originally raised as a capital for that State. Demand (b), (which is described as "the long standing demand of the Akali Dal) for the merger in Punjab of Punjabi speaking areas, "to be identified by linguistic experts with village as a unit" are both demands for re-adjustment of territories of different States within the country for which express provision is made in Article 3 of the Constitution. Article 3 provides that Parliament may, by law, form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State, to increase the area of any State, to diminish the area of any State, to alter the boundary of any State and to alter the name of any State. It is under the authority of Article 3 that the States Reorganization Act and other such legislations have previously been passed. It is under these Articles that the whole of the country, which was, during the British regime, divided into Provinces on administrative basis was reorganised on linguistic basis. Demands for re-adjustment

have been made by and conceded to other States. Such demand made by the Akali Dal for creation of a Punjabi speaking State on linguistic basis was conceded when the present Punjab was carved out and Haryana was born as a by-product of the conceding of that demand. What is unconstitutional in asking for any injustice done during the reorganisation of Punjab being redressed ?

16. It is further note-worthy that both these demands had been conceded in principle by the late Prime Minister Indira Gandhi repeatedly ; but were not accepted for political or other reasons, which is a matter of history with which I am not concerned as a student of law. It is, however, significant that the present Prime Minister has taken no time in openly conceding both the demands in what is popularly known as Rajiv Gandhi-Longowal Accord of 24th July, 1985. Even part follow-up action on these two demands covered by the Accord appears to have been taken by the appointment of the Mathew Commission and the undertaking to appoint another Commission for the merger in Punjab of the Punjabi speaking areas which may be with Haryana and vice versa. These Commission proceedings and the attaching of Chandigarh to Punjab have all been made time bound.

Demands (c) and (d), in the Second Resolution claim for the State of Punjab (and not for the Akalis or any community) to continue to vest in the State of Punjab, the control of all Head Works situated in the Punjab territory. The Resolution suggests even amendment of the States Reorganisation Act in that behalf, if necessary.

This demand has again been agreed to be entrusted to a separate Tribunal or Commission. Prime Minister Rajiv Gandhi has accepted the demand by providing in the Accord that the present set up regarding supply of water in Punjab (whether legal or illegal, justified or unjustified) as on July 1, 1985—shall continue till the Commission appointed for the purpose makes its recommendation which will bind the Central Government as well as the representatives of the Akalis. The specific reference in the Resolution to amendment of a Parliamentary Act, if necessary, to achieve the objective of demand (c) leaves no doubt about the propagators of the Resolution asking for the demand to be met in a democratic legal manner.

17. Demand (d) in Resolution No. 2 in effect claims the revision of the executive Award given by late Mrs Indira Gandhi during the Emergency on the distribution of Ravi-Beas waters. The prayer is for revision of the said Award "on the universally accepted norms and principles, (so that) thereby justice be done to Punjab". Firstly,

this is again a legal demand in the interest of the whole of the State of Punjab and not for any particular political party or community. Secondly, it is an historical fact that the river water dispute, which was pending before the Supreme Court, in which everyone, including the Central Government has and should have implicit faith, was withdrawn from the Supreme Court by the Congress-run Governments of Punjab and Haryana during the Emergency and the so-called "Arbitrary and unjust Award" was given by the then Prime Minister. Whether the Award was "arbitrary" or "unjust" or fair or just is a matter of opinion based on certain data, with the merits of which I am not concerned. Nobody can force his personal opinion on any person, party or association. The Constitution (Article 19 (1) (a)) expressly guarantees "freedom of speech and expression" to every citizen of the country. So there was nothing wrong or unconstitutional in making this demand. It is again significant that even this demand has been expressly accepted in the Rajiv-Longowal Accord and it has been accepted by the Central Government as well as the Akalis that the river water dispute between the Riparian State of Punjab and the States of Haryana and Rajasthan shall be got adjudicated upon by a Tribunal presided over by a sitting Supreme Court Judge, and till then the *status quo* as in fact existed on July 1, 1985, shall continue.

18. Demand (e) is for maintenance of the present ratio of the strength of the members of the Sikh community in Army. It is for the Centre to accept or not to accept the demand. It is the right of every citizen and body of citizens to make any lawful demand. The maintenance of the ratio of any particular community in the Army is not an unconstitutional or illegal demand. In fact it is consistent with the provision made in Article 46 of the Constitution and the assurance given by the Central Government from time to time to give special concession to the minorities. The recruitment to the Army was originally held on merits in different recruiting centres without any reference to any community or place of residence. It is an historical fact that on the basis of such recruitment the number of Sikhs, who were recruited as sepoy (the lowest rank in the Army) was proportionately higher than their population in the country. The demand was that recruitment on merit may be continued and no one should be excluded from consideration, if he is fit on merits to be recruited to the Army merely because the quota of a particular community or State, arbitrarily or logically fixed by the Government, has already been fulfilled or exceeded. The demand is really in the interest of the country. It may be noted that recruitment of commissioned

officers is done on the basis of all-India open competitive examinations, without any consideration of caste, community, religion or place of residence. The demand made for the lowest rung in the Army is in keeping with what the Government does in practice for the higher ranks. In any case, even this demand appears to have been fully conceded in the Gandhi-Longowal Accord wherein it was stated that recruitment to the Army will henceforth will be on merit.

19. The last demand, i. e. demand (h) In the Second Resolution complains of excesses which were being committed at the time of the passing of the Resolution i. e. in 1978 during the Janata regime on the Punjabi settlers in the Terai settlement in U. P. in the name of land reforms. In order to give redress to those settlers it was suggested to make "suitable amendments in the Ceiling Law on the Central Guidelines".

No one can deny that most unjust excesses were committed on the Punjabi settlers of the Terai region. Most of those lands originally formed impregnable jungles. The lands were allotted free to the tribals in the hope that they would be able to bring them under the plough. The experiment failed and not one acre of land was made arable by the tribals. The Punjabi agriculturists who had brought about the green revolution in what was the desert area of the un-divided Punjab in the pre-Pakistan India, were then encouraged to settle in that region. Allotments were made to them by the Government for limited periods of 10 to 30 years. As those settlers braved the jungles, half of whom died due to diseases like Malaria, etc. but the rest were successful in converting those Terai regions into fertile agricultural lands, some other enthusiastic Punjabi farmers took *Pattas* from the tribals, to whom the remaining land had been allotted and similarly brought it under plough. After hard labour of about 30 years when the Punjabi farmers (mostly Sikhs) had brought about a green revolution in that area, where no human being could enter earlier, it occurred to the U. P. Government to grab the fertile land and to turn out the Punjabi settlers. A Tribal Minister in the U. P. Government raised hue and cry in the purported interest of the tribals and succeeded in draconian laws being enacted as a result of which the Sikh farmers who had been uprooted from place of origin for more than two generations were again up-rooted and thrown on the road. The legislation was questioned in the Allahabad High Court I myself argued one of those writ *petitions* at the Motion stage before a Divisional Bench of the Allahabad High Court Their Lordships admitted the petition and granted a stay order. Some of those petitions

are still pending. It is for the legislature to see to the justice of the cause but the matter being covered by the Concurrent List in the Constitution, the Centre can certainly intervene and save the innocent Punjabis from gross injustice and from being up-rooted a second time, as most of them were landless farmers who had been originally up-rooted from West Punjab, which is now Pakistan.

20. May I ask the readers of this article as to what part of the Second Resolution is either anti-national or opposed to the national unity and integrity of the country or secessionist? I wish this challenge is accepted by some of the political leaders who have been harping on the Anandpur Sahib Resolution *ad-nausium* as the greatest danger—greater than even the open insurgency in Mizoram!

Resolution No. 3

21. The third one is an economic policy Resolution which starts as below: "The chief sources of inspiration of the economic policies and programme of the Shiromani Akali Dal are the secular, democratic and socialistic concepts of Sri Guru Nanak Dev and Sri Guru Gobind Singh Ji. Our Economic programme is based on three basic principles:

- (a) Dignity of Labour
- (b) An economic and social structure which provides for the uplift of the poor and depressed sections of society.
- (c) Unabated opposition to concentration of economic and political power in the hands of capitalists".

If somebody calls this basis of the third Resolution objectionable, he must say that he is against secularism or democratic institutions or socialistic concepts of the great Sikh Gurus or Articles 39(c), 41, etc., of the Constitution. Our Constitution is based on the resolve "to constitute India a sovereign socialist, secular, democratic republic and to secure to all its citizens" social, economic political justice etc. By laws such as Industrial Disputes Act., Minimum Wages Act etc. we are committed to the dignity of labour. The Constitution is expressly aimed at the uplift of the poor and depressed section of the society. Part IV (Directive Principles of State Policy) aims at avoiding concentration of economic and political power in the hands of the capitalists. In the circumstances, any objection to the basis of the Third Resolution is nothing more or less than an objection against the basic policies enshrined in the Constitution.

22. The Resolution then refers to the stress of the Akali Dal on the need to break the monopolistic hold of capitalists foisted on the Indian economy by 30 years of Congress rule in India and proceeds to reiterate the socialist Sikh way of life as propounded by Guru Nanak in the *Shabad* (translated into English) "He alone realizes the True Path, who labours honestly and shares the fruits of that Labours". After referring to the 3 principles enunciated in the above *Shabad*, viz. (i) honest labour, (ii) sharing the fruits of labour and (iii) meditation on the Lord's name, an appeal is made by the Akali Dal to the Central and State Governments to eradicate unemployment during the next 10 years and while doing so, laying emphasis on ameliorating the lot of the weaker sections. Concrete suggestions are then given (in the remaining part of the Resolution) about the manner in which those objectives can be achieved. These suggestions include a demand for rapid diversification of farming and to remove the short-comings in the land reform laws. No one has ever pointed out or even suggested that there can be any objection in any part of the Third Resolution Committed to freedom of conscience under the Human Rights Charter, as India is, no objection can at all be made to the basics, suggestions and demands which form the Third Resolution.

Resolution No. 4

23. The 4th Resolution complains of discrimination against the Punjabi language in the States of Himachal, Haryana, Delhi and Jammu and Kashmir. Anyone, who is honest to his conscience, has to admit that next to the spoken language in these 4 States, the mother-tongue of the majority of the people settled there is Punjabi. If the States were honest to themselves, they would have no choice except to make Punjabi as the second language. Is it fair to Punjabis or the Punjabi-speaking people living in Haryana that the official second language declared by that State was Tamil in spite of the fact that there is hardly any Tamil-speaking permanent resident in that State? Delhi has in fact already accepted Punjabi as one of its official language. Is the demand of the Punjabi speaking people for affording Punjabi language its appropriate status in the 4 States a secessionist demand or an unconstitutional one? Whether somebody agrees with the demand or not, no one can find objection to the demand being made, or, in any case, suggest that this demand will disintegrate the country

Resolution No. 5

24. The 5th Resolution contains a demand against the State of Jammu

and Kashmir to rehabilitate the refugees from West Pakistan who migrated to that State at the time of the Partition of the country. The suggestion of the Parliament going to the extent of amending Article 370 of the Constitution, if necessary, to achieve that object is nothing more than hundreds of suggestions that are made by most of people and parties year after year for amendment of the Constitution. In fact many suggestions made by the Congress party have been carried through:

Resolution No. 6

25. In the 6th Resolution, the Akali Conference spoke against the discrimination to which "the minorities" (not only the Sikhs) are being subjected to in States other than the 4 named above—the complaint being that the interest of the minorities in those States is being ignored. The demand in the Resolution is for injustice against the Sikhs in other States being redressed and appropriate representation being give to them in the services of the Government and local bodies and in State Legislatures through nomination, consistent with the declared policy of the Central Government. Otherwise what is the object of the Central Government setting up Minorities Commission, the Minorities Panel and several other such official bodies? Whether somebody agrees with or objects to or does not want to meet that demand is a matter different from complaining and doubting about the Nationalism of the makers of the request.

Resolution No. 7

26. In the 7th Resolution, after noting with satisfaction the increase in farm yield, as a result of which — "the country is heading towards self-sufficiency", regret is expressed that poor farmers are unable to take to mechanization because of the enormity of the cost involved and a demand is made on the Government of India to abolish the excise duty on tractors so that... the ordinary farmers may also be able to avail of farm machinery and contribute to the growth of gross agricultural produce of the country".

May I know what fault can be found with either the statement or the demand made in the 7th Resolution?

Resolution No. 8

27 The 8th Resolution merely contains an appeal of the Akali Dal to the Central and State Governments "to pay particular attention to the poor and labouring classes" and for making suitable amendments in the Minimum Wages Act and to take other *legal steps* "to improve the economic lot of the labouring classes to enable it to lead

a respectable life and play a useful role in the rapid industrialisation of the country". This Resolution needs no comment from me but anyone is welcome to read into it anything anti national if he is bent upon doing so !

Resolution No. 9

28. In the 9th Resolution permission is sought by the Akali Dal from the Government of India to instal a broadcasting station at the Golden Temple "for the relay of *Gurbani Kirtan* for the spiritual satisfaction of those Sikhs who are living in foreign lands". In the demand itself, there is nothing illegal. Demand for having autonomous broadcasting stations and TV stations in the country is being made by many parties. Personally I feel that State control and monopoly of Mass Media is doing great harm to the national interest. Be that as it may, the Akalis have only made a limited demand for a limited purpose. By all means decline to grant it, if it is not consistent with the policy of the Central Government but, for God's sake, do not read into an innocent religious demand, some non-existent threat of separation from the country. In fact this demand has already been granted in principle by the Government itself putting up a broadcasting station in the Golden Temple from which *Kirtan* is relayed every morning for specified time.

Resolution No. 10.

29. In the 10th Resolution the Akali Dal has urged upon the Government of India to make necessary amendments in the relevant clause of the Hindu Succession Act so as to give a woman rights of inheritance in the property of her father-in-law instead of the father and exempt the agricultural lands from wealth-tax and Estate Duty..

This is a matter of policy for the Central/State legislatures and everyone has a right to ask the legislators for such amendment in the existing laws as one may consider good for himself or his community. One need not agree with the demand but that does not make it secessionist. Even if both the demands are met, they cannot impose any threat to the unity and integrity of the country.

Resolution No. 11

30. This Resolution seeks to impress upon the Government of India, the desirability of making provision for the welfare of the economically backward scheduled and non-scheduled castes and for setting up a special Ministry *at the centre* as a practical measure to render justice to them on the basis of reservation. Though

any number of people may be opposed to reservation for the backward classes. the demand of the Akalis is consistent with the declared and proclaimed policy of the Congress Party since the Independence of the country till today. In the last part of the 11th Resolution, a request is made to the Central Government for creating safeguards etc for the backward scheduled and other castes and a request is made that no discrimination should be made between a Sikh Harijan and a Hindu Harijan in any part of the country. This is in fact merely asking for avoiding invidious discrimination or non-violation of Article 14 of the Constitution. What is wrong with it ?

Resolution No. 12.

31. The last Resolution (Resolution No. 12) contains a request to the Congress Party in the State of Punjab to vacate the gross injustice done to Punjab (not the Sikhs alone) in the distribution of Ravi-Beas waters—a matter which has since been accepted by the Central Government and directed to be dealt with by a special Tribunal headed by a judge of the Supreme Court. The only other demand made in the 12th Resolution is to give approval for the immediate establishment of six sugar and four textile mills in Punjab so that the State may be able to implement its agro-industrial policy. Not only is there nothing unconstitutional or secessionist in this demand, but the necessity to implement its agro-industrial policy for the State of Punjab has since been recognised by the dynamic Prime Minister of India, Shri, Rajiv Gandhi, who appears to have set upon implementing the policy by taking the first bold step by actually putting up the prestigious Railway Coach Factory near Kapurthala in Punjab. I am sure the Centre will have no objection in permitting as many sugar mills and textile mills in the Punjab which may be found viable on the basis of detailed blue-prints which may be submitted to it by the Punjab Government.

CONCLUSION

32. This is the end of the so dreaded Anandpur Sahib Resolution. It is now for the critics of that Resolution to point out whether the propounders there of, or the Shiromani Akali Dal which passed it in the General Meeting at Ludhiana, contains anything aimed at the breaking up of the country or the creation of a separate State. It is a matter of history that even when the British, who wanted to break up the country into as many parts as possible at the time of Independence, wanted the Sikhs to form a separate State, the Akali leaders

refused the offer point blank and claimed to be sons of every inch of India as much as any other citizen of the country can be. It is a matter of regret that some of our motivated political leaders have, of late, started complaining that they received the Sikhs with open arms when the Sikhs came from Pakistan and now the Sikhs want to live as equals and maintain their separate entity—an act of ingratitude of the highest order ! It is aberration like this that cause pain even to the most patriotic Indian Sikhs. The Sikhs were responsible for saving a large number of Hindus by bringing them into the *Gurdwaras* in Pakistan during the July/August 1947 riots, feed them as their duty and as in fact they were real brothers and escorting them in convoys to the territory which is now India without even suggesting that they were doing any favour. This was recognised and eulogised by the leaders of the country at that time. But memories are short ; possibly they are wished to be shorter.

The only way to save the country from disintegration is to accept and adopt the main Anannpur Sahib Resolutions for the entire motherland i.e. for every State Unit of India.

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