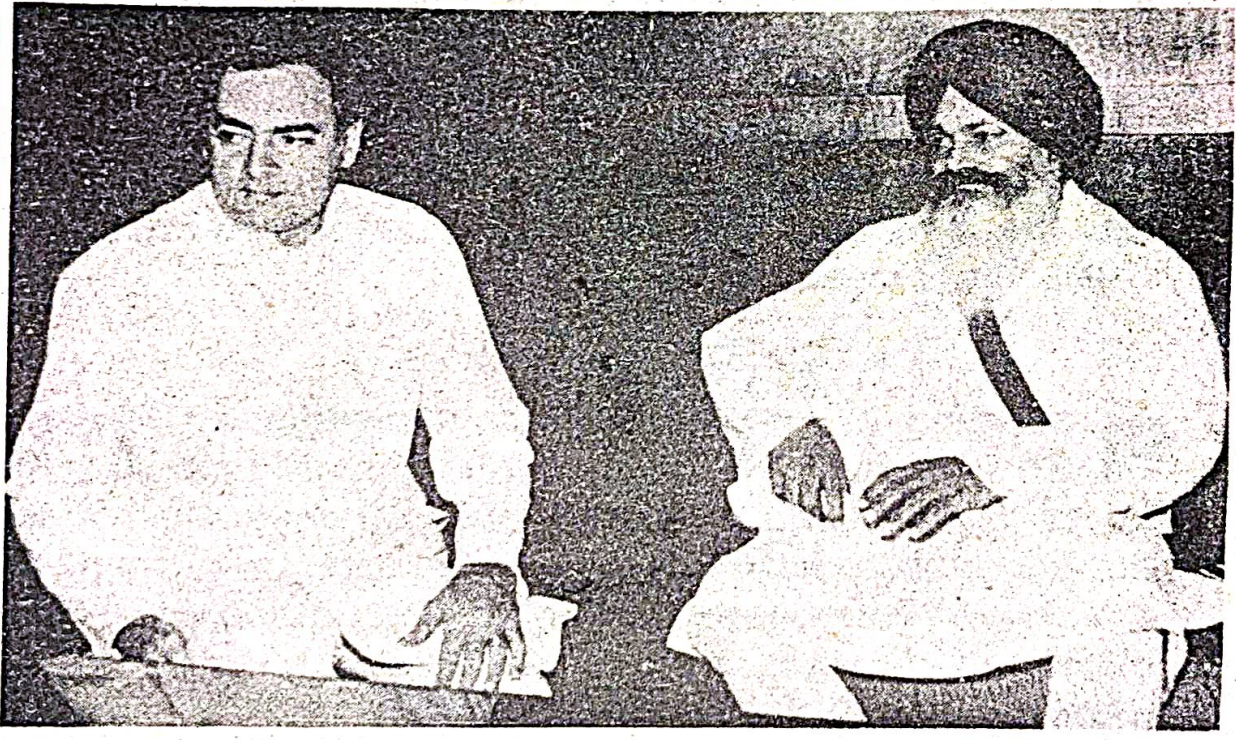


THE TRIUMPH OF PEACE



PUNJAB ACCORD
24th JULY, 1985

July 24, 1985, brought to the people of Punjab the peace and security they had waited for through years of sorrow and hardship. With the signing of the Memorandum of Settlement between Prime Minister Shri Rajiv Gandhi and President of Shiromani Akali Dal Sant Harchand Singh Longowal the basic right of the people was acknowledged : the right to live in a society free from the horror of violence and instability.

The credit for this historic Accord is also shared by the people of the State of Punjab. It has been their utmost endurance in times of hopelessness, their will to survive and live in harmony, their faith in themselves and traditions of equality and peace, and their resistance to the forces of destruction which have given the necessary support.

Reflecting on the Accord, the Governor of Punjab, Shri Arjun Singh, said, "While it is only natural for us to rejoice and celebrate this achievement, it is equally imperative that we learn lessons from the past which we have overcome. What has helped us in our efforts to triumph over these years of sorrow was a glorious saga of resistance put up by the masses against the forces of destabilization. In our victory; we have to strengthen this resistance against both the enemies of peace and order, as also against ideological accomplices within."

The great process of healing has been set in motion and the future holds the harvest of peace.

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MEMORANDUM OF SETTLEMENT

- 1. Compensation to innocent persons killed**
 - 1.1 Alongwith *ex-gratia* payment to those innocent killed in agitation or any action after 1st August, 1982, compensation for property damaged will also be paid.
- 2. Army recruitment**
 - 2.1 All citizens of the country have the right to enrol in the Army and merit will remain the criterion for selection.
- 3. Enquiry into November incidents**
 - 3.1 The jurisdiction of Shri Justice Ranganath Mishra Commission enquiring into the November riots of Delhi would be extended to cover the disturbances at Bokaro and Kanpur also.
- 4. Rehabilitation of those discharged from the Army**
 - 4.1 For all those discharged, efforts will be made to rehabilitate and provide gainful employment.
- 5. All India Gurudwara Act**
 - 5.1 The Government of India agrees to consider the formulation of an All India Gurudwara Bill. Legislation will be brought forward for this purpose in consultation with Shiromani Akali Dal, other concerned and after fulfilling all relevant constitutional requirements.
- 6. Disposal of Pending Cases**
 - 6.1 The notifications applying the Armed Forces Special Powers Act to Punjab will be withdrawn. Existing Special Courts will try only cases relating to the following type of offences ;
 - (a) Waging war
 - (b) Hijacking
 - 6.2 All other cases will be transferred to ordinary courts and enabling legislation if needed will be brought forward in this Session of Parliament.

7. Territorial Claims

7.1 The Capital Project Area of Chandigarh will go to Punjab. Some adjoining areas which were previously part of Hindi or the Punjabi regions were included in the Union Territory. With the capital region going to Punjab the areas which were added to the Union Territory from the Punjabi region of the erstwhile State of Punjab will be transferred to Punjab and those from Hindi region to Haryana. The entire Sukhna Lake will be kept as part of the Chandigarh and will thus go to Punjab.

7.2 It had always been maintained by Smt. Indira Gandhi that when Chandigarh is to go to Punjab some Hindi-speaking territories in Punjab will go to Haryana. A Commission will be constituted to determine the specific Hindi speaking areas of Punjab which should go to Haryana, in lieu of Chandigarh.

The principle of contiguity and linguistic affinity, with a village as a unit, will be the basis of such determination. The Commission will be required to give its findings by 31st December, 1985 and these will be binding on both sides. The work of the Commission will be limited to this aspect and will be distinct from the general boundary claims which the other Commission referred to in para 7.4 will handle.

7.3 The actual transfer of Chandigarh to Punjab and areas in lieu thereof to Haryana will take place simultaneously on 26th January, 1986.

7.4 There are other claims and counter-claims for readjustment of the existing Punjab—Haryana boundaries. The Government will appoint another Commission to consider these matters and give its findings. Such findings will be binding on the concerned States. The terms of reference will be based on a village as a unit, linguistic affinity and contiguity.

8. Centre-State Relations

8.1 Shiromani Akali Dal states that the Anandpur Sahib Resolution is entirely within the framework of the Indian Constitution; that it attempts to define the concept of Centre-State relations in a manner which

may bring out the true federal characteristics of our Unitary Constitution; and that the purpose of the Resolution is to provide greater autonomy to the State with a view to strengthening the unity and integrity of the country, since unity in diversity forms the corner-stone of our national unity.

8.2 In view of the above, the Anandpur Sahib Resolution, in so far as it deals with Centre-State relations, stands referred to the Sarkaria Commission.

9. Sharing of River Waters

9.1 The farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1st July, 1985. Waters used for consumptive purposes will also remain unaffected. Quantum of usage claimed shall be verified by the Tribunal referred to in para 9.2 below.

9.2 The claims of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by a Supreme Court Judge. The decision of this Tribunal will be rendered within six months and would be binding on both parties. All legal and constitutional steps required in this respect be taken expeditiously.

9.3 The construction of the SYL canal shall continue. The canal shall be completed by 15th August, 1986.

10. Representation of Minorities

10.1 Existing instructions regarding protection of interests of minorities will be recirculated to the State Chief Ministers. (P. M. will write to all Chief Ministers).

11. Promotion of Punjabi Language

11.1 The Central Government may take some steps for the promotion of the Punjabi language.

This settlement brings to an end a period of confrontation and ushers in an era of amity, goodwill and cooperation, which will promote and strengthen the unity and integrity of India.

“ The memorandum settling the Punjab problem brings to an end a period of confrontation and ushers in an era of amity, goodwill and cooperation which will promote and strengthen the unity and integrity of India. ”

— **Rajiv Gandhi**

“ The period of confrontation is over. An amicable settlement of all the ticklish problems has been arrived at. ”

— **Sant Harchand Singh Longowal**

“ ... The 24th July Agreement apart from its far reaching impact in Punjab, also symbolizes the ushering in of a new participative policy in the country, promising many more mansions of hope, for our onward march to the 21st Century India. ”

— **Arjun Singh**





ੴ ਸਾਹਿਬੁ ਜੀ ਕੀ ਫਤਹਿ ॥



You owe us
JUSTICE,
MEMBERS OF PARLIAMENT

Sant Harchand Singh Longowal
PRESIDENT,
SHIROMANI AKALI DAL, AMRITSAR.

੧ ਓ ਵਾਹਿਗੁਰੂ ਜੀ ਕੀ ਫਤਹਿ ॥

Hon'ble members of Parliament,

The august body of which you are privileged to be the members, embodies the hopes and aspirations of all sections of people inhabiting different parts of India. However, you owe a special responsibility to the socio-religious minorities who had, in the words of Dr. Ambedkar, 'willingly accepted the rule of the Majority' and, for which reason, Pandit Nehru had emphasised at the time of adoption of the Constitution that 'it is an act of faith for the Majority Community to behave towards them in a generous, fair and just way.'

(Ref. Proceedings of the Constituent Assembly)

The most prominent of such minorities are the Sikhs. Notwithstanding their limited numerical strength, they have played a singularly conspicuous and courageous role in the socio-spiritual and

political regeneration of this Land. Besides hastening the fall of the corrupt and tyrannical Mughal rule, they saved the geographical integrity of India, at a very bitter cost, against Afghan aggression in the eighteenth century. And, above all, during the Freedom struggle against the British rule, the contribution of the Sikhs, in men and material both, is the tallest. Out of a total of 121 men who courted gallows, as many as 93 were Sikhs, and similarly, of a total of 2646 sentenced to life imprisonment, no less than 2147 were again the Sikhs, to cite only two categories. Again, but for the bitter struggle put up by the Sikhs, the whole of Punjab and Bengal would have been lost to Pakistan. To save these areas, 40% of the Sikh population had to undergo an harrowing experience of murder of a large number of their kith and kins, plunder of their properties and the loss of their ancestral homes & hearths. However, the Sikhs bore all these sufferings in the hope that, in Free India, they would be able to live with honour. The outstanding sacrifices of the Sikhs find a special mention in the proceedings of the Constituent Assembly as well, when the sub-committee on minorities said in its report, dated November 23, 1948:

"We are acutely aware of the tragic sufferings which the Sikhs suffered before and after the partition of Punjab. The holocaust in West Punjab has deprived them of many valuable lives and great material wealth. The special tragedy of the Sikhs was that they had also to

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abandon many places particularly sacred to their religion."

However, these words proved to be very poor palliatives for the Sikhs, because, while framing the constitution, not only all the promises made to the Sikhs by the National leaders that their special interests as a Minority would be adequately protected, were ignored but, provisions were made in the Constitution which pose a threat to their very socio-spiritual and cultural identity. A brief reference to such promises is imperative to bring home this point more adequately.

The first such specific commitment was made to the Sikh in 1929, when, at its Lahore session, the Congress Party passed a resolution to the effect that :

"The Congress assures the Sikhs that no solution in any future Constitution will be acceptable to the Congress that does not give them full satisfaction." (Ref. *Indian Constitutional Documents*, by A.C. Banerjee Vol. II p. 317)

The commitment was solemnly reiterated by Mahatma Gandhi in 1931 when, while attending a religious function at Gurdwara Sis Ganj Delhi, he tried to remove the misgivings of a section of the Sikhs on this score, in these words :

"I ask you to accept my word and the resolution of the Congress that it will not betray a single individual much less a Community. If it ever thinks of doing so, it would only hasten to its own doom.....I pray you to unbosom yourself of all your doubts and apprehensions. Let God

be the witness to the bond that binds me and the Congress to you.

I venture to suggest that the non-violence creed of the Congress is the surest guarantee of good faith and our Sikh friends have no reason to fear that it would betray them. For, the moment it does so, the Congress would not only thereby seal its own doom but that of the Country too. Moreover, the Sikhs are a brave people. They know how to safeguard their rights by the exercise of arms, if it should ever come to that "

(Ref. Young India, dated 19th March, 1931)

This position was further reiterated publicly by Mr. Jawahar Lal Nehru at a Press Conference at Calcutta after the All India Congress Committee meeting held there in which he said :

"The brave Sikhs of Punjab are entitled to special consideration. I see nothing wrong in an area and a set-up in the North wherein the Sikhs can also experience the glow of freedom."

(Statesman, Calcutta 7th July 1946)

On another similar occasion, Pt. Nehru again repeated these solemn commitments to the Sikhs in the following words :

"Redistribution of provincial boundaries was essential and inevitable. I stand for semi-autonomous units as well. If the Sikhs desire to function as such a unit, I should like them to have semi-autonomous unit within the province so that they may have a sense of freedom."

(Extracts from Congress records as reproduced in 'Punjabi Suba', a National Book Club Publication p. 147)

The first resolution moved by Pt. Jawahar Lal Nehru on 9th December 1946 in the Constituent Assembly is the most eloquent endorsement of these repeated assurances. The resolution says :

“Adequate safeguards would be provided for minorities in India. It was a declaration, a pledge and an undertaking before the world, a contract with millions of Indians and, therefore, in the nature of an oath, which we must keep.”

(Ref. *Framing of Indian Constitution by B. Shiva Rao, A study p. 181*)

It is nothing short of betrayal of solemn faith to ignore these and many more such commitments repeatedly held out to the Sikhs and, what is worse, to accuse them now of unpatriotism, separatism and what not.

The genesis of the continuing unrest among the Sikh ranks for the last more than 35 years is, therefore, rooted in these historical facts and any solution thereof would have to take due note of them. It is really unfortunate that during all this period no serious attempt has been made in this direction in spite of the fact that not a single Sikh demand mitigates against the Constitution or the integrity of the Country. Instead, to add insult to injury, a highly vituperative campaign of vilification has been mounted against the Sikhs to confuse the real issues.

As implied in Pandit Nehru's concept of 'Unity in Diversity', India is a multi-lingual, multi-religious and multi-national Land. In such a Land, a micro-

scopic minority like the Sikhs, has genuine foreboding that, like Buddhism and Jainism earlier, they may also lose their identity in the vast ocean of overwhelming Hindu majority. Their misgivings in this respect were further heightened by the highly arbitrary manner in which they were defined as Hindus under article 25 of the Constitution even in the face of stiff resistance by their representatives in the Constituent Assembly. The repeated affirmations currently being made by the Sikhs that 'They are a Nation' must be seen in this context. It is a reiteration of their resolve to uphold the sanctity and integrity of their individual identity, and, it is with this very end in view, that they seek amendment of article 25 of the Constitution and the provision of a separate Personal Law of their own, like those of the Hindus and the Muslims etc.

This is, broadly speaking, the historical background of the Anandpur resolution which embodies some specific demands for the attainment of which the Sikhs are waging peaceful and Constitutional struggle for the last about one year and in which they have sent more than a Lakh and a half of their men, women and children, to jail and have lost about 150 more in fake police encounters and other related incidents. These demands are :

1. Autonomous status for the states.
2. Restoration of Chandigarh and the left out Punjabi speaking areas to Punjab.

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3. Application of internationally and even nationally recognized riparian principle for the distribution of Punjab river waters and vesting of the control of its headwords in the hands of Punjab, as in the case of other states. The Akali Dal has offered to accept the verdict of the Supreme Court on this issue.
4. Granting second language status to Punjabi in the adjoining states of Punjab as provided in the Nehru formula.
5. An end to the forcible eviction of Sikh Peasants from the states of U.P., Haryana and Rajasthan, as is being done in utter disregard of article 19 of the constitution of India.
6. Allocation of its due share to Punjab from the Central Pool.
7. Recruitment to army on the basis of merit as upto 1974. Restrictions imposed on the basis of population are violative of article 16 of the Constitution.
8. Enactment of an All India Gurdwara Act on the lines of the Sikh Gurdwara Act 1925 for proper maintenance of holy Sikh Shrines, and an end to governmental interference in the religious affairs of the Sikhs.
9. Granting of Holy city Status to Sri Amritsar on the lines of Kurukshetra, Banares and Hardwar etc.

10. Installation of high powered transmitter at Golden Temple Amritsar for broadcasting holy Gurbani only, to cater to the pressing demand of the Sikhs at home and abroad.
11. Vacation of all restrictions on the wearing of 'Kirpan' by the Sikhs in all walks of life. Such restrictions are ultra vires of article 25, Explanation II of the Constitution of India.
12. Last, but not the least, an end to the campaign of ruthless repression against the Sikh youngmen and the unconditional release of those who are being tortured in jail.

Thus, as is evident, all the demands of the Sikhs are constitutional and based upon the principles of Justice and equity. The continued intransigence of the authorities to concede them is actuated by narrow party and personal considerations.

Hon'ble members, destiny has vested you with a role which can make or mar the future of this Great Land. As such, you owe it to your Countrymen and more so, the minorities, to uphold the principles of Justice and Equity by which you swear. This alone can ensure a place of honour for this Country.



(ਸੰਤ) ਹਰਚੰਦ ਸਿੰਘ ਲੌਂਗੋਵਾਲ

(Sant) Harchand Singh Longowal

President,

Shiromani Akali Dal, Amritsar.