

COMMITTEE OF PRIVILEGES

FOURTEENTH REPORT

(THIRD LOK SABHA)

(Presented on the 2nd December, 1966)



LOK SABHA SECRETARIAT
NEW DELHI

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1966-67)

CHAIRMAN

1. Shri S. V. Krishnamoorthy Rao

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri L. D. Kotoki
6. Shri H. N. Mukerjee
7. Shri V. C. Parashar
8. Shri Purushottamdas R. Patel
9. Shri C. R. Pattabhi Raman
10. Shri Jaganath Rao
11. Shri Yuveraj Dutta Singh
- *12. Shrimati Ramdulari Sinha
13. Shri Satya Narayan Sinha
14. Shri Sinhasan Singh
15. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

*Nominated on the 3rd August, 1966.

FOURTEENTH REPORT OF THE COMMITTEE OF PRIVILEGES

(Third Lok Sabha)

I. INTRODUCTION AND PROCEDURE

I, the Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this report to the House on the question of privilege raised¹ by Shri Prakash Vir Shastri, M.P. and referred to the Committee by the House on the 25th August, 1966 against the Editor, Printer and Publisher of AINA (an Urdu newspaper of Srinagar), for publishing an editorial article² under the caption *Yeh Naheen Hoga*, in its issue dated the 15th August, 1966, allegedly casting aspersions on the Lok Sabha, its Members and the Speaker.

Shri Prakash Vir Shastri, M.P., while raising the question of privilege, quoted the following passages³ from the impugned article as being particularly objectionable:—

“.....not only the Parliament but also the most honoured citizen of the country, Sardar Hukam Singh (Speaker) gave his ruling that in any case he was of the opinion that inclusion of such documents in the curriculum has adverse effect on the minds of children.....

We have great regard for the hon. Members of Parliament and also appreciate their sensitiveness for the integrity, sovereignty and prestige of the country. But we are not at all prepared to give them this right that they should misuse their rights and try to deprive others of their rights. Many of the Members before giving vent to their pent up feelings, might not have even once gone through the text of 'Naya Kashmir'. We may tell those Members who have demonstrated their anguish and wrath after reading this book, that not to speak of one Parliament but thousands of such Parliaments cannot be successful in distorting history..... We want to make it clear to those who, intoxicated with power and position, consider Kashmir as

¹L. S. Deb. dated 25-8-66, cc. 7062—69.

²See Appendix I.

³Original in Urdu.

their own estate, that they are striking at the very roots of identical ideology which form the basis of relations between India and Kashmir. Every step that they take is misdirected. They are committing an unpardonable crime of creating a gulf between India and Kashmir. *Shri Kashi Ram Gupta, Sardar Hukam Singh, Prakash Vir Shastri and Bhagwat Jha are hardly aware of what does 'Naya Kashmir' mean.....If today Shri Nanda declares it to be an obsolete historical document and ignores it, then there remains no common link between India and Kashmir. We fully understand that the commotion in Parliament is a feverish outburst of the narrowminded and trouble-mongering nationalism which has eaten into the very vitals of the country..... Sardar Hukam Singh, Shri Prakash Vir Shastri, Shri Hem Barua and Shri Kashi Ram Gupta can tolerate all this but cannot tolerate the mention of the freedom struggle and the feelings of the local people in the text books of Kashmir Our new generation cannot remain ignoramus like some Members of Parliament.....*

Thus, the revolution in 'Red China' is the most important unforgettable and historic event of this century. How is it possible that in order to avenge the injustices of the Chinese rulers, we should keep our new generation ignorant about this important revolution. By doing so we would be taking revenge not from the Chinese leaders but from our own youngmen....."

2. The Committee held five sittings. The relevant Minutes of these sittings form part of the Report.

3. At the first sitting held on the 31st August, 1966, the Committee decided that the Editor, Printer and Publisher of "AINA" be asked to submit his written explanation to the Committee.

4. At the second sitting held on the 4th October, 1966, the Committee considered the written statement^{*} of the Editor, Printer and Publisher of "AINA" and decided to hear Shri Prakash Vir Shastri, M.P. in the matter.

5. At the third sitting held on the 8th November, 1966, the Committee examined Shri Prakash Vir Shastri, M.P., who pointed out the specific portions^{*} of the impugned editorial article published in the "AINA" which he considered objectionable.

^{*}See Appendix II.

^{*}Shown in italics in the quotation given in para 1 above.

The Committee decided that the objectionable portions of the said editorial article, as indicated by Shri Prakash Vir Shastri, M.P., might be pointed out to the Editor of the "AINA" and he be asked to submit what he had to say in the matter.

6. At the fourth sitting held on the 29th November, 1966, the Committee considered the reply^a received from the Editor of the "AINA" and arrived at their conclusions.

7. At the fifth sitting held on the 1st December, 1966, the Committee considered their draft Report and adopted it.

II. FINDINGS OF THE COMMITTEE

8. The Committee are of the opinion that the impugned editorial article read as a whole does not constitute a breach of privilege and contempt of the House, though certain portions of it are couched in a rather strong, undesirable and irresponsible language which is unbecoming of a responsible newspaper. The matter does not, however, deserve any further notice.

III. RECOMMENDATION OF THE COMMITTEE

9. The Committee recommend that no further action be taken by the House in the matter.

S. V. KRISHNAMOORTHY RAO,

*Chairman,
Committee of Privileges.*

NEW DELHI;
The 1st December, 1966.

^aSee Appendix III.

MINUTES

I

First Sitting

New Delhi; Wednesday, the 31st August, 1966.

The Committee met from 16.00 to 16.45 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri V. C. Parashar
7. Shri Purushottamdas R. Patel
8. Shri C. R. Pattabhi Raman
9. Shri Jaganath Rao
10. Shri Yuveraj Dutta Singh
11. Shrimati Ramdulari Sinha
12. Shri Sinhāsan Singh
13. Shri Sumat Prasad

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * * *

8. The Committee then considered the question of privilege against the Editor, Printer and Publisher of *Aina*, Srinagar for publishing an editorial article in its issue, dated the 15th August, 1966, allegedly casting aspersions on the Lok Sabha, its Members and the Speaker. The Committee decided that the Editor, Printer and Publisher of *Aina* be asked to submit their written explanation to the Committee within fifteen days. The Committee also desired that copies of the book entitled *Hamari Kahani* containing the Chapter captioned *Naya Kashmir* be obtained and circulated to the Members of the Committee.

* * * * *

The Committee then adjourned.

****Paragraphs 2 to 7 and 9 relate to other cases.

II

Second Sitting

New Delhi; Tuesday, the 4th October, 1966

The Committee met from 11-00 to 13-15 hours and from 15-30 to 16-05 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

MEMBERS

2. Shri Frank Anthony
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri Purushottamdas R. Patel
7. Shri Jaganath Rao
8. Shrimati Ramdulari Sinha
9. Shri Sinhasan Singh
10. Shri Sumat Prasad

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * * *

9. The Committee then considered the question of privileges raised by Shri Prakash Vir Shastri M.P., against the Editor, Printer and Publisher of *Aina* (Urdu newspaper of Srinagar) publishing an editorial article in its issue, dated the 15th August, 1966, allegedly casting aspersions on the Lok Sabha, its Members and Speaker.

The Committee decided to hear Shri Prakash Vir Shastri in the matter and directed that he be asked to appear before the Committee on the 8th November, 1966 at 15-00 hours.

The Committee then adjourned.

****Paragraphs 2 to 8 relate to other cases.

III

Third Sitting

New Delhi; Tuesday, the 8th November, 1966.

The Committee met from 15.00 to 15.50 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

MEMBERS

2. Shri N. C. Chatterjee.
3. Shri L. D. Kotoki.
4. Shri Jaganath Rao.
5. Shri Sinhasan Singh.
6. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri Prakash Vir Shastri, M.P.

2. Shri Prakash Vir Shastri, M.P. was called in and examined by the Committee in regard to the question of privilege raised by him in the House on the 25th August, 1966 against the Editor, Printer and Publisher of *Aina* (Urdu newspaper of Srinagar). He pointed out the portions of the editorial article published in the *Aina*, dated the 15th August, 1966, which he considered objectionable.

The Witness then withdrew.

3. The Committee decided that the objectionable portions of the editorial article might be pointed out to the Editor of the *Aina* and he be asked to say what he had to say in the matter.

* * * * *

The Committee then adjourned.

****Paragraphs 4 to 6 relate to other cases.

IV

Fourth Sitting

New Delhi; Tuesday, the 29th November, 1966.

The Committee met from 16.00 to 16.40 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

MEMBERS

2. Shri N. C. Chatterjee.
3. Sardar Kapur Singh.
4. Shri L. D. Kotoki.
5. Shri H. N. Mukerjee.
6. Shri C. R. Pattabhi Raman.
7. Shri Jaganath Rao.
8. Shri Yuveraj Dutta Singh.
9. Shrimati Ramdulari Sinha.
10. Shri Sinhasan Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * * *

4. The Chairman then apprised the Committee of the contents of a letter, dated the 24th November, 1966, from the Editor of *Aina* (Urdu newspaper of Srinagar).

The Committee deliberated on the matter and came to the conclusion that no breach of privilege or contempt of the House was involved in the publication of the editorial article in the *Aina*, dated the 15th August, 1966 under the caption "*Yeh Naheen Hoga*".

5. The Committee decided to recommend that no further action be taken by the House in the matter.

6. The Committee decided to meet on the 1st December, 1966 at 16.00 hours to consider their draft Report.

The Committee then adjourned.

****Paragraphs 2 & 3 relate to other cases.

Fifth Sitting*New Delhi; Thursday, the 1st December, 1966.*

The Committee met from 16.00 to 16.30 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman*.

MEMBERS

2. Shri N. C. Chatterjee.
3. Sardar Kapur Singh.
4. Shri L. D. Kotaki.
5. Shri H. N. Mukerjee.
6. Shri Jaganath Rao.
7. Shrimati Ramdulari Sinha.
8. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

* * * * *

3. The Committee then considered their draft Fourteenth Report and adopted it with the following modification:—

Paragraph 8, for the words “undesirable language”, the words “undesirable and irresponsible language” substituted.

4. The Committee authorised the Chairman and in his absence, Shri N. C. Chatterjee, to present their Fourteenth Report to the House on the 2nd December, 1966.

The Committee then adjourned.

APPENDIX I

(See para 1 of Report)

اڈیشہ

یہ نہیں ہوا !

گذشتہ ۱۹۸۵ء ریاست کی دوسری کتابوں کے سلسلے میں پارلیمنٹ میں جو ہنگامہ بپا ہوا اور مرکزی وزیر داخلہ نے مشتمل ایوان کو مطمئن کرنے کے لئے جو بیان دیا اس نے اہل کشمیر کی توجہ کچھ اہم مسائل کی طرف مبذول کی ہے۔ معزز ممبران نے انہیں جماعت میں پرمعانی جانہوالی کتاب دھماوی کہانی، کتاب کے اس باب کے خلاف احتجاج کیا، جس کا عنوان دہنیا کشمیر ہے۔ انہوں نے دہنیا کشمیر کے نصاب میں شامل کئے جانے کو ملک کی خود مختاری کے خلاف قرار دے کر محکمہ تعلیم حکومت کشمیر اور خواجہ غلام محمد صادق کو آڑے ہاتھوں لیا۔ ایک معزز ممبر کی رائے میں وزیر اعلیٰ خود اس وطن دشمن سازش میں شریک ہیں، حد یہ ہے کہ جب وزیر داخلہ نے دہنیا کشمیر کی تاریخی اہمیت کا ذکر کرتے ہوئے یہ کہا کہ یہ دستاویز دراصل ۱۹۴۳ء میں مہاراجہ کشمیر کے قائم کردہ کمیشن کے سامنے ایک یادداشت کے طور پر پیش کی گئی تھی تو ایوان ہی نہیں ہندوستان کے سب سے فنی عزت شہری سوار حکم سلگھ اسٹیکر نے فکری صادر کر دیا کہ دہکچہ ہی ہوان کے خیال میں اس قسم کے دستاویزات کے نصاب میں شامل کئے جانے سے بچوں کے ذہن پر برا اثر پوتا ہے، یہ لوفانی اور طولانی بحث اس وقت نقطہ عروج پر پہنچ گئی۔ جب وزیر اعظم نے ایوان کو یقین دلایا کہ مرکزی حکومت اس سارے واقع کی چھان بین کرے گی۔ اس پروری بحث سے ہمارے سامنے دو اہم مسئلے پیدا ہوتے ہیں، اور ان کا تعلق چونکہ مرکز اور ریاست کے تعلقات اور ریاستی حوام کے بلحاظ حقوق کی نگہداشت سے ہے اس لئے ہم ان پر وضاحت کے ساتھ کچھ کہنا چاہیں گے۔

انہی ہند کی دو سے تعلیم دہ ریاستی فہرست (State List) میں شامل ہے۔ کئی بار یہ تجویز پیش ہوئی تھی کہ تعلیم کو مرکز کی تحویل میں دیا جائے۔ لیکن مرکزی وزیر تعلیم مسٹر چھاگلہ کے بیان کے مطابق صرف پنجاب نے اس کے لئے رضا مندی ظاہر کی تھی۔ دیگر ریاستوں نے ہر سر

مہری سے اس تجویز کو ٹال دیا۔ موجودہ پوزیشن یہ ہے کہ تعلیم پر ریاستوں کا مکمل اختیار ہے اور مرکز کو ریاست کے تعلیمی معاملات میں مداخلت کرنیکا کوئی حق حاصل نہیں ہے۔ ہماری پارلیمنٹ ایک خود مختار ادارہ ہے۔ اس کی سب سے بڑی خواہی یہی ہے کہ یہاں ہر آدمی ہر بات کہہ سکتا ہے۔ چاہے وہ کہنے کی ہو یا نہیں۔ اس لئے ہمیں ان ممبران سے کوئی شکایت نہیں چلہوں نے ریاست کی درسی کتابوں کو موضوع بحث بنا کر اپنی شہرت اور تشہیر کا سامان کر لیا۔ لیکن..... وزیر اعظم اور وزیر داخلہ نے اس مسئلے کی طرف ریاستی حکومت کی توجہ مبذول کرانے کا وعدہ کرنے کی بجائے اس معاملے میں تحقیقات کرنے کی یقین دہانی کہوں کر لی؟ وہ اپنے کن اختیارات کا استعمال کرتے ہوئے "ریاستی فہرست" کے اندراجات کے متعلق تحقیقات کر سکتے ہیں یہ ہماری سمجھ سے بالاتر ہے۔ کیا اندرا سرکار ریاست جہوں و کشمیر کو ملی ہو، ہماچل پردیش اور پانڈیچری کی طرح مرکزی تحویل میں لینے کا ارادہ رکھتی ہے۔ ہندوستان کا آئین اپنی وحدانی مہمت کے باوجود صلاً ایک فیڈرل طرز حکومت کا نگران ہے۔ اور جب تک آئین میں ترمیم نہ کی جائے۔ ریاستوں کو اپنی اندرونی خودمختاری حاصل رہے گی۔ ان حالات میں وزیر اعظم اور وزیر داخلہ کا رویہ قابل اعتراض ہی نہیں، قابل مواخذہ ہے۔

مسئلے کا دوسرا اہم پہلو یہ ہے کہ بعض معزز ممبران پارلیمنٹ نصاب میں "دہنیا کشمیر" کے شامل کئے جانے پر سمجھوتہ کیا کہوں ہو گئے ہیں۔ ہم نے بارہا "دہنیا کشمیر" کا بغور مطالعہ کیا ہے۔ ہمیں اس قابل اعتراض دستاویز میں ایک بھی ایسا لفظ نظر نہیں آیا۔ جس پر انگلی رکھ کر یہ کہا جا سکے کہ یہ قابل تعزیر ہے۔ وزیر اعلیٰ خواجہ غلام محمد صادق نے کہا ہے کہ "دہنیا کشمیر" ہماری آزادی کی جدوجہد کا ایک سنگ سہل ہے اور یہ ان خوابوں کی نگاہ دہی کرتا ہے جو اہل کشمیر نے غلامی استبداد اور مطلق العنانی کے خلاف جدوجہد کرتے ہوئے دیکھے تھے۔ وزیر اعلیٰ نے بجایا طور پر کہا کہ اسی تاریخی دستاویز کی "بلوادی پر ہم نے ۱۹۳۷ء میں ہندوستان کے ساتھ الحاق کیا ہے اور اس بلوادی پر یہ رشتہ آج بھی قائم ہے۔ یہ ملک کے سب سے فنی عزت ایوان کے بعض فنی عزت ممبران کو "دہنیا کشمیر" کے ہماری درسگاہوں کے نصاب میں شامل ہونے پر اعتراض کہوں ہے؟ یہ وعدہ ہماری سمجھ سے بالاتر ہے۔

ہم معزز ممبران پارلیمنٹ کا احترام کرتے ہیں، ہمیں ملک کی سالمیت خود مختاری اور وقار کے تنہا ان کی نازک مزاجی کا بھی احساس ہے۔ لیکن ہم انہیں کہہ دیتے ہیں کہ یہ حق دینے کے لئے تمہارے لئے نہیں ہیں کہ وہ اپنے حقوق کا غلط استعمال کر کے دوسروں کے حقوق پامال کرنے کی سعی کریں۔ بہت سے معزز ممبران نے اپنے فیض و فہم کا اظہار کرنے سے پہلے دنیا کشمیر کا مسودہ ایک بار بھی نہ پڑھا ہوگا۔ اور جن حضرات نے اسے پڑھ کر اپنے فہم و فہم کی نمائندگی کی ہے ان کی خدمت میں ہم یہ عرض کریں گے کہ ایک پارلیمنٹ کیا اس جھسی ہزاروں پارلیمنٹوں بھی تاریخ کو مسخ کرنے کی کوشش میں کامیاب نہیں ہو سکتی ہیں۔ ظلم و استبداد مطلق العنانیت اور استبداد کے خلاف ہماری جدوجہد تاریخی کے سہیلے میں محفوظ ہے۔ اسے نصاب کی کتابوں سے خارج کرنے۔ قابل اعتراض قرار دینے اور ذہلوں سے مٹا دینے کی ہر سازش کا انجام دعویٰ ہوگا جو اس قسم کی سازشوں کا مقدر ہوتا ہے۔ انہیں سال پہلے ہم نے پاکستان کو اس لئے پائے حقارت سے ٹھکرا دیا تھا کہ ان دنوں کشمیر کے خوابوں کی تعبیر ممکن نہ ہو سکتی تھی۔ ہم نے اس اہد پر ہندوستان کا دامن تھامنا تھا کہ یہاں دنیا کشمیر کے اصولوں اور آدرشوں پر ہمیں اپنا مستقبل تعمیر کرنے کی آزادی ہوگی۔ آج انہیں سال کے بعد ہندوستان کے سب سے بڑے ایوان میں اس دستویز کو قابل اعتراض اور قابل تعزیر قرار دیا جائے، تو ریاستی عوام پر اس کے رد عمل کا اندازہ کرنا مشکل نہیں، ہندوستان کے ساتھ ہمارا الحاق ایک جغرافیائی تعلق ہی نہیں، ایک تاریخی تسلسل اور نظریاتی ہم آہنگی کا عنوان بھی ہے۔ اور جو لوگ طاقت اور اقتدار کے نشے میں بد مست ہو کر کشمیر کو اپنی جاکھ سمجھ رہے ہیں، ہم ان پر واضح کر دینا چاہتے ہیں، کہ وہ ہندوستان اور کشمیر کے بلحاظ تعلق، نظریاتی ہم آہنگی کی جڑیں کاٹ رہے ہیں۔ ان کا ہر قدم غلط راستے پر چل رہا ہے وہ کشمیر کو ہندوستان سے دور کرنے کے ناقابل معافی جرم کا ارتکاب کر رہے ہیں۔ شری کشی رام گھتا، سردار حکم سنگھ، پروکاش ویر شاستری اور بھگوت جھا کو کہا معلوم ہے؟ کشمیر کس جانور کا نام ہے۔ انہوں نے تو صرف ایک دستویز کے روپ ہی اس کا تذکرہ سنا ہے۔ انہیں کیا معلوم کہ دنیا کشمیر کے لئے کتنی ماؤں نے اپنے لخت جگر، کتنی دہلیوں نے اپنے سپاہ اور کتنے نوجوانوں

نے اپنا لہو قربان کر دیا ہے - آج شہری نلندہ اسے ایک متروک تاریخی
 دستاویز قرار دے کر نظر انداز کر دیں - تو ہندوستان اور کشمیر
 کے درمیان کوئی قدر مشترک ہی باقی نہیں رہتی وہ ہم بھڑکی سیجھتے
 ہیں کہ پارلیمینٹ کا ہنگامہ - دوامیل اور تاک نگر ہنگامہ پرور قومیت
 کا ہنگامہ ہے - جس نے ملک کی توانائی اور قوت کو کھپ لکا دیا ہے -
 ہم جانتے ہیں کہ آج کل اکثر سمجھوتوں کی نظروں آنندہ انتہا بات پر جمی
 ہوئی ہیں - اور وہ اپنی ہر ادا سے دہرائے عامہ کو متاثر کرنا چاہتے
 ہیں - لیکن ہم مرکزی حکومت کے سربراہوں پر یہ واضح کر دینا چاہیں
 گئے کہ ریاستی عوام اس جنگ زرگری سے مرعوب ہو کر اپنے حقوق سے
 دستبردار ہونے کے لئے تیار نہیں - ہندوستان کا ایک حصہ ہونے کے ناطے
 ہمیں کچھ حقوق اور مراعات حاصل ہیں - اور اگر ہماری موجودہ قیادت
 نہ کیڈز بوبھیوں سے تو کر ہماری تاریخ کو مسخ کرنے اس میں تعریف
 کرنے یا اسے بصلحتوں کی نظر کرنے کی بولی کوشش کی تو ہم اس
 قیادت کے خلاف بغاوت کر کے اس کا تختہ الٹ دیں گے - میں خوشی
 ہے کہ وزیر اعلیٰ خواجہ غلام مصدق صادق نے بڑی جرأت اور صنائی کے
 ساتھ ریاستی حکومت کا موقف واضح کیا ہے - ہمیں امید ہے کہ مرکزی سرکار
 ریاستی عوام کے جذبات کا احترام کرتے ہوئے آئندہ ہماری اندرونی معاملات
 میں ہر ضروری مداخلت نہیں کرے گی - مرکزی سرکار کو بعض ہنگامہ
 پسندوں کے احتجاج کے باوجود ان ناگاہیوں سے بات چیت کرنے میں
 کوئی تامل نہیں - جو ہر روز اپنی تفریبی کارروائیوں سے کئی جانیں
 برباد کرتے ہیں - جنہوں نے باقاعدہ ایک فیڈرل حکومت قائم کی ہے اور جو
 اسی فیڈرل حکومت کے نمائندے ہیں کہ وزیراعظم سے بات چیت کرنے کے لئے
 دہلی آئے ہیں - سردار حکیم سلیم، پرکاش ویر شاستری، مسٹر ہم پروا اور
 شری کاشی رام گھتا یہ سب کچھ برداشت کر سکتے ہیں - لیکن کشمیر کی
 درسی کتابوں میں یہاں کے عوام کی جدوجہد آزادی اور انکی تملوں کا ذکر
 گوارا نہیں کر سکتے - صادق صاحب نے صاف طور پر کہا ہے کہ ہم تاریخ کو
 ملحق کرتے یا واقعات کو توڑ مروڑ کر بھی کرنے کی اجازت نہیں دے سکتے -
 اس لئے ہماری درسی کتابوں میں امریکہ کی جنگ آزادی کے ساتھ ساتھ چین
 کے انقلاب کا بھی ذکر ہونا چاہیئے - ہماری نئی نسل ہمارے بعض سمجھوتی
 پارلیمینٹ کی طرح جاہل نہیں رہ سکتی - اور جہالت کو قومیت کا معیار

بنانے کی ہر کوشش کو ناکام بنانا چاہئے - بعض مسہروں نے اس بات پر اعتراض کیا ہے کہ تاریخ کی ایک کتاب میں سکھوں کے ظلم و ستم کا ذکر ہوا دوسرے صاحب نے کہا ہے کہ ایک درسی کتاب میں سرخ چھن کی تعریف کی گئی ہے - یہ دونوں حقیقتیں ایلی جگہ اٹل ہیں ، سکھوں کا دور حکومت پٹھانوں کے دور حکومت کی طرح کشمیر کی تاریخ کا سیاہ ادبیں باب ہے - اس دور میں کشمیر پر اتنے مظالم توڑے گئے ہیں کہ ان کے تذکرے سے آج بھی روح کانپنے لگتی ہے - کیا ہم سے یہ توقع رکھی جا سکتی ہے کہ ہم انہیں بچوں کو یہ بتائیں کہ سکھوں کا دور حکومت کشمیر کی تاریخ کا سلبدی باب ہے ؟ یہ تعلیم نہیں، حقائق کی تکزیب ہوگی - اس طرح سرخ چھن کا انقلاب اس صدی کا سب سے اہم ، ناقابل فراموش اور تاریخی واقعہ ہے - یہ کہہ سکتا ہے کہ چھلی حکمرانوں کی بے اعتدالوں کا انتقام لینے کے لئے ہم اپنی نئی نسل کو اس اہم انقلاب سے بے خبر رکھیں ؟ ایسا کر کے ہم چھلی لہروں سے نہیں ، اپنے ان نوجوانوں سے انتقام لیں گے ، جو تلک نظری اور مریض قوم پرستی کے ماحول میں پرورش پا کر اپنے گردوپیش کی دنیا سے بالکل ناواقف ہونگے - ہم ایک بار پھر معزز ممبران پارلیمنٹ کو یہ مشورہ دیں گے کہ وہ دنیا کشمیر کا مسودہ ایک نظر دیکھ لیں - الفاظ کے سوتو تاثرات کی بجائے اس خاکے کی اصل کو سمجھنے کو کوشش کریں ، تو انہیں اس بات کا اطمینان ہوگا ، کہ وہ بات جس کا کہ -ارے فسانے میں ذکر نہیں .:۔ وہ بات ان کو بہت ناگوار گزری ہے -

(English Translation of the above Article in Urdu)

"AINA" Srinagar (Urdu Newspaper) 15th August, 1966

(First Page)

IT WILL NEVER BE

The furor that was created in Parliament last week in respect of text books prescribed in the State and the statement made by the Union Home Minister giving an assurance to the turbulent House have attracted the attention of the inhabitants of the State towards certain vital issues. Hon. Members of Parliament made adverse comments on the chapter captioned 'Naya Kashmir' contained in 'Hamari Kahani' prescribed for 8th class students. Characterising

the inclusion of 'Naya Kashmir' as a threat to the independence of the country they vehemently criticised the Education Department, the State Government as well as Khawaja Gulam Mohd. Sadiq. According to one hon. Member the Chief Minister himself was a party to this antinational conspiracy. So much so, when the Home Minister elucidating the historic importance of 'Naya Kashmir' told that it was in fact presented as a souvenir to the Commission set up by the Maharaja of Kashmir in 1943, not only the Parliament but also the most honoured citizen of the country, Sardar Hukam Singh (Speaker) gave his ruling that in any case he was of the opinion that inclusion of such documents in the curriculum has adverse effect on the minds of children. This stormy and prolonged discussion reached its climax when the Prime Minister assured the House that the Central Government would go into the whole matter. This Debate as a whole has given rise to two vital issues. Since they are intimately connected with *inter se* relations of the Centre and the State as well as with guarding the fundamental rights of the inhabitants of the State, therefore, we would like to say something in this connection elaborately.

Under the provisions of the Constitution of India Education is included in State list. On several occasions a suggestion was made that education should be included in the Union List but according to the statement made by the Union Minister of Education Shri Chagla, only Punjab State was inclined to accept this suggestion. All the other States brushed aside this suggestion with a cold shoulder. At present education is completely under the control of State Government and the Centre has no right to interfere in the educational matters of the State. Our Parliament is a sovereign body. Its most prominent feature is that every one can say whatever he likes, whether it is worth a mention or not. Therefore, we do not bear any grudge against those Members who chose this issue of text books in the State as an appropriate subject of discussion in order to gain prominence and to win applause. But instead of promising to draw the attention of the State Government to the matter, why did the Prime Minister and the Home Minister, assure the House to investigate the same? Under what powers they can investigate into the matters relating to the subjects included in the "State List"? This is beyond our comprehension. Does Indira Government intend to bring the State of Jammu and Kashmir under Central Administration as in the case of Manipur, Himachal Pradesh and Pondicherry? The Constitution of India in spite of its unitary character is in practice a guardian of a federal form of Government and unless the Constitution is amended, the States would continue to enjoy internal autonomy.

In such circumstances the attitude of the Prime Minister and that of the Home Minister is not only objectionable but also to be called to account.

The second important aspect of the question is that why some hon. Members of Parliament are so much agitated over the inclusion of "Naya Kashmir" in the syllabus? We have carefully studied "Naya Kashmir" once again. We have not come across even a single word in this 'objectionable' document, which could be censured. The Chief Minister Khawaja Ghulam Mohd. Sadiq has said that 'Naya Kashmir' is a mile-stone in our freedom struggle and it reminds us of our dreams which the inhabitants of Kashmir had cherished while struggling against foreign yoke despotic rule. The Chief Minister has rightly said that on the very basis of this historic document 'we had acceded to India in 1947' and this relation is based on this very foundation even today. Then, why should certain honourable Members of the August House of the country object to this book being included in the syllabus of our educational institutions? We are unable to solve this riddle.

We have great regard for the hon. Members of Parliament and also appreciate their sensitiveness for the integrity, sovereignty and prestige of the country. But we are not at all prepared to give them this right that they should misuse their rights and try to deprive others of their rights. Many of the Members before giving vent to their pent up feelings, might not have even once gone through the text of "Naya Kashmir". We may tell those Members who have demonstrated their anguish and wrath after reading this book, that not to speak of one Parliament but thousands of such Parliaments cannot be successful in distorting history. Our struggle against atrocities, autocracy and extortion is securely recorded in the pages of history. Every attempt of removing it from the syllabus, declaring it objectionable and of effacing it from the minds will meet the same fate, which such conspiracies usually meet. Nineteen years back we had disdainfully rejected Pakistan only because the dreams of "Naya Kashmir" could not come true there. We had acceded to India in the hope that we would have the liberty to shape our future according to the principles and ideals enunciated in "Naya Kashmir". Today after nineteen years, if this document is declared objectionable, censurable by the August Parliament of India, it would not be difficult to predict its repercussions on the people of the State. Our merger with India is not merely a geographical link, it is symbolic of continued historical affinity and identical ideology. We want to make it clear to those who, intoxicated with power and position, consider Kashmir as their own estate, that they are striking at the very

roots of identical ideology which form the basis of relations between India and Kashmir. Every step that they take is misdirected. They are committing an unpardonable crime of creating a gulf between India and Kashmir. Shri Kashi Ram Gupta, Sardar Hukam Singh, Prakash Vir Shastri and Bhagwat Jha are hardly aware of what does "Naya Kashmir" mean. They have merely heard of some reference to this document. What do they know that how many mothers have sacrificed their sons, how many brides have sacrificed their husbands and how many youngmen have shed their blood for "Naya Kashmir". If today Shri Nanda declares it to be an obsolete historical document and ignores it, then there remains no common link between India and Kashmir. We fully understand that the commotion in Parliament is a feverish outburst of the narrow-minded and trouble mongering nationalism which has eaten into the very vitals of the country. We know that most of the members at present are looking forward to the ensuing elections and they want to influence the public opinion with each and every gesture. But we want to make it clear to the leaders of the Central Government that the people of the State are not prepared to relinquish their right after being overawed by this 'Jang-e-Zargari'. Being a part of India, we have certain rights and privileges and today if the present leadership tries to distort our history or to modify it or to sacrifice it for the sake of expediency, we would revolt against this leadership and overthrow it. We are glad that the Chief Minister Khawaja Ghulam Mohammed Sadiq presented the view-point of the State with courage and clarity. We hope that the Central Government would respect the sentiments of the people of the State and would not interfere un-necessarily in our internal affairs in future. The Central Government in spite of the activities by some mischief mongers do not hesitate to negotiate with those Naga leaders who cause so many deaths by indulging in sabotage, who have established a regular Federal Government and who come to Delhi for holding discussions with the Prime Minister, as representatives of that Federal Government. Sardar Hukam Singh, Shri Prakash Vir Shastri, Shri Hem Barua and Shri Kashi Ram Gupta can tolerate all this but cannot tolerate the mention of the freedom struggle and the feelings of the local people in the text books of Kashmir. Shri Sadiq has clearly stated that we cannot allow the history to be vitiated or the facts to be presented in a distorted manner. Therefore, there should be a mention of Chinese Revolution in our text books along with the American War of Independence. Our new generation cannot remain ignoramus like some Members of Parliament and therefore every attempt to make ignorance the measuring rod of nationalism should be foiled.

Some Members have raised an objection to the effect that the atrocities perpetrated by Sikhs have been mentioned in a book of history. Another gentleman has remarked that Red China has been praised in a text book. Both of these are incontrovertible facts. Sikh regime like that of Pathans is the blackest chapter in the history of Kashmir. The very mention of cruelties perpetrated in Kashmir during this period makes one shudder with awe even today. Can we be expected to tell our children that the period of Sikh regime in Kashmir is a golden chapter of the history of Kashmir? This is not teaching but a mere misrepresentation of facts. Thus, the revolution in "Red China" is the most important, unforgettable and historic event of this century. How is it possible that in order to avenge the injustices of the Chinese rulers, we should keep our new generation ignorant about this important revolution. By doing so we would be taking revenge not from the Chinese leaders but from our own youngmen who having been brought up in an atmosphere of narrow mindedness and unhealthy patriotism, would remain totally ignorant of the world around them. We would once again suggest to the honourable Members of Parliament that they should glance through the text of "Naya Kashmir", and instead of going after literal meaning they should try to catch the spirit. Only then they would realise that there is in fact nothing about which they should feel indignant.

APPENDIX II

(See para 4 of Report)

THE WEEKLY "AINA".

Editor: S. A. Shamim

SRINAGAR (Kashmir)

Ref. No.

Dated 24th September, 1966

Shri M. C. Chawla,
Deputy Secretary,
Lok Sabha Secretariat,
Parliament House,
New Delhi-1.

Dear Sir,

I have to acknowledge your letter No. 75|B|13|C-II|66, dated 2nd September, 1966 conveying to me the directive of the Committee Of Privileges to state my defence for publishing an article entitled "Yeh Naheen Hoga" in the "Aina" dated 15th August, 1966.

I am sorry that owing to the anxiety created by the unexpected floods in the Kashmir Valley and my other pressing engagements, I could not send you a reply before 16th September as you had desired me to do.

In your letter you have not indicated which part of the long editorial article or any particular sentences in it have appeared objectionable to the Privileges Committee, nor have I been told on what grounds has the question of privilege been raised against me for publishing the article. From your letter it would appear that I have been rather vaguely and sweepingly accused of having cast reflections on the Lok Sabha, its members and the Speaker. I am afraid this impression on the part of the Committee makes it difficult for me to adequately meet the charge and clear the position. Nevertheless, I would like to state my case broadly in the context of the fundamental principles that guide the policy of the weekly "Aina".

But before I do so, I would like to point out that the Indian Parliament has not in the past defined its privileges beyond saying that these will be the same as enjoyed by the British Parliament until they are considered and defined afresh. The people of Britain do

not have a written constitution; the British Parliament is guided by conventions, traditions, precedents and past practices. India has a comprehensive written constitution precisely delineating rights and privileges of the citizen, the people and the assemblies in every sphere of social life. Therefore the Parliament and its members can enjoy the privileges only to the extent as not to infringe the fundamental rights of the citizens which have been solemnly guaranteed to them in the constitution.

After the receipt of your letter I went carefully through the article "Yeh Naheen Hoga" (This will not happen) again but could not find any comment or remark in it in which I might have overstepped the limits of my fundamental right of free expression as to warrant the Privileges Committee's accusation, particularly when I had clearly stated that "I hold the members of Parliament in respect and appreciate their solicitude for national unity, independence and prestige".

However, it is true that as a freedom loving Kashmiri and an independent journalist, I do not consider the Lok Sabha and its members to be above fair criticism; when any individual member or even the House collectively function in a manner harmful to the interests of the nation or apt to jeopardise the democratic set-up in the country they become subject to criticism. I do not think it can be a privilege of the Parliament or any of its members to damage the foundations on which the nation stands and still claim immunity from justifiable comments in the press.

Known as the fourth estate in a free society, the press is no less important a limb of democracy than the Parliament and can be curbed and deprived of its rights to criticise within four corners of the law, at great peril to the society itself.

It is common knowledge that Kashmir is a tough problem confronting us and every patriot should do his best to bring about the emotional integration of the Kashmiris with the Indian nation to end it. Weekly "Aina" is the mouth piece of those secular sections in the Jammu and Kashmir population which are endeavouring to make the State a permanent part of the Indian Republic with the free consent of the State people. During the short span of two years of its life, the weekly and its enthusiastic supporters have, with patient and hard labour, succeeded in starting a process which we hope will lead the beautiful land to the goal of complete political, constitutional and emotional integration with India. Unfortunately, however, incorrect statements and mischievous demands based on

utter ignorance of the political currents and cross currents in the State as also the psychological condition of the people, have been made from time to time on the floor of the Lok Sabha and elsewhere which retard the steady progress of the wholesome process and nullify the noble work done by the progressive patriotic Kashmiris.

One such misleading statement and unwise demand was made in the Lok Sabha about the text books taught in the State schools which naturally agitated the Kashmiris and provoked the article "Yah Naheen Hoga". In publishing this I have politely though firmly and without mincing matters tried to show that through uninformed and incautious remarks, certain Parliamentarians have *albeit* unwittingly harmed the Indo-Kashmir unity and become instrumental in alienating the sympathies of the Kashmiris. More than the members of the Parliament I have criticised the leaders of the Indian Government and the ruling party in Kashmir for persuing this short sighted policy which cannot but disappoint the Kashmiris and lend strength to the enemies of India.

I think by publishing the frank comment I have acted in the best interests of India and Kashmir, I have also served the Parliament and its members by exposing the ignorance which was manifestly displayed in the discussions on text books. I honestly believe that had "Aina" deliberately overlooked the incident and its impact on public opinion in Kashmir, it would have failed to perform its responsibility and ceased to claim that it represents the genuine urges and opinions of the State people.

As is quite evident from the article, there is no desire to attribute any ulterior motives to any member of the Parliament or attack his intentions in making the incorrect statements and the unwise demands. It is admitted that the members have acted according to their own light. But if the members are ill informed or act in a manner which wounds the susceptibilities of the Kashmiris trampling upon their legitimate rights or provokes avoidable hostility against India in the problem State, it is the duty of a fearless and patriotic journalist to raise a voice of strong protest and warn the countrymen of the bad consequences to which it will lead us. I have only done this.

Need I once again assure the Lok Sabha and its Hon'ble Speaker that I yield to none in my respect for the august house which is the symbol of Indian democracy, and at no time can I harbour the idea of consciously expressing remarks derogatory to it.

But at the same time I must repeat that when the tenuous unity of India and Kashmir is wittingly or unwittingly further weakened by any one be he even a member of Parliament, I shall not keep silent and no threat of being put in the dock for violating the privileges of the Parliament will deter me from making fair comments and thereby discharging my duties as a journalist, a democrat and a free citizen of India.

Yours faithfully,
Sd/- S. A. SHAMIM,
Editor, Printer & Publisher.

APPENDIX III

(See Para 6 of Report)

THE WEEKLY "AINA"

Grams "Aina Weekly"

Telephone: 2372

The Most popular weekly of Jammu & Kashmir

Editor: S. A. Shamim

Ref. No. _____

Srinagar (Kashmir).

Dated November 24th, 1966

To,

Shri M. C. Chawla,
Deputy Secretary,
Lok Sabha Secretariat,
New Delhi.

Dear Sir,

With reference to your letter No. 76/13/C-II/66 dated November 10, 1966 regarding the question of privilege raised in Lok Sabha against me for publishing an editorial under the caption "Yeh Naheen Hoga" in the "Aina" dated August 15, 1966, I write to say that I have not to add anything to the explanation already submitted to you on September 24, 1966.

The three sentences referred to in your latest communication are an honest expression of my views and I deny with all the emphasis at my command that I had any intention of casting any reflection on the august House, Honourable Members or the Speaker. I am sure that the Committee will be convinced of my bonafides if an accurate translation of the alleged 'objectionable' sentences was made available to it. In this connection may I refer to the report of the Rajya Sabha Privileges Committee already submitted before Rajya Sabha. In this report the Committee has said that, read as a whole, the impugned articles does not constitute a breach of privilege. The Committee has correctly translated the word "Jahil" as "ignorant" and held that it is not unparliamentary.

Thanking you,

Yours faithfully,
Sd/- S. A. SHAMIM,
Printer, Publisher & Editor,
The Weekly Aina, Srinagar.