

[Shri C. M. Poonacha]

ing. As a result of the collision, the engine of the 38 Down Janata Express and a parcel van marshalled next to this engine derailed and capsized and the brake van of the Goods Train as well as the wagon marshalled next to this brake van derailed. Two other wagons of the goods train also derailed. The driver and a fireman of 38 Down Janata Express died. The Guard of the goods train and another railway employee along with two other unidentified persons have also died.

About 27 passengers travelling in the 38 Down Janata Express sustained minor injuries.

The second fireman of 38 Down Janata Express sustained serious injuries and has been removed to Rajahmundry hospital.

The General Manager, South Central Railway, the Chief Medical Officer, the Chief Mechanical Engineer along with other railway officers have proceeded to the site of the accident.

SHRI RANGA (Srikakulam) : What would they do ?

SHRI C. M. POONACHA : The cause of the accident is under investigation.

श्री भोस्लानाथ (प्रसन्न) : अभी अभी प्रलीगढ़ से किसी एक्सीडेंट होने की खबर आई है।

MR. SPEAKER : No we to take up the discussion on the Central Laws (Extension to Jammu & Kashmir) Bill...

SEVERAL HON. MEMBERS *rose*.

AN HON. MEMBER : What about the Kutch discussion ?

MR. SPEAKER : Tomorrow we will see. We are discussing the Central Laws (Extension to Jammu & Kashmir) Bill. We have now got only 15 minutes, but some more members want to participate.

SHRI RANGA : You are not giving your ruling ? Yesterday you said, you do not remember that ?

SHRI BAL RAJ MADHOK (South Delhi) : There are now only three days left. By that time the High Court would have given its decision and then it will become infructuous.

MR. SPEAKER : I am wondering whether it is proper for me to allow discussion before the High Court gives a decision... (*Interruptions*)

SHRI RANGA : Will you kindly resume your seat for a moment so that I can make my submission ?

MR. SPEAKER : If you have anything to say I would hear.

SHRI RANGA : It is not a question of discussion. It was already discussed yesterday and you put it also, as we thought, quite satisfactorily to the Law Minister as to what objection could the Law Minister possibly take to allowing that affidavit to be placed on the Table of the House, discussion apart. On that point there must be a full discussion in the House.

MR. SPEAKER : You please leave it to me. After all I would like to give careful attention to it.

12.52 hrs.

CENTRAL LAWS (EXTENSION TO
JAMMU AND KASHMIR)
BILL—Contd.

MR. SPEAKER : Now there are only 15 minutes left, but as some more hon. Members want to speak, we may extend the time by half an hour.

SHRI H. N. MUKERJEE (Calcutta North East) : I am grateful to you for the opportunity you have given me to take part in discussion of this Bill relating to the extending of certain Central Laws to Jammu and Kashmir. I did not have any intention of taking part in this discussion, but, when I heard yesterday certain statements which were being made ..

12.53 hrs.

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER : I would request those hon. Members who are withdrawing, should do so quickly and quietly.

SHRI H. N. MUKERJEE : As I was saying, I was provoked by certain things which I have heard yesterday into thinking of taking part in the discussion of this Bill. I notice a predilection which is very often seen in this House to wish away a problem which we have not been able successfully to grapple with. We all want a certain solution of the Kashmir problem. But merely wishful issuing of declarations are not going to deliver the goods. And that is why, whenever Jammu and Kashmir is discussed, I expect of this House to show a sense of responsibility in regard to the nature of the problem with which we are confronted. If we could imagine that the problem has already been solved, then everything would be lovely in the garden and there is nothing to worry over. But, unfortunately, everything is not lovely in the garden and it is time, more than time, that we recognize it. I heard my hon. friend Shri Sharma, who is not here, saying yesterday and being applauded for it, very naturally because it was a very unexceptional sentiment, that Kashmir is ours and will remain ours. I would also echo it, but, at the same time, if I were a Kashmiri and I do want, and properly too, to put myself into the skin of a Kashmiri when I discuss Kashmir problem, I would like to have the conviction that a Kashmiri would feel that India is ours.

Unless the Kashmiri is feeling in that way and if the rest of India talked about Kashmir being ours, then, that is a variety of chauvinism which we should avoid. I had also heard some friends from Jammu and Kashmir like my friend Shri Inderjit Malhotra. He tried to point out how the problem is being unnecessarily magnified and we are giving a certain amount of exaggerated importance to a person like Sheikh Abdullah. I am disturbed at the way the activities of Sheikh Abdullah are being discussed from time to time in this House. Sheikh Abdullah has made certain provocative statements. But we should

know the kind of person that Sheikh Sahib is. He has rendered outstanding services to this country at several points of time. He has certain defects, but those are the defects of his qualities, and we should recognise it. And we should recognise also that if India was run in the proper way today Sheikh Abdullah would be one of the national leaders of the entire country and not a sectional leader who is perhaps provoked by certain circumstances into playing a role which most of us disapprove of. But there is no reason for them to imagine that they can rule out the presence of Sheikh Abdullah. Sir, I do not understand why we should take up this kind of attitude. Government does occasionally point out that after all they have to move warily, carefully and discreetly in this matter. I am very sorry the Home Minister is not here, and the Minister of State is a little too busy with his own thoughts, with his tete-a-tete one way and the other. I am very sorry, Sir, because I have found the Home Minister oscillating so often between wisdom and bravado in regard to certain matters whether they relate to Kashmir or Nagaland or the Mizo area and so many other things. It is about time the Government is told sharply to put its house in order and put its own thinking in order and to make up its mind about the really imaginative, constructive approach to this problem. Can we wish away the existence of Sheikh Abdullah? We cannot. If we lay our hands on our hearts we will know this. I don't pose to be a Kashmir expert but I know a thing or two about that part of my own country. Can any of us lay our hands on our heart and say that really and truly the Kashmiri today is happy in the Indian Union as it is? I don't think we can, whatever the temporary bravado we might introduce into the kind of statement that we make in Parliament, statements which taken out of their context are absolutely unexceptionable, but they show an absolutely unrealistic approach to this problem. This is how things pass muster.

I am astonished that only this morning I got another of those brochures sent to us by a Member of this House who perpetrates certain things which occasionally have to be confiscated by Government; and Shri Baburao Patel has sent this pamphlet to all Members of Parliament

[Shri H. N. Mukerjee]

I believe, because I am in no special favoured category, in regard to something appearing in his paper called Mother India, where in an article, it is said like this. It is written in so many words : 'In September 1965 when Pakistan attacked India the defence of our country had no other face but the Hindu one'. Our country had no other face than the Hindu face! This is a flagrant violation of historical facts when the most striking personage to emerge out of India's fight against Pakistan was Havildar Abdul Hameed Khan, who got the Param Vir Chakra. And yet, this is the kind of thing which is at the back of the minds of so many of our Members who speak from time to time in regard to this subject.

It is just no good for us to imagine that we can wish away the Kashmir problem. Men like Acharya Vinoba Bhave have said that, after all, we have got to settle this question. There is a certain quality, *qui generis*, unique quality in regard to the kind of problem which Kashmir is, and let us try to solve it in the only way in which it is possible to solve it.

MR. DEPUTY-SPEAKER : May I suggest that the hon. Member may continue his speech after lunch ?

13.09 hrs.

The Lok Sabha adjourned for lunch till Fourteen hours of the Clock

The Lok Sabha re-assembled after lunch at five minutes past Fourteen of the Clock

[Mr. Deputy Speaker in the Chair]

CENTRAL LAWS (EXTENSION TO JAMMU AND KASHMIR) BILL—Contd.

MR. DEPUTY-SPEAKER : Shri H.N. Mukerjee to continue his speech.

श्री श्रीकारलाल बेरवा (कोटा) :
उपाध्यक्ष महोदय, सत्याग्रहियों के ऊपर लाठी
चाज करना कहां का इत्साफ है और वहां डी
एस पी...

MR. DEPUTY SPEAKER : You cannot raise it here like this.

SHRI H. N. MUKERJEE : Sir, as I was saying, it is really very wounding to be told that India's face when she confronted Pakistan in 1965 was a Hindu face. I have quoted to you something which has been circulated to all Members of Parliament. I recall how, in the first phase of the trouble over Kashmir, the most remarkable martyr was Brig. Usman in 1947 and on the last occasion, in 1965, it was Havildar Abdul Hamid Khan who got the Param Vir Chakra.

Sir, I will never forget what a Muslim once told me even before Pakistan came into picture but when Pakistan was being talked about. He said, "We belong to India in life and in death." He added, "When a Hindu dies, his body is burnt and the ashes are thrown into a river to be carried by the current, God knows where. But when a Muslim dies, he wants 6 ft. by 3 ft. of an Indian soil. I belong to India in life and in death." That is the kind of attitude which I wish is broadcast all over the country and I do not see why all sorts of prejudices and passions are introduced in order to mar the harmony of our country, the harmony which is there in spite of diversity of our land. A Muslim in Kashmir who is in favour of India would, naturally, want a settlement which embraces Pakistan and this is because Kashmir must cease to be a convenient powder keg. which Pakistan can easily ignite and it is his interest, first of all, because he lives in Kashmir, he lives in that powder keg. areas and he wants a settlement to embrace Pakistan as well as India. This is why have to have an imaginative understanding of what is going on in the mind and the heart of the Kashmiri Muslims.

We have seen so many of them. Sheikh Sahib we have known ; Bakshi Sahib also we have known and seen him in operation. Sadiq Sahib is there. Some people have sometimes said about him that he is a crypto-Communist. We have seen all of them in operation. But somehow all of them put together have not been able to solve this question yet

and that is why a really imaginative effort is needed for which the total Indian leadership has got to get ready. And that is something which they have not done.

It is not enough to state repeatedly that Kashmir's right of self-determination has already been exercised and that the whole matter is a chapter which is completed. When Pakistan has committed aggression and does not propose to vacate aggression, when a referendum, in these circumstances, would adversely affect the interests of the minority both in India and in Pakistan, when India cannot possibly leave her defences in disarray in that part of the sub-continent, what is necessary is not heated reiteration of the declaration about the accession being full, final and irrevocable but what is necessary is a get-together with all relevant elements. I suggest to the Government that we must have a get-together with Sheikh Abdullah and other people to discuss and agree on practical ways of a settlement. I say this because, whatever you might say against Sheikh Abdulla, he has been against Kashmir merging into Pakistan and has been realistic enough to note that India after her last experience of Pakistani aggression, can never accept anything remotely like de-accession of the State from the Union. Therefore, my suggestion is, let us not merely reiterate that Kashmir is a domestic question which we have already disposed of. Whether we like it or not, Kashmir has become a world question.

Shri Lal Bahadur Shastri himself had said that almost every country wants that we should somehow settle the question of Kashmir peacefully. Acharya Vinobha Bhave and others have also suggested the same thing. My suggestion to the Government would be to go ahead in this matter.

We have this Bill. My hon. friend, Shri Bal Raj Madhok, has an amendment that all the laws passed by Parliament, *ipso facto*, should apply to Jammu and Kashmir. It is a very logical statement, an absolutely logical statement. If we forget the context of things, this should be accepted without the slightest demur.

But life is not logic, life is much too complicated and our country is much too vast, much too old; we have inherited a

legacy, a legacy which is so heavy that we really have to grapple with it seriously and imaginatively. I suggest, therefore, that irresponsible statements in regard to Sheikh Abdullah and that sort of thing, irresponsible statements about the Kashmir question having been settled irrevocably, that kind of statement cannot continue to be made, and Government should proceed with introspection, with imagination, with discretion and at the same time keep our powder dry. In case there is trouble, we have to be ready. But we have to trust in good faith, trust in the quality of man, whether in India or in Pakistan, in order to be able to solve this question.

SHRI BAL RAJ MADHOK (South Delhi): I have great respect for Shri Mukerjee. He has said about irresponsible statement. I want to submit this. If saying that Kashmir is a part of India is an irresponsible statement, then I cannot think what can be a responsible statement! I think, it is very irresponsible on the part of Shri Mukerjee to have made a statement like this.

14.12 hrs.

RE. ALLEGED LATHI CHARGE ON SATYAGRAHIS

श्री कंबर लाल गुप्ता (दिल्ली सदर) : उपाध्यक्ष महोदय, अभी लगभग एक घण्टा पहले मध्य प्रदेश के पहले फाइनेंस मिनिस्टर श्री गुप्ता और उत्तर प्रदेश के भूतपूर्व मन्त्री श्री प्रभु नारायण सिंह आदि को मिला कर लगभग दो सौ व्यक्ति जो सत्याग्रह कर रहे थे उसको हमने देखा है। हम वहां पर इस सदन के दस बारह लोग मौजूद थे। उन पर लाठी चार्ज किया गया है। इतना ही नहीं कि लाठी चार्ज किया है बल्कि...

श्री मनुमाई पटेल (डभाई) : यह सत्याग्रह है ही नहीं। गुजरात में वे सत्याग्रह करने नहीं गए थे। मधु लिमये जी ने कहा है कि हम तो पुलिस का घेराव करेंगे। जो टीम बोर्डर का डिमाकेशन कर रही है उस टीम का घेराव करेंगे। घेराव करना कहां से सत्याग्रह हो गया ?