

- (f) to report on the loss or damage to the public caused by the pollution of the river and to recommend what, if any, restitution the Indian Oil Corpn. should make in that connection to those adversely affected;
- (g) generally, to report on any other matter that is relevant, in the opinion of the Commission.

We are requesting the Commission of Enquiry to try and complete its deliberations as expeditiously as possible.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, कमीशन आफ इन्वायरी की नियुक्ति की गई है, बड़ी अच्छी बात है, मैं इसके लिए बधाई भी देता हूँ लेकिन एक बात अगर कहते तो अच्छा होता कि मुंगेर और जमालपुर में इस वक्त पानी की सप्लाई की क्या स्थिति है।

MR. SPEAKER : They may not know it. The Bihar Government will have to do it.

JAMMU AND KASHMIR REPRESENTATION OF THE PEOPLE (SUPPLEMENTARY) BILL

12.35 hrs.

MR. SPEAKER : Now, the House will take up clause-by-clause consideration of the Bill to supplement the Jammu and Kashmir Representation of the People Act, 1957. Yesterday the Deputy-Speaker had given a ruling that stands.

We have already spent 55 minutes over this Bill and only 5 minutes are left. If we fix 1 hour for a Bill and it takes 2 or 3 hours, ultimately it will cut into the Budget discussion. Therefore now at least we need not go by parties. If each party has to be given time, it means a minimum of 2 hours. I would now request the Deputy Minister to move his amendment to clause 2. Let us finish it as quickly as possible so that we do not lose time.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI M. YUNUS SALEEM) : Sir, I beg to move amendment No. 2 to clause 2 and request that this amendment be taken into consideration.

12.36 hrs.

[**MR. DEPUTY-SPEAKER in the Chair**]

SHRI SRINIBAS MISRA (Cuttack) : Sir, again trouble arises. I will refer to article 327 of the Constitution which is about power of Parliament to make provision with respect to elections to Legislatures,

but under the Constitution (Application to Jammu and Kashmir) Order, article 327 does not apply to Jammu and Kashmir. So, if Parliament has no power to make laws regarding elections to Jammu and Kashmir Legislature, how can we circumvent that provision? The first draft, that is, the Bill, which was there was correct; the Ordinance and the Bill were correct because they were trying only to extend the jurisdiction of the Supreme Court. But here what is being done? The Representation of the People Act is being extended to the State of Jammu and Kashmir, that means, we are circumventing the Constitutional provision. So, it cannot be moved.

SHRI M. YUNUS SALEEM: Yesterday I brought to your notice entry 72 in the Seventh Schedule of the Constitution which may kindly be considered.

SHRI SRINIBAS MISRA: The hon. Minister is wrong. Entry 72 has also been amended by that Order.

SHRI M. YUNUS SALEEM: The Presidential Order has been issued in exercise of the power conferred by clause (1) of article 370 of the Constitution saying:—

“the President, with the concurrence of the Government of the State of Jammu and Kashmir, is pleased to make the following Order:—

This Order may be called the Constitution (Application to Jammu and Kashmir) Amendment Order, 1968.

It shall come into force at once.

In paragraph 2 of the Constitution (Application to Jammu and Kashmir) Order, 1954, in sub-paragraph (22) (relating to the Seventh Schedule) for item (iii) of Clause (a), the following item shall be substituted, namely:—

(iii) In entry 72, the reference to the States shall be construed,—

(a) in relation to appeals to the Supreme Court from any decision or Order of the High Court of the State of Jammu and Kashmir made in an election petition whereby an election to either House of the Legislature of the State has been called in question as including a reference to the State of Jammu and Kashmir;

[Shri M. Yunus Saleem]

(b) in relation to other matters, as not including a reference to that State."

Therefore, after this Order having been issued under the signature of the President, this difficulty has been removed.

MR. DEPUTY-SPEAKER : I hope, Shri Misra is satisfied with the explanation.

SHRI SRINIBAS MISRA : I am not satisfied.

AN HON. MEMBER : Sir, the Chair should be satisfied.

SHRI SURENDRANATH DWIVEDY (Kendrapara): The Chair cannot be satisfied if there is any illegality.

MR. DEPUTY-SPEAKER : The extension of the President's Proclamation refers to the list, the question the hon. Member has raised is under article 327. That Proclamation does not refer to this article. That is my difficulty.

SHRI G. VISWANATHAN. (Wandiwash) You may send for the Law Minister.

MR. DEPUTY-SPEAKER : It is a constitutional issue. He has raised a relevant point. The Proclamation does not relate to the article, it relates to the Entry in the List. That is correct. May I suggest let him examine and come with a statement later on? That would be the best thing. I suggest we postpone the discussion for the time being. We will take it up a little later.

SHRI M. YUNUS SALEEM: After lunch.

MR. DEPUTY SPEAKER : Sometime later on when you are ready.

SHRI M. YUNUS SALEEM : Yes.

SHRI SURENDRANATH DWIVEDY: It may be taken up tomorrow.

MR. DEPUTY SPEAKER : No, today.

SHRI INDER J. MALHOTRA (Jammu): In that case, it is no use proceeding with the discussion. Let the whole discussion be postponed. Let him come prepared covering all the points.

MR. DEPUTY-SPEAKER: The discussion is postponed. Unless I dispose of the point of order, it is no use continuing the discussion on the Bill. We want to finish it today. That is certain. We shall take it up at 6 O' clock.

SHRI INDER J. MALHOTRA: Not at 6 O' Clock. In that case, we can take it up tomorrow.

MR. DEPUTY-SPEAKER : No; we want to dispose of it today.

SHRI GULAM MOHAMMAD BAKSHI (Srinagar): Sir, it is a very important question.

MR. DEPUTY SPEAKER: The Minister will come prepared.

SHRI SURENDRANATH DWIVEDY: What is the harm if it is taken up tomorrow?

THE MINISTER OF PARLIAMEN-TARY AFFAIRS AND COMMUNICA-TIONS (DR. RAM SUBHAG SINGH): The Minister will, I mean the legal technicalities, get everything rectified, if needed. It may be taken up at 6 O' Clock so that it may be disposed of today.

MR. DEPUTY SPEAKER: Yes; we shall take it up at 6 O' Clock. We will finish the next item in-between.

SHRI P. VENKATASUBBAIAH (Nandyal): May I make a submission? The Government should have come forward with an adequate answer for the legal issues raised by the hon. Member. Now, you are fixing the time at 6 O' Clock. This will deprive many of the hon. Members to have a useful discussion on this Bill. I would agree with Shri Bakshi when he says that a proper time be fixed for the discussion. Let the Government take its own time. If it is possible, it may be postponed to tomorrow.

MR. DEPUTY-SPEAKER: Actually, the time allotted for this Bill was 1 hour. Yesterday, the general discussion took place. One point of order was raised about the procedure of moving an amendment. Today he has come with a fresh amendment. There is no question of that now. Now, a constitutional point has been raised. Once that is disposed of, we may continue with the discussion today. (Interruption)

श्री मधु लिमये (मुंगेर) : उपाध्यक्ष महोदय, जिस प्रोक्लेमेशन का यह हवाला दे रहे हैं क्या इस की नकल हम को मिल सकती है ? क्या वह हमें देखने को मिलेगा ?

MR. DEPUTY-SPEAKER: You are perfectly right. I have said that it refers to the List. He may make it available.

श्री मधु लिये: वह प्रेसीडेंटल प्रोक्लमेशन हम को दे दिया जाय।

श्री गुलाम मुहम्मद बखशी: जनाब डिप्टी स्पीकर, इस में कई और बातें उठेंगी। मैं नहीं चाहता हूँ कि यह बिल पास न हो। आप इसे पांच-मिनट में पास कर दीजिये हम उस की हिमायत में हाथ उठा देंगे लेकिन सवाल यह है कि इस में जो आईना लंकुनाज रहेंगे—

[شری غلام محمد بخشی -

جناب ڈپٹی اسپیکر - اس میں کئی اور باتیں اٹھینگی - میں نہیں چاہتا ہوں کہ یہ بل پاس نہ ہو - آپ اسے پانچ منٹ میں پاس کر دیجئے ہم اس کی حمایت میں ہاتھ اٹھا دینگے - لیکن سوال یہ ہے کہ اس میں جو آئینی لیکوناز رہینگے -]

Those will create difficulties when we pass the Bill. Let us take up all those difficulties which were pointed out yesterday and which will be pointed out today. Hence I submit that it should be taken up tomorrow, not today.

DR. RAM SUBHAG SINGH: No, Sir. As it has been agreed, all the legal niceties will be gone into and he will come prepared in the afternoon.

MR. DEPUTY-SPEAKER: In fact, I was thinking of taking it up immediately after lunch. He will get ample opportunity to satisfy you all. He will have to satisfy the House and satisfy the Chair also. It is a matter which we must decide here and now. Otherwise, we cannot proceed with it further. I agree with you. We will take it up at 6 O' Clock.

श्री गुलाम मुहम्मद बखशी: मुश्किल से हमें एक घंटा मिलेगा और

[شری غلام محمد بخشی—مشکل

سے ہمیں ایک گھنٹہ ملیگا اور]

MR. DEPUTY-SPEAKER: Mr. Bakshi made his speech yesterday; he had his say yesterday. So far as the Constitutional point is concerned, there will not be another debate; only on amendment they can speak.

SHRI SONAVANE (Pandharpur): Why not at 5 P. M. instead of at 6 P.M.?

MR. DEPUTY-SPEAKER: Now it has been decided to have it at 6 P.M. (Interruptions) Mr. Nambiar is more interested in the Railway Demands.

SHRI NAMBIAR (Tiruchirapalli): I am also interested in Jammu and Kashmir Bill.

MR. DEPUTY-SPEAKER: The hon. Minister for Railways.

*DEMANDS FOR GRANTS (RAILWAYS) 1968-69 AND DEMANDS FOR SUPPLEMENTARY GRANTS (RAILWAYS) 1967-68

THE MINISTER OF RAILWAYS (SHRI C. M. POONACHA): I beg to place the Demands for Grants in respect of the Railways for the year 1968-69, for the consideration of the House. I do not think that I should make a speech at this stage, but I would like to offer my observations at the different stages when the Cut Motions are taken up for discussion separately.

May I also request you to permit me to place the Supplementary Demands for Grants in respect of Railways for 1967-68? If I have the permission, then I will. . . .

MR. DEPUTY-SPEAKER: Yes.

SHRI C. M. POONACHA: I beg to place the Supplementary Demands for Grants in respect of Railways for 1967-68 for the consideration of the House. With your permission, Sir, I would like, in this connection, to make a few observations.

In moving the Supplementary Demands for Grants for the current year, I would like to submit that the extra requirements for Revenue Working Expenses during the current year have been reduced from Rs. 25.42 crores (Gross) as printed in the book of Supplementary Demands to Rs. 21.94 crores. This is only a marginal reduction of about one half of one per cent in the total of the current year's Ordinary Working

*Moved with the recommendation of the President.