

श्री श्री० प्र० त्यागी (मुरादानाद) : वहां पर पुलिस ने जबर्दस्ती गिरफ्तारियां शुरू कर दी थीं। एम० पी० तक को गिरफ्तार करना उसने शुरू कर दिया था। मैंने कहा कि ये तो एम० पी० हैं इनको क्यों गिरफ्तार कर रहे हो तो उन्होंने कहा, नहीं, इनको भी गिरफ्तार करेंगे। एक स्त्री खड़ी थी। वह तामाशा देख रही थी। उसको भी पुलिस वाले बसीट रहे थे।

MR. DEPUTY-SPEAKER : Mr. Tyagi I agree, according to you, certain excesses were committed, but I do not know whether they were committed or not. I do not know because I was not an eye-witness. Therefore, your allegations are there. Government is listening. They will respond, if necessary, at the proper time.

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14.20 hrs.

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

SHRI C. K. BHATTACHARYA (Raiganj) : The present Bill only extends certain Central Acts to Kashmir. To that extent the Bill is welcome. In that connection, other questions have come up. Along with these questions, the question of the status of Jammu and Kashmir and its position in the Indian Union has also cropped up.

Lot of discussion has centred over the question of the status of Kashmir and its position in the Indian Union. So far as this Bill is concerned, I am very happy that from a number of Central Acts the monotonous repetition of that phrase 'except the State of Jammu and Kashmir' is being taken away. In fact, in the speeches I have made earlier also, I have requested the Government that the monotonous repetition of this phrase should cease from the Central Acts, so that the Central Acts automatically will, as Mr. Mukherjee and Mr. Madhok have stated, *ipso facto* become applicable to the State of Jammu and Kashmir. And I am very happy the Home Minister has at last come to the view that at least from some of these Acts this ex-

pression should go, that they should take this step, so that all the Central Acts may be made equally applicable to Kashmir as they are to other parts of the Indian Union.

In that respect, Sir, the question of Article 370 has come up. Referring to that Article our late Prime Minister, Pandit Nehru had stated that we are depending upon the gradual erosion of that Article and by a process of gradual erosion that Article would cease to be effective. This we have all desired. By the Bill that the Home Minister has introduced today this is being done. This is a step in the process of that erosion and this Article is being eroded as we pass the Bill that has been introduced.

Mr. Mukerjee was referring to the attitude of the Kashmiris and the question of their attitude towards India. I believe, a man of literature as he is, he would agree with me that Kashmir is completely integrated with India, with Indian literature. No reference to Indian literature can be made without reference to Kashmir. Whether it is in mythology, or literature or poetry, wherever goes through the Indian literature finds Kashmir coming up. I believe Mr. Mukerjee will agree with me that in that way, Kashmir is completely integrated with Indian life and culture and history and society and everything. Kashmir has been described as पीठभूमि (Pithabumi) of Saraswathi, pedestal of the goddess of learning. This has been the position since ages past from the Vedas, right up to this day.

Regarding the attitude of the Kashmiri people I have no doubt about this. Some references have been made by Mr. Mukerjee to Sheikh Abdullah and Bakshi Saheb. I had the privilege some years back to be in the same platform with Bakshi Saheb at Srinagar. And he spoke about the status of Kashmir relating to India. I still remember the memorable words that Bakshi Saheb said on that occasion. The words that he uttered at that time were :

यावत् चंद्रमा दिवाकर, काश्मीर भारत
में रहेगा।

AN HON. MEMBER : You never knew that Mr. Mukerjee was in jail then.

SHRI C. K. BHATTACHARYYA :
Afterwards when the situation changed and Bakshi Saheb found himself in adverse conditions. I asked him again : Do you still stand by the declaration you made at that time ?

यावत् चंद्रमा दिवाकर, काश्मीर भारत में रहेगा ।

He said : Yes. जुबान तो एक ही है ।

To this day there ought not to be any doubt in our minds about the attitude of Kashmiri people towards India, whether Hindus or Muslims.

Shri H. N. Mukerjee has requested us not to look upon Kashmir only as a domestic issue : for the time being, the situation has developed in such a way, after the departure of British rulers and through manoeuvrings of the last vestige of imperialist rule in India that Kashmir is partly beyond the consideration of domestic politics in India ; that may be so. Even then, I shall repeat that Pandit Nehru stated. When he came back from America and passed through Japan, at a meeting with the world journalists at Tokyo, he said, 'I would resist to the last drop of my blood Kashmir becoming the hunting-ground for international gangsterism.' That was the position, that the late Prime Minister took up, and we shall maintain that position and shall continue to maintain that position, and we shall not allow Kashmir to become the hunting-ground for international gangsterism.

श्री प्रकाशवीर शास्त्री (हापुड़) : उपाध्यक्ष महोदय, मैं ने यह संशोधन रखा है कि प्रस्तुत विधेयक में जहां-जहां ये शब्द आये हैं : "अनुसूची में वर्णित अधिनियमों," उन के स्थान पर ये शब्द रख दिये जायें : "संविधान में निहित व्यवस्थायें ।"

अपने इस संशोधन को प्रस्तुत करते समय मैं इस विधेयक के मूल नाम पर भी आपत्ति करना चाहता हूं, क्योंकि वह केन्द्रीय सरकार के अनिश्चित मन और अनिर्णीत रुख का परिचायक है । भारत सरकार प्रारम्भ से ही जम्मू-काश्मीर के सम्बन्ध में एक बहुत बड़ी भूल करती चली आ रही है । जिस समय

जम्मू-काश्मीर रियासत का हिन्दुस्तान में विलय हुआ, उस समय एक घटना घटी, जिस से सदन के अधिकांश सदस्य शायद परिचित हों या न हों । जम्मू-काश्मीर राज्य के उस समय के मुख मंत्री, शेख अब्दुल्ला, ने एक व्यक्ति को पाकिस्तान और एक व्यक्ति को हिन्दुस्तान भेजा । जो सज्जन पाकिस्तान गये थे, वह इस समय जम्मू-काश्मीर के मुख्य मंत्री हैं—श्री गुलाम मुहम्मद सादिक । जो सज्जन हिन्दुस्तान भेजे गये थे, वह इस समय संसद-सदस्य हैं—बख्शी गुलाम मुहम्मद । उन्होंने जिन्ना साहब से पूछा कि अगर काश्मीर पाकिस्तान के साथ मिलता है, तो हमें क्या मिलेगा ? इधर नेहरूजी से पूछा कि अगर काश्मीर हिन्दुस्तान के साथ मिलता है, तो काश्मीर को क्या मिलेगा । जिन्ना साहब ने तो बड़ा सीधा सा जवाब दिया कि अगर काश्मीर पाकिस्तान के साथ मिलता है, तो जैसे पाकिस्तान के दूसरे भाग हैं, वैसे ही काश्मीर भी उस का एक भाग रहेगा । कुछ मिलने-मिलाने का सवाल नहीं है ।

लेकिन भारत की ओर से प्रारम्भ में ही यह भूल हुई । कि यहां से उत्तर दिया गया कि अगर काश्मीर हिन्दुस्तान के साथ मिलेगा, तो उस की एक विशेष स्थिति मानी जायेगी । शेख अब्दुल्ला ने समझा कि पानी भारत के साथ मिलने में भरता हुआ दिखाई देता है । इस लिए हमारा हित इसी में है कि हम भारत के साथ रहें । उस के अघार पर उन्होंने जो भाषण दिये, न केवल यहां, अपितु संयुक्त राष्ट्र संघ में उन से यही प्रतीत होता था कि भारत में काश्मीर का विलय अन्तिम है । उस में किसी प्रकार का सन्देह नहीं है । वह पत्थर की ऐसी रेखा है जिस को दुनिया की कोई शक्ति नहीं बदल सकती है ।

लेकिन उस के बाद शेख साहब के इरादे धीरे-धीरे बदलने प्रारम्भ हुए । उस से विवश हो कर भारत सरकार को तीन बार उन को गिरफ्तार करना पड़ा । लेकिन तीनों बार सरकार ने किसी प्रकार के अन्तिम निर्णय पर

[श्री प्रकाशवीर शास्त्री]

पहुँचे बिना, देशी और विदेशी दबावों में आकर शेख साहब को रिहा कर दिया। जेल से बाहर आकर उन्होंने जो रुख अपनाया, उस के बारे में वह उपमा कुछ हलकी हो जाती है। हमारे गांवों में कहा जाता है कि बारह साल तक कुत्ते की पूँछ को बांस में दबा कर रखा गया, ताकि वह सीधी हो जाये। लेकिन बारह साल के बाद भी वह टेढ़ी की टेढ़ी ही निकली। दुर्भाग्य से उस व्यक्ति की अब भी वैसी ही स्थिति है, जिस का सम्बन्ध जम्मू-काश्मीर के साथ जुड़ा हुआ है।

शेख साहब ने फिर उसी प्रकार के जहरीले बयान देने शुरू कर दिये हैं। जम्मू-काश्मीर में उन का समर्थक एक अक्षरबार निकलता है। उस ने तो यहां तक खुल्लम-खुल्ला घोषणा करनी प्रारम्भ कर दी है कि घूँ कि भारत सरकार के नेता शेख अब्दुल्ला के वक्तव्यों और मन्तव्यों पर ध्यान नहीं दे रहे हैं, इसलिए अब राज्य के लोगों को जिहाद या विद्रोह के लिए तैयार रहना चाहिए। उन की ओर से भारत सरकार को इतनी खुली चुनौती दी जा रही है, लेकिन फिर भी भारत सरकार समझती है कि शायद इसका कोई प्रभाव नहीं होने वाला है; यह सामान्य सी बात है, इस से राज्य या देश की स्थिति नहीं बिगड़ेगी।

दूसरा दुष्परिणाम इसका यह हो रहा है कि राज्य के अन्दर पाकिस्तान समर्थक तत्व ज्यादा प्रभावी हो गये हैं आज तक जम्मू काश्मीर में, खास तौर पर श्रीनगर की सड़कों पर कभी अयूब और जिन्ना के फोटो बिकते हुए नहीं देखे गये, लेकिन अब वहां पर अयूब और जिन्ना के फोटो बिकते हैं। "पाकिस्तान जिन्दाबाद" का नारा लगाना तो दूर की बात है, मुंह से भी इस प्रकार की बात नहीं कही जाती थी लेकिन पिछले कुछ समय से ऐसी भी स्थिति वहां पैदा हो गई है। मुझे आश्चर्य होता है साम्यवादी सदस्यों पर अभी कुछ विनों पहले जब श्री मुलजारी लाल नन्दा गृह मंत्री थे, इस

सदन में जम्मू-काश्मीर के लिए धारा 370 समाप्त करने सम्बन्धी विधेयक आया था। इन लोगों ने खुले हृदय से उसका स्वागत किया था एक-एक शब्द तुले हुए और दृढ़ता के साथ कहे थे। जम्मू-काश्मीर की एक-एक ईंच घरती भारत की है, इस पर समझौता करने और बातचीत करने का कोई प्रश्न ही नहीं उठता। लेकिन, उपाध्यक्ष महोदय, उस समय स्थिति यह थी कि रूस के भाग्य-विधाता क्रुश्चेव थे और क्रुश्चेव की नीति जम्मू-काश्मीर के सम्बन्ध में वही थी, जो हमारी नीति है। लेकिन आज जो स्थिति है, उस में इनके मन भी धीरे-धीरे डांवाडोल हो गये हैं। कभी कहते हैं—शेख अब्दुल्ला से बात करो, शेख की अपनी इम्पोर्टेंस है, जम्मू-काश्मीर की सन्दिग्ध स्थिति नहीं रखनी चाहिए। अगर इस प्रकार के वातावरण के कारण या अन्तर्राष्ट्रीय दबाव में आकर हमने कोई दुर्बल निर्णय लिया तो मेरा कहना है कि हम देश के साथ बहुत बड़ा अन्याय करेंगे और उन शहीदों के साथ, जिन्होंने अपना जीवन इस घरती को भारत के साथ मिलाप रखने में दिया है, अपने परिवार को छोड़ कर चले गये हैं, उन के साथ भी बहुत बड़ा अन्याय करेंगे।

अपने वक्तव्य को समाप्त की ओर ले जाते हुए मैं केवल एक-दो अन्य विशेष बातों की ओर अप्रकाश ध्यान आकर्षित करना चाहता हूँ। यहां पर गृह मंत्री शुक्ला जी मौजूद हैं, इनको पता होगा कि गृह मन्त्रालय की सलाहकार समिति में भी यह चर्चा आई थी और इस सदन में भी यह चर्चा आई थी कि पीछे जम्मू-काश्मीर राज्य के अन्दर जहां कभी भी साम्प्रदायिक तनाव नहीं हुआ वहां उस लड़की परमेश्वरी हाण्डू को लेकर भयंकर काण्ड हुआ। उसके लिए हमने कई बार सरकार से कहा और जम्मू काश्मीर के पहले मुख्य मन्त्री बख्शी गुलाम मोहम्मद ने भी कहा कि और कुछ नहीं करते तो कम से कम इतना अवश्य

करें कि न्यायालय को कहें कि उसका निर्णय जल्द दे दे। लेकिन अभी तक वह समस्या संदिग्ध स्थिति में पड़ी हुई है। इस का दुष्परिणाम यह हो रहा है कि काश्मीर घाटी के जो हिन्दू हैं, उनमें एक बड़ी अनिश्चित स्थिति पैदा हो गई है। मुझे उन कड़ुए शब्दों में कहने की आज्ञा दें तो कई उनमें इस प्रकार के लोग हैं, जिन्होंने मेरे जैसे सामान्य व्यक्ति से आकर कहा कि कोई इस तरह का स्थान हम को बूढ़ दो, जहां हम काश्मीर घाटी छोड़ कर इकट्ठे जा कर बस सकें और अपने बच्चों के भविष्य की व्यवस्था कर सकें। इस प्रकार का विचार आज वहां पर उठने लगा है।

अन्त में जो विशेष बात मैं कहना चाहता था, वह यह है कि सरकार पहले अपने अनिश्चित मन को ठीक करे। कभी यह धारा लागू कर दी, कभी वह धारा लागू कर दी, कभी यह कानून लागू कर दिया, कभी वह कानून लागू कर दिया, उस से बात नहीं बनेगी। मुंह से कहे कि जम्मू-काश्मीर भारत का अभिन्न अंग है और सदन में इस प्रकार का विधेयक लाये यह कैसी विसंगति हैं। जो कानून यहां पर लागू होता है, वही कानून जम्मू-काश्मीर में भी लागू होना चाहिए। गली हुई धारा 370 जिसके लिए सरकार स्वयं कह चुकी है कि यह धारा गल-सड़ चुकी है, फिर भी उस सड़ी हुई धारा को आपने संविधान में रखा हुआ है। शरीर का एक भाग यदि गल जाय, तो उसका मवाद सारे शरीर में जहर फैला देता है। जिस धारा में पुराने राजा-महाराजाओं की चर्चा है, उसको रख कर संविधान की पवित्रता को क्यों नष्ट करते हैं। मेरा सुझाव है कि उस धारा को तुरन्त हटाइये और अशुद्ध प्रकार तो यह है कि जम्मू-काश्मीर को एक छोटा सा नुमायशी टुकड़ा बनाकर मत रखें। जम्मू, लद्दाख, काश्मीर घाटी और हिमाचल प्रदेश—इनको मिलाकर सीमा सुरक्षा के लिए एक मजबूत राज्य का निर्माण करें, जो देश की

सुरक्षा के लिए महत्वपूर्ण योगदान दे सके—यही सुझाव मैं देना चाहता था।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Hon. Member was spoke on this Bill have not given much of their opinion as far as the ambit of the Bill is concerned. The Bill concerns itself with extension of certain Central laws to the State of Jammu and Kashmir. To this, there has been no opposition except that certain hon. Members have said that this should not be confined to a few laws but all the laws should be extended to that State.

As far as the general questions of Kashmir are concerned, Government's position is very clear. There has been no change in that. We do not regard Kashmir as a negotiable territory; we do not regard Kashmir as a territory under dispute; we also do not regard Kashmir as a territory whose status as an integral part of India can be questioned. This is our position and we do not propose to depart from it at all.

I am only surprised—as a matter of fact, I should not be surprised—that the hon. Members belonging to the CPI and CPM have started saying that this matter should be solved in a democratic manner, that the aspirations of the people of Kashmir should be taken into account and it should be ascertained whether they are happy in the Indian Union or not. We have started hearing this kind of arguments. If there were any doubts about the loyalty and patriotism of the people of Jammu and Kashmir, they should have been set at rest in the war with Pakistan in 1965.

The people of Jammu and Kashmir by large supported the Indian action, and our war efforts against Pakistan. We had very good support from them in our war with Pakistan. If so, how can anybody question the loyalty of the people of Jammu and Kashmir towards the Indian Union. There may be a few black-sheep here and there. But by and large, they are quite happy to be in India. There are certain economic difficulties which are common to them and the rest of the country.

Having said that, it cannot be denied that Kashmir came to be integral part of India under certain very special circum-

[Shri Vidya Charan Shukla]

stances. Because of these special circumstances, certain special provisions were made in the Constitution. Progressively, more and more of our laws are being applied there. The Election Commission's authority, the jurisdiction of the Supreme Court, provisions relating to the Governor and the Chief Minister etc. are applicable there. Slowly the pattern is evolving and it is quite clear. I do not think that it is the case of any hon. Member that something sudden or precipitate should be done in that State. Everybody would concede that extra-ordinary circumstances existed there; it is still a sensitive area. That is why a great deal of forbearance and thoughtfulness is required when we discuss matters of Jammu and Kashmir. I suppose it is nobody's case that Jammu and Kashmir State and its people are a negotiable commodity. Assuming that the whole House is with the Government in this respect, that the future of Kashmir is well settled, it cannot be reopened, if that is the position, there is no question of settling this matter in a democratic manner as stated by Mr. Kalita who belongs to the CPI, and later on in a more refined way by Prof. Mukerjee.

Some points were raised yesterday about elections in Jammu and Kashmir. There might have been complaints about elections held in Jammu and Kashmir just as there have been complaints in respect of the other parts of India also. Because Kashmir is a sensitive area, these complaints had been played up. As everybody knows, there is a provision in our election laws that allegations about unethical means and corrupt practices could be agitated in a court of law. Many election petitions had been filed in Jammu and Kashmir and according to my present information all the election petitions filed in Jammu and Kashmir had been decided by the High Court in favour of the sitting candidates, to whichever party they belonged... (*Interruptions*). If there was any irregularity, the High Court could have set aside that election. I do not say that in future no elections would be set aside. There are cases where elections had been set aside in other parts of the country. It can happen in Kashmir also. But that would not go to show that there had been large-scale rigging

of elections. Elections in Jammu and Kashmir have been as fair as anywhere else in the country and it is wrong to say otherwise.

A suggestion has been made that there should be negotiations with Sheikh Abdulla. I do not know what negotiations are necessary and what is the logic about negotiating matters with Sheikh Abdulla. Sheikh Abdulla is a citizen of India and belongs to Jammu and Kashmir. He has his views about it which he has told everybody. His views are well-known. Our views are also well-known.

Our views are well-known about it and if there is any talk of negotiation or any talk of democratic settlement of the status of Jammu and Kashmir, this goes against the interests of the country. This goes against the interests of Jammu and Kashmir because the greatest harm that you can do to the State of Jammu and Kashmir and to the people of India is to create doubts about the status of Jammu and Kashmir or create doubt about the future of Jammu and Kashmir. The people of Jammu and Kashmir can never settle down to the decision that they have taken to stay in India as long as the responsible Members and respected Members of the House keep on saying things that there should be some settlement about it or negotiation with Sheikh Abdulla and so on. I do not understand what kind of negotiation we can hold with Sheikh Abdulla. The matter is well-settled. I do not think that there is any scope by reopening the matter. I hope the House will endorse this viewpoint of the Government.

Having said this, I commend this non-controversial, innocuous measure to the approval of the House.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to provide for the extension of certain Central laws to the State of Jammu and Kashmir, be taken into consideration".

The motion was adapted.

Clause 2—(Extension and amendment of certain Laws.)

MR. DEPUTY-SPEAKER : We now take up the clause-by-clause consideration.

SHRI BAL RAJ MADHOK : I move :

Page 1, after line 11, insert—

“(3) Henceforward all the laws passed by Parliament shall *ipso facto* apply to Jammu and Kashmir State as well. (19)

I wish to say a few words. I have heard the hon. Minister with rapt attention and I reciprocate the feelings that he has expressed about Kashmir being part of India and there being no doubt in the stand of the Government and there can be no question of negotiation with Sheikh Abdullah. My amendment is a simple one. This Bill has been brought forward to extend certain laws of the State passed by this Parliament to Jammu and Kashmir. My amendment suggests that the Bill should say that whatever laws are passed by this Parliament for the rest of India should *ipso facto* apply to Jammu and Kashmir as well. I think this fits in very well with the feelings that he expressed. As I said yesterday also, Jammu and Kashmir State is part of India. You believe, I believe and the whole House believes that it is so and it is a fact. If that is so, if it is part of India, then, why is there this equivocation? You say that we should not say anything which creates doubt or uncertainty about Jammu and Kashmir. My submission is that this equivocation on the part of the Minister and this half-hearted feeling on the part of the Government have created this doubt and some uncertainty which were quite evident in his speech.

श्री प्रकाश वीर शास्त्री : मैं प्रस्ताव करता हूँ कि :

खण्ड 2 तथा 3 में—

“अनुसूची में वरिष्ठ अधिनियमों” के स्थान पर—

“संविधान में निहित व्यवस्था” शब्द रखे जायें। (20)

गृह मन्त्री जी ने उत्तर में कहा है कि श्रीरे- श्रीरे हट रहे हैं, वह कह दें कि संविधान में

सारे देश के लिए जितनी व्यवस्थायें हैं, वे जम्मू और काश्मीर में भी ज्यों की त्यों लागू होंगी लेकिन वे तो एक बीच में जो रेखा खींच कर रखते हैं और वही सन्देह पैदा करती है। सन्देह पैदा करने का सबसे बड़ा कारण स्वयं सरकार है। इस लिए मेरा जो संशोधन है उसको मैं पेश करता हूँ।

SHRI H. N. MUKERJEE : I am glad that my friend Shri Madhok has moved this amendment because it gives an opportunity for the House to understand from Mr. Shukla, if he can make us understand, why it is that it is so. I think that Government has brought forward the Bill in a manner which is dictated by certain facts which stand today. As I have indicated earlier, if a logical view has to be taken, Mr. Madhok's amendment has got to be accepted.

My proposition is, as I have already said, that Kashmir, whether we like it or not, happens to be in a unique category. Just as Nagaland, a part of the Indian Union, in spite of whatever difficulties are taking place, has a certain unique position in the family of Indian States, similarly, Jammu and Kashmir also has a certain unique position. Let not the Minister be carried away by his rather positive and unequivocal statements which are so quite bereft of imagination or bereft of the idea of reality in our country that he is going to get the Government into the soup.

Therefore, since Mr. Madhok's amendment is a logical exposition of the point of view which the Minister himself has put forward before the House in his reply, I would like him to explain why this discrepancy can be there. He must say, on the contrary, that Jammu and Kashmir has got a unique status which is why we cannot accept it.

SHRI INDER J. MALHOTRA (Jammu): Sir, I am not at all surprised of the opposition which has come from Prof. Mukerjee because from time to time it is our experience that the strategy and policy of the communist party has always been shifting and changing according to the attitude being adopted by the Soviet Union. In the end, I would like to appeal to Prof.

[Shri H. N. Mukerjee]

Madhok that he should not press his amendment.

This impression should not be created all over the country that such an amendment was negated by this House.

SHRI VIDYA CHARAN SHUKLA : I have already said in my reply to the main debate that although Jammu and Kashmir is an integral part of the country, there are special and extraordinary circumstances existing there, which originated in the way that State came into this country. Because of the extraordinary circumstances, this article was put in the Constitution. I also said this is slowly being eroded away. This is the way it should go. That is why I would appeal to Mr. Madhok to withdraw his amendment. There is no difference of opinion in this House regarding the basic position that the Government has taken. There is no question of Government getting into a soup. Because of the extraordinary situation and special circumstances that exist there, I would appeal to Mr. Madhok not to press his amendment.

SHRI BAL RAJ MADHOK : I withdraw my amendment, No. 19.

MR. DEPUTY-SPEAKER : Has he the leave of the House to withdraw his amendment ?

SOME HON. MEMBERS : Yes.

Amendment No. 19 was, by leave withdrawn

श्री प्रकाशवीर शास्त्री : मैं अपने संशोधन (क्रम संख्या 20) को वापिस लेता हूँ।

MR. DEPUTY-SPEAKER : Has he the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

Amendment No. 20 was, by leave, withdrawn

MR. DEPUTY-SPEAKER : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill

Clauses 3 to 6 were added to the Bill

The Schedule

MR. DEPUTY-SPEAKER : There are a number of Government Amendments Nos. 12 to 18.

SHRI VIDYA CHARAN SHUKLA : I move :

Page 4,—

after line 30, insert—

"The Chartered Accountants Act, 1949 (38 of 1949).

Section 1.—In sub-section (2), omit

"except the State of Jammu and Kashmir". (12)

Page 5,—

after line 12, insert—

"The Notaries Act, 1952 (53 of 1952)

Section 1.—In sub-section (2), omit

"except the State of Jammu and Kashmir" ;

Section 2.—(a) omit clause (a) ;

(b) in the proviso to clause (d)—

(i) for "either under",

substitute—

"under" ;

(ii) omit "or by the Master of Faculties in England" ;

(iii) for "any part of India",

substitute—

"any part of India :

Provided further that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in the State ;"

Section 9—In sub-section (2), insert—

"Provided that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State". (13)

Page 5, line 25,—

for "1967" substitute "1968" (14)

Page 5, line 32,—

for "1967" substitute "1968" (15)

Page 5, line 40,—

for "1967" substitute "1968" (16)

Page 5,—

after line 40, insert—

'The Cost and Works Accountants Act, 1959 (23 of 1959)

Section 1—In sub-section (2), omit

'except the State of Jammu and Kashmir',' (17)

Page 6, line 15,—

for "1967" substitute "1968" (18)

SHRI SRINIBAS MISRA (Cuttack) :

On a point of order, Sir. By these amendments, 3 more Acts are being extended to Jammu and Kashmir. In the original Bill, these 3 Acts were not there. Every time, they are not complying with the rules. In the Schedule, the following Acts are mentioned : The Official Trustees Act, the Motor Vehicles Act, the Transfer of Prisoners Act, the Road Transport Corporation Act, the Mines Act, the Essential Commodities Act, the Companies Act, the Apprentices Act and the Administrators—General Act. By these amendments, 3 more Acts are being sought to be extended viz., Chartered Accountants Act, Notaries Act and the Cost and Works Accountants Act. Here the Financial Memorandum is in respect of those Acts originally mentioned in that Bill. Where is the Financial Memorandum regarding these 3 Acts now sought to be added ?

MR. DEPUTY-SPEAKER : By the amendments, 3 new Acts are sought to be added. But they are not in conflict with the original scheme of the Bill.

SHRI SRINIBAS MISRA : I am not on that. Please see rule 81 :

"If any member desires to move an amendment which under the Constitution cannot be moved without the previous sanction or recommendation of the President, he shall annex to the notice required by these rules such sanction or recommendation..."

Where is that recommendation ? Simply because it comes by way of an amendment, the member is not absolved, from this responsibility.

AN HON. MEMBER : But he is not a member.

SHRI SRINIBAS MISRA : If he is not a member, he cannot be a Minister.

SHRI VIDYA CHARAN SHUKLA : First of all, it should be decided whether a financial memorandum would be needed for the three Acts which are sought to be included in the Schedule by this amendment. As will be noticed, a financial memorandum has not been attached in respect of all the Acts that have been mentioned here. It has been attached only in respect of Acts in whose case it was needed. It is not attached for all Acts that are sought to be extended to Jammu and Kashmir. Sir, if you will carefully go through the Financial Memorandum, it relates only to the Mines Act, Companies Act and the Apprentices Act whereas the Bill seeks to include a large number of Acts. So, it will have to be seen whether a financial memorandum is required in respect of three Acts which we are seeking to include in the Schedule through this amendment.

MR. DEPUTY-SPEAKER : I think you better explain it in detail. The rules are very clear. If no additional expenditure would be incurred, then no financial memorandum would be necessary.

SHRI VIDYA CHARAN SHUKLA : That is my position.

MR. DEPUTY-SPEAKER : A general omnibus statement will not do.

SHRI VIDYA CHARAN SHUKLA : We have examined this matter and we find that no financial memorandum would be needed. That is why we have not put it here.

SHRI SRINIBAS MISRA : Let the Minister say, if he can, that no expenditure would be incurred. Those who know something about the Notaries Act and the Cost Works Accountants Act know that implementation of these Acts will mean expenditure.

MR. DEPUTY-SPEAKER : Since these three Acts are sought to be included in the Schedule, let the Minister explain it Act by Act,

SHRI VIDYA CHARAN SHUKLA : Sir, if you wish to have a detailed statement, you may hold it over now and take it up later on. Unfortunately, I do not have detailed information with me at present. If you want a detailed considered statement about expenditure, you may hold it over.

MR. DEPUTY-SPEAKER : Perhaps, you are right that no expenditure is incurred and therefore, no financial memorandum is required. But, then, the House must be satisfied.

SHRI VIDYA CHARAN SHUKLA : I have no objection to holding it over.

MR. DEPUTY-SPEAKER : The rule is very categorical. So, he may come forward with a statement later on. We will hold this over and take up the next item now.

14.53 hrs.

INDIAN COINAGE (AMENDMENT) BILL

MR. DEPUTY-SPEAKER : The House will now take up the consideration of the Indian Coinage (Amendment) Bill.

**THE DEPUTY MINISTER IN THE
MINISTRY OF FINANCE (SHRI JAGANNATH PAHADIA) :** I beg to move :

"That the Bill further to amend the Indian Coinage Act, 1906 be taken into consideration"

While moving that the Bill further to amend the Indian Coinage Act 1906 be taken into consideration. I would like to make a few observations.

Under section 6 of the Indian Coinage Act, 1906, the Central Government have power to mint coins of such denominations not higher than one rupee as that Government may by notification in the Official Gazette, determine. This provision, under which the highest denomination in which a coin can be issued is a rupee, merits revision in light of the present day conditions. In order to enable issue of coins, and particularly special commemorative coins, of denominations higher than

one rupee in silver or other appropriate alloy, it is proposed to amend the Act suitably so as to take power to mint coins of such denominations not higher than one hundred rupees. The Bill seeks to achieve this object. The review of this matter became necessary following the consideration of a suggestion by the FAO of the United Nations for the issue of a special commemorative coin in 1968 with a face value equivalent to between half dollar and two dollars, if possible. The FAO invited the Government of India to participate in an international issue of commemorative coins with legal tender in 1968 in a new action of international goodwill to tackle world food and agricultural problems.

The FAO coin plan aims to maintain public interest in a concrete way in the growing world food crisis. The coin issue is intended to serve three purposes: firstly, it would provide a common medium through which all Governments can demonstrate their intention of facing up to the world food and development challenge; secondly, it would help bring home this challenge in the most concrete way possible through objects handled everyday in pockets and handbag; and thirdly, with the recent big increase in coin collecting in the more prosperous countries it would provide a useful addition to the flow of development assistance through national and international channels.

Considering that the issue of a commemorative coin as suggested by FAO would highlight the theme of agriculture and the food problem, it is proposed to participate in the FAO coin issue in 1968. Such participation would also result in some foreign exchange earning by sale of the special commemorative coins abroad. The expenditure in regard to the issue of the coins would be more than covered by the sale of coins, both in India and abroad.

For obvious reasons, a commemorative coin has to be different from the existing coinage. It is also of advantage if it is of higher value than the normal coins since such a coin is likely to command a better sale price abroad. It will also be possible to make attractive coins using silver, which is available in the country for such commemorative coins. For all these reasons it was felt that power should be taken to