

14.39 hrs.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL*

Shri M. Malaichami (Periyakulam): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951."

The motion was adopted.

Shri M. Malaichami: I introduce the Bill.

14.39½ hrs.

SIKH GURDWARAS BILL*

Shri A. S. Saigal (Janjgir): I beg to move for leave to introduce a Bill to provide for the better administration of Sikh Gurdwaras situated in different States of Indian Union and for inquiries into matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the better administration of Sikh Gurdwaras situated in different States of Indian Union and for inquiries into matters connected therewith."

The motion was adopted.

Shri A. S. Saigal: I introduce the Bill.

14.39½ hrs.

CONSTITUTION (AMENDMENT)
BILL—Contd.

(Omission of article 370) by Shri Prakash Vir Shastri

Mr. Speaker: The House will now take up further consideration of the

following motion moved by Shri Prakash Vir Shastri on the 11th September, 1964, namely:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Five hours had been allotted for this. 4 hours 47 minutes have already been exhausted. Now, I am calling upon the hon. Minister of Home Affairs to reply.

The Minister of Home Affairs (Shri Nanda): Mr. Speaker, Sir, I am aware of the fact that what we are dealing with here on this occasion is an important question. I am aware of the fact that this question has deeply stirred the minds and hearts of many Members of this House.....

Shri Kapur Singh (Ludhiana): Outside also.

Shri Nanda: ...and outside also, as the hon. Member puts it. I am quite conscious of my responsibility in whatever position I take in this matter. I may say that I have faithfully gone through the record of the proceedings on the Bill before the House and through the speeches. I say that because for most of the time during this discussion I was not personally present in this House. This discussion has given me a great deal of emotional satisfaction whatever else may be the outcome of it. It has brought out clearly that there is practical unanimity among the representatives of all the parties here, and I take it, of the various political parties in this country, in the matter of the approach to the question of Kashmir. It embraces practically the whole spectrum of party and political opinion. This agreement cuts across, as I said, all distinctions of political parties. This is a welcome feature, and it typifies to my mind the unity of the people of India in relation to all matters affecting the wider national interest. This is a kind of assurance to our people in the coun-

try, and it is a kind of intimation to all others that being a democracy, we must have political parties, and political parties must function, and yet on any questions affecting the nation as a whole, there are no parties but there is just one nation. I hope that this sense of oneness will, irrespective of party and sectional interests, continue to inspire and govern us with regard to all major policies and questions.

This discussion also reflects a sense of urgency. I recognise that I appreciate that. It also brought out the very strong concern and solicitude of the Members of the House on all sides for the Indian people who live in Kashmir. And I may say that this Government shares this concern and solicitude and this sense of urgency. And the attitude of the Government cannot, of course, be different from the voice of the people as heard through their representatives. As for what one hon. Member, namely Shri Khadilkar, said, I do not think that even his view was in any way divergent from the approach of the rest of the Members. It only brought out certain aspects which could certainly be reconciled with the broad approach that we wish to adopt.

Therefore, if I have to urge the Members that at this juncture it may be better to follow a different approach from what has been chalked out in the Bill before the House, I hope I shall not be misunderstood and the plea that I am making will not be taken amiss. I shall explain this plea in two ways, first, in terms of the Constitution, that is, the legal and constitutional arguments that arise in this case and secondly in terms also of certain practical considerations, in view of the interests of the nation.

I shall take up first the arguments relating to the Constitution. I take my stand on the Constitution of India as it is. I am a layman. There are luminaries of the legal profession sitting in this House, and at least one of them, my hon. friend opposite participated in this discussion. And I put this to him, and I put this to them,

and I put this also to the hon. Mover of the Bill that while we agree to the essential purpose underlying this motion, this purpose will be defeated, and this Bill will itself defeat that purpose instead of achieving it and furthering it—if it is accepted and adopted in this manner.

Shri Bade (Khargone): Question.

Shri Nanda: It is for me to explain that.

Taking the Constitution as it is, let us understand the role of article 370 and then see what happens, if this article is abrogated, or removed and taken out of the Constitution by an amendment of the Constitution on the lines of this Bill. I have a point to urge regarding the procedure also, that is to say, the procedure adopted about the proposed amendment through this Bill.

The power to amend this Constitution is derived from article 368. If the hon. Member looks at that article, he will find that there is at the bottom a proviso which reads thus; the footnote reads as follows:

"In its application to the State of Jammu and Kashmir, to art. 368, the following proviso shall be added:—

"Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370.".

So, my hon. friend will have to take shelter under article 370 itself in order to bring forward an amendment, and certain procedures have to be gone through. I may be corrected if I am wrong. My hon. friend opposite is an expert on constitutional law, and he may correct me if I am wrong. But this is my straight reading of the Constitution. Therefore, as long as we have not taken into consideration

[Shri Nanda]

this qualification or this proviso which excludes the scope of amendments to article 370 without certain steps having been taken under article 370 itself, we cannot amend the Constitution; those steps have not been taken, and, therefore, this Bill will suffer from an inherent disability. This may be taken up later on, if need be and if necessary. But apart from this, if the operation which the Bill visualises, namely, the removal of article 370, is carried out, we are left with a complete void as far as any improvement in the administrative relation with Jammu and Kashmir is concerned hereafter.

There will be a total block in the way of any such further change as we might be intending to make. We have been making changes all the time, every year. I will say something more about that. But any further change on the lines of the extension of the Constitution to Jammu and Kashmir with which we are familiar now, cannot be carried out if we take away art. 370. If it is imagined that by the repeal of art. 370 all the provisions of the Constitution will automatically apply to Jammu and Kashmir, it is a very erraneous reading of the Constitution. As things stand—the impediments in the way of achieving uniformity—it is a question of uniformity in the administrative relations, in the administrative set-up; it is not a question of integration; that should be made clear. It is only about uniformity—the intention to bring about uniformity with the rest of India.—The impediments in the way of uniformity are not created by art. 370. These impediments are strewn through the pages of the Constitution. In a hundred places, there are those provisions which take away the force of application of the Constitution to Jammu and Kashmir. What will happen to them? Remove 370. They remain.

That is not all when you take away 370, all these limitations, exclusions etc. remain. What will happen? The

position as it is today gets petrified, frozen. No further progress will be possible.

There is some further point in this connection, and that is important. It is not only a question of the extension of the Constitution through a Presidential Order. It is not that. There is something more which figures. In the text of the articles of the Constitution also there are these qualifications and restrictions. You remove art. 370. What happens to those articles? They still remain. This is a sizable chunk of the Constitution. Articles 308 and 152 make special reference to J. & K. If we repeal art. 370, these references will stand. There is the whole of Part VI, and Part XII relating to services.

I am pointing these out because it does not at all help, whatever be the good intentions of the hon. Mover of the Bill. It does not at all help Jammu and Kashmir or anybody if he ever could succeed in getting this Bill through. We may have a look at Part XXII of the Constitution—art. 394. It is here that apart from art. 1, for which art. 370 itself makes provision, that is, art. 370, clause 1, it brings in art. 1 of the Constitution so far as Jammu and Kashmir is concerned. After that, is the question of the commencement and in the commencement, 394 says that articles 5, 6 etc. shall come into force at once and the remaining provisions of the Constitution shall come into force on such and such date—the provisos.

Therefore, all these things have been excluded. This simple act of taking away this single article, does not take us any further at all—nowhere at all.

The position is this. While the rest of the contents of the Constitution, to which I have made reference, negate the application of the provisions of the Constitution to Jammu and Kashmir—some of them by extension, others directly—the only

avenue of taking the Constitution into Jammu and Kashmir is through the application of the provisions of art. 370. That is the only way of bringing back the Constitution to J. and K. That is my reading of the Constitution.

It is art. 370 which provides for the progressive application of the provisions of the Constitution to Jammu and Kashmir. What does it actually do? As things are, it only regulates the progressive application; it provides for that and regulates, it, affirms it; it does not negate. The negations are elsewhere. It is, therefore, wrong to say that art. 370 has outlived its utility.

An hon. Member said that art. 370 is a wall between Jammu and Kashmir and the rest of India. With reference to that, another hon. Member, Shri D. C. Sharma, said, it is not a question of a wall, it is a big mountain. At the same time, he happened to mention the Banihal tunnel also. May I submit to him and the other friends that art. 370 is neither a wall nor a mountain, but that it is a tunnel? It is through this tunnel that a good deal of traffic has already passed and more will.

Shri Alvares (Panjim): Why should we have a tunnel at all?

Shri Nanda: There is no wall between Jammu and Kashmir and India. At the most, you can say it is some kind of a moveable partition. We can move it on our own. There is nothing coming in the way.

Shri Alvares: If it is neither a wall nor a mountain, where is the need for a tunnel?

Shri Nanda: I say, if there is any wall, then this is the tunnel.

It may be urged, 'Do not take a narrow, legal stand. What is the political purpose?' I can understand that. But that purpose is not going to be served by this Bill. This Bill at any rate will have to be

brushed aside, set aside. It cannot be taken up at all because it will be very wrong and detrimental to the interest that we have in view. Something else may have to be done.

If this Bill is defective, it can be said, why not immediately do something to remove its deficiencies? That can be said. But this is incapable of being done, because it is not something done to this article, just removing this article and making some amendments. That will not suffice. No tinkering is going to help. A much more extensive operation of the Constitution is inevitable. We will have to make a very comprehensive examination of the provisions of the Constitution. It is not a question of making an amendment here or there. There are many things which have to be done. If it is to be done at all, I do not think it is necessary to bring in an amending Bill for amending the Constitution—I do not think it is necessary. If ever it were, it will have to be a very different kind of thing. It will have to be done after a very full examination and analysis of the various provisions of the Constitution.

Dr. M. S. Aney (Nagpur): Does the hon. Minister maintain that even after full integration, it is necessary to keep this article of the Constitution?

Shri Nanda: If it is the intention to amend, the process of amendment is simpler. The processes are provided in art. 370. I think it was beautifully conceived. The normal process of amendment is subject to stringent conditions. The processes of amendment made available to article 370 are very simple.

15 hrs.

Shri N. C. Chatterjee (Burdwan): Is the hon. Minister prepared to give this House an assurance that

[Shri N. C. Chatterjee]

under clause (3) of article 370, the President will take action. It says:

"Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify."

Therefore, it is given to the President practically to effectuate.....

Shri Khadiikar (Khed): There is a proviso. You are omitting it.

Shri N. C. Chatterjee: I know. There is nothing in the proviso. It says:

"Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification."

The Constituent Assembly is gone. Therefore, the proviso is otiose, and, according to my submission, when the Constituent Assembly is not functioning, the proviso does not operate any more, and the President has got unfettered powers to act under clause (3).

Will the hon. Minister give an assurance to the House that the President will be advised, or he is going to consider that? One thing more. The hon. Minister says that in article 368 some rider has been added. What is the rider?

Mr. Speaker: There, he is not right. I agree with the Member.

Shri N. C. Chatterjee: It only says:

"Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370."

Mr. Speaker: That we will see afterwards, when the Bill has been passed, whether it should be effected or not.

Shri N. C. Chatterjee: I am only pointing out that there is no impediment to the House passing this Bill. The only thing is that it will come into operation in relation to Jammu and Kashmir by an order of the President. That is a purely executive order.

Shri Nanda: I would not hastily give any assurance. I find that in dealing with the Constitution, so many different views are taken. For example, in regard to clause (3), there is another opinion, a very eminent opinion, that this clause has exhausted itself completely.

Shri N. C. Chatterjee: May I know who has said that?

Shri Nanda: We are not debating this. It may be there is a difference between his view and my view; because there are so many indirect considerations to be taken into account, it may be that article 368, at any rate, by itself is not sufficient. Other things have to be done, and other things are contingent on something else happening. Therefore, by itself it does not suffice.

As to whether clause (3) is available or not, I am not able to say anything. I do not think I would be right in giving any kind of hasty assurance on the subject, because my stand is very different.

What I am saying is that all that is intended to be secured can be more easily secured. There is an easier path available to us, a more handy instrument for us to get the same thing done. Why do we go about bringing in amendments to the Constitution itself with all the processes attendant on that, when article 370 itself enables—not through clause (3) but through clauses (1) and (2)—the President to pass orders

which will enable any entry in the Lists to be taken and applied to Jammu and Kashmir and any other provision of the Constitution? This is available. What remains there is.....

Shri Bade: Shri Chatterjee has taken a very forceful and important objection, that there is no impediment to the passing of the Bill.

Mr. Speaker: That is one argument.

Shri Bade: He is not replying to that. He is reverting to clauses (1) and (2).

Shri Nanda: I am sorry. That was a technical objection to the admissibility of the Bill. I did not take my stand on that. My stand is not that. Otherwise, I would have said let us not proceed with the Bill. I did not say that. I only brought in some considerations which might have a bearing on it. My argument, my stand, is very different. It is that the passage of this Bill, the acceptance of this Bill by the House is going to create a position where the people of Jammu and Kashmir will suffer very much more, and your object.....

Some hon. Members: How?

Shri Nanda: This is my stand. Let others argue about it.

Shri Bade: It is not correct.

Shri Nanda: I am giving my reading of the Constitution that just removing article 370 does not suffice.

Shri Prakash Vir Shastri (Bijnor): The Jammu and Kashmir Members have all supported this Bill.

श्री हुकम चन्द कछवाय (देवास) सार
मे वरों ने इस को सपोर्ट किया है।

Shri Nanda: I have explained two things. One is that if you just take out article 370, does it remove all the provisos which have entered into the various clauses in one way or other? Does it also take away the restric-

tions and qualifications to the various other articles in the Constitution, where the Constitution is made applicable to Jammu and Kashmir? It does not.

Shri Bade: Let him give an assurance that he will bring in a Bill.

Mr. Speaker: He is opposing this Bill.

Shri Nanda: If I am told and I agree that the purpose can be served only by a Bill, then we can certainly bring in a better Bill, but it is not necessary. The same purpose can be served fully and properly through the utilisation of this. There is nothing wrong about this argument, because it is a fact.

Shri Ranga (Chittoor): Come to your second argument.

Shri Nanda: Why do you want this more elaborate proceedings of bringing in an amendment to the Constitution? We have got the other way.

The proof of it, the evidence that what I am saying has great substance, is that in the past years article 370 has been so used, has been availed of, for this purpose. Hon Members are quite familiar with that process. This article has not remained static. It is through a dynamic process, year after year, that the provision in Jammu and Kashmir has been assimilated in these matters with the rest of India, and this policy, the policy of steady, progressive erosion, has been reiterated here several times. This has been the policy, this was the policy laid before the House several times before by the late Prime Minister and others, and this policy, apart from other considerations which attach to it, does not suffer from any kind of inherent limitation, because it can unfold itself completely. What happens is that only the shell is there. Article 370, whether you keep it or not, has been completely emptied of its contents. Nothing has been left in it. We can regulate it, we can do it in one day,

[Shri Nanda]

in ten days, ten months. That is entirely for us to consider.

Shri Hem Barua (Gauhati): May I seek your indulgence for a moment? May I know if the hon. Minister is aware of the fact that the Plebiscite Front in Kashmir, together with certain communal and political elements within the State are planning to have demonstrations from tomorrow, 5th December; if so, how does the hon. Minister justify his stand, what he has stated just now?

Mr. Speaker: Did he say that he welcomes that demonstration?

Shri Hem Barua: He said everything has been regulated there.

Mr. Speaker: That is about a different thing.

Shri Nanda: I referred to regulated extension of the provisions. Some of the hon. Members made an observation, and that is a point which does really deserve consideration. Hon. Members from the State of Jammu and Kashmir and some others said that there are advantages, benefits, available to the rest of India; why should the people of Jammu and Kashmir be deprived of those benefits? Then, other things are mentioned here. There are various forms of beneficiary relations between the Centre and the States.

Shri Ranga: They get so much more.

Shri Kapur Singh: It is a one-sided benefit.

Shri Nanda: If they are getting so much more because article 370 is still there, I do not know if....

Shri Sham Lal Saraf (Nominated—Jammu and Kashmir): What the Home Minister refers to is that these things do not apply to the State.

Shri Ranga: We have been subsidising all the time.

Shri Nanda: This result has been brought about, the proper extension of those beneficial arrangements, to the State of Jammu and Kashmir, by progressive and successive stages of application of these provisions, and if anything remains which could be of benefit to the people of Jammu and Kashmir and which today has been kept away from them because any provision of this Constitution has not been applied to them, there need not be any delay about that. Hon. Members coming from Jammu and Kashmir were deeply concerned about it. I think I can say very clearly that almost every month, every two or three months, a review is taken, and some of these provisions are applied. I might therefore, mention something about it. It will give some idea of what has been happening. This would sink into the minds of hon. Members and that is why I am indicating the process which can bring about the same results that process has been very active in the past.

Shri Inder J. Molhotra (Nominated—Jammu and Kashmir): It should be expedited.

Shri Nanda: I can understand that plea that it should be expedited and I do not stand up against that idea.

Shri D. C. Sharma (Gurdaspur): What have you done in the last three months to expedite it?

Shri Nanda: I shall say what has been happening in the last few months. Since the new Government took charge there with Mr. Sadiq as the head of that Government, this process has been accelerated and Presidential orders have been issued applying the constitutional provisions relating to the following subjects—welfare of labour, legal, medical and other professions, trade and commerce and the production, supply and distribution of commodities, price control

gold control, enquiries and statistics, regulation of labour and safety in mines, vital statistics including registration of births and deaths, vocational and technical training, and newspapers, books and printing presses. They are also considering applying provisions relating to elections—Members of Parliament to be elected direct rather than in the manner in which the elections now take place. That is going to be done very soon.

श्री जगदेव सिंह सिद्धान्ती (झज्जर) :
मंत्री महोदय कोई तर्क नहीं दे रहे हैं। वे दूसरी बातें लाकर मुख्य विषय जोकि 370 दफा को हटाने का है उसको टालना चाहते हैं। घटनायें न दीजिय, अगर उन के पास कोई तर्क हो तो वे दें।

Shri Nanda: A Bill for changing the nomenclature for Sadr-i-Riyasat and Prime Minister of the State has been referred to a select committee by them. Thus, it would be seen that the progress has been significantly accelerated.

I take this opportunity to inform the House that it has been decided to apply the provisions of articles 356 and 357 also to Jammu and Kashmir. Entries 43 and 78 of the Union List and Entries 33 and 34 of the Concurrent List are also being made applicable. This would show the extent to which both the Government of India and the State Government are constantly keeping the situation in view. Therefore, the area of uniformity is being constantly extended and it is being accelerated and expedited and as I said before, the House would certainly understand from what I have said that anything else which has to be done quickly could certainly be considered and some kind of action could be taken on that.

Shri Hem Barua: When you have done so much, why don't you do the rest?

Shri Nanda: Those who have done so much will certainly do the rest... (Interruption.) Sir, I have to add one or two more observations.

Shri Ranga: That point is enough.

Shri Nanda: It is all right then. The hon. Member appreciates what I have said. I would say something about the question of the status of Jammu and Kashmir, I do not understand why it has been brought in in this context. I believe article 370 has been given too much importance and some kind of a doubt seems to have crept in for which there is no scope at all. They seem to think that there is some kind of a deficiency in relation to the status of Jammu and Kashmir, in the matter of the full integration of Jammu and Kashmir with India. It has been repeatedly stated here and statements were made by the hon. Prime Minister and the late Prime Minister and I would like to refer to them because it is very important that there should be no doubt left on that score. Article 370 does not detract from that status. It is not as if it is not quite complete now and if 370 is removed, it will become full. It is not so at all; it is a wrong reading of the situation. The hon. Prime Minister, when he was the Minister without portfolio, stated very clearly the position. He referred to the Security Council proceedings and said that in the Security Council Mr. Chagla has made it absolutely clear, that the accession of Kashmir to India is irrevocable and the present relationship between Kashmir and India must continue. The irrevocability of this position has been stressed there. There was an occasion when I had the privilege to place before this House something about this question of status. I have said then that there are certain facts of history which cannot be undone. The accession of Jammu

[Shri Nanda]

and Kashmir to the Union of India is a fact of Indian history; it is a fact of world history. There can be no going back on that. Its accession is complete, final and irrevocable; it is as complete as the accession of some of the erstwhile States in the heart of India.

Some observations were made that we were following a weak-kneed policy and that there was vacillation. In that context, let us just consider what I am saying—not as an argument not as a ground for getting rid of something but as the basis or the root of the matter. I may submit that whatever we do here, whatever we decide here, we are not influenced by any extraneous considerations; we have no fear of anyone saying something; we are only influenced by considerations of national interest and not fear of somebody else. We have several objectives to be achieved and to be pursued. There has to be a comprehensive strategy in which each one of these elements has a proper place and anything which is considered must fit into that strategy. There was the question of psychology referred. That also has to be looked into at both ways. I do not want to elaborate that point. In dealing with a situation, we have to deal with it successfully, effectively and gain our objectives and not simply get the satisfaction of having done something and get done with these things. We do not get done with these things. I, therefore, make this appeal that we are set on the same objective. There is no disagreement regarding that. That is the thing has to be achieved as speedily as possible, there is also no difference about it. I only suggest that the other way is not the better way and the way which I have suggested for achieving the result is better, easier and the simpler way and it helps us in other ways also.

Shri Hari Vishnu Kamath (Hosangabad): On a point of clarification,

Sir. Will the Home Minister be pleased to tell this House whether there are at the moment any political groups or elements in the State of Jammu and Kashmir who are opposed to fuller integration of that State with India or to the abrogation of article 370, and if it be not so, why this hesitancy?

Shri Nanda: No responsible person in that State is opposed, and particularly the Government of Jammu and Kashmir now is fully helpful in making progress with all these things.

श्री प्रकाशचारी झास्त्री : अध्यक्ष महोदय, जम्मू-काश्मिर का इतिहास स्वतंत्रता के बाद भारत सरकार की भूलों का इतिहास है। मैं यह सोच रहा था कि आज गृह मंत्री श्री मूलजारीवाल नन्दा, उन पुरानी भूलों का प्रायश्चित्त इस विधेयक के सम्बंध में सरकार की ओर से उत्तर देते हुए करेंगे। संसद के इतिहास में ऐसे अवसर बहुत कम आए हैं कि जब किसी प्रश्न पर सारी संसद एकमत हो कर अपनी राय व्यक्त करे। जम्मू-काश्मिर राज्य सम्बंधी धारा 370 को संविधान से हटा दिया जाये, इस उद्देश्य से मैंने जो विधेयक इस सदन के सामने रखा है, वह एक ऐसा विधेयक है, जिस पर संसद के सभी दलों के सदस्यों ने समान रूप से अपनी सहमति व्यक्त की है। लेकिन मुझे बड़ा दुःख है कि जो सरकार जनतंत्र की दुहाई देती है, उस सरकार ने जनतंत्र का जो सब से बड़ा परीक्षण-स्थल लोक सभा है, उस में सब सदस्यों के द्वारा सर्वसम्मति से राय व्यक्त करने के बाद भी इस विधेयक को स्वीकार नहीं किया है जहाँ यह एक इतिहासिक घटना थी कि एक विधेयक को सदन का सर्व-सम्मत समर्थन मिला, मैं समझता हूँ कि लोक सभा के इतिहास की यह भी एक इतिहासिक भूल होगी कि सरकार ने उस सर्व-सम्मत समर्थन को भी स्वीकार नहीं किया।

इस समय मैं उस पृष्ठभूमि में नहीं जाना चाहता कि जब यह दुखद घाटा संविधान में घाई थी, तो लोह-पुरुष, सरदार वल्लभ भाई पटेल कैसे और क्यों हृदय से इससे सहमत नहीं थे। वह एक दूसरा विषय है, जो इस प्रसंग से बाहर हो जायेगा। लेकिन मैं इतना अवश्य कहना चाहता हूँ कि संविधान की धारा 370 पर यह स्पष्ट लिखा हुआ है कि यह आपात्कालीन उपबन्ध है। परन्तु क्या आपात्कालीन उपबन्ध सत्रह साल तक चला करते हैं? आपात्कालीन उपबन्ध मामान्यतया कुछ दिनों के लिए हुआ करते हैं, कुछ महीनों के लिए हुआ करते हैं या कुछ वर्षों के लिए हुआ करते हैं। अनिश्चित काल तक के लिए लोहे की दीवार बना कर तो आपात्कालीन उपबन्ध नहीं खड़े किये जाते।

इस विधेयक के सम्बंध में गृह मंत्री ने कहा है कि इस में कुछ कानूनी कमजोरियाँ रह गई हैं। मुझे बड़ी खुशी होती, अगर गृह मंत्री अपने उत्तर में यह कहते कि प्रकाश वीर झात्री ने जो विधेयक उपस्थित किया है, उस में कुछ कानूनी दुर्बलतायें हैं, इसलिये सरकार इस विधेयक को स्वीकार कर के एक प्रवर समिति या सिलेक्ट कमेटी, को भेजने का प्रस्ताव करती है, जिससे उन कानूनी कमजोरियों को दूर कर लिया जाये और पूर्ण विधेयक संसद में लाया जाये।

अथवा फिर अगर गृह मंत्री अपनी ओर से यह प्रस्ताव उपस्थित करते कि चूंकि इस विधेयक में कानूनी दृष्टि से अमुक अमुक दुर्बलतायें रह गई हैं, इसलिए सरकार विधेयक की भावना से सिद्धांततः सहमत होते हुए अपनी ओर से इस प्रकार का एक विधेयक लायेगी, तो भी शायद हम उनके प्रस्ताव को स्वीकार कर सकते।

अथवा ये दोनों मार्ग न अपना कर अगर गृह मंत्री केवल यही कह देते कि भारत का संविधान जिस तरह भारत के अन्य राज्यों में लागू होता है, उसी तरह वह

संविधान पूर्णतया, सीलह ब्राने, जम्मू-काश्मीर राज्य पर भी लागू होगा, तो मैं समझता हूँ कि इस सदन के सदस्यों ने इस विधेयक का जो सर्वसम्मत समर्थन किया है, उसने प्रभावित हो कर सरमाहु इस विधेयक के उद्देश्यों को पूरा करने की दिशा में कुछ धागे बढ़ी है।

लेकिन मेरा अपना अनुमान यह है कि सरकार के शासन के रूप पर कर्ण के साथ कोई शक्य भी बंटा हुआ है, जो कि पिछले सत्रह वर्षों से सरकार को काश्मीर के संबंध में कोई सत्प्रारमर्श नहीं दे रहा है। सचय समय पर सरकार को इस प्रकार की बातें कहना है कि इस धारा को हटा देने से अमुक अमुक दुष्परिणाम होंगे। इस का सब से बड़ा प्रमाण यह है कि इस विधेयक के संसद में आने के बाद शामकीय दल के सब सदस्य, इसका समर्थन कर रहे थे, लेकिन इसके बाद जब पाकिस्तान के विदेश मंत्री ने एक बक्तव्य में यह कहा कि धारा 370 को हटाने से बड़ी खतरनाक स्थितियाँ उत्पन्न हो जायेंगी, तो सरकार डर गई। (Interruptions)

कुछ माननीय सदस्य : नहीं, नहीं।

श्री प्रकाशवीर शास्त्री: गृह मंत्री का भाषण उसी पृष्ठभूमि में दिया गया है। लेकिन मैं यह जानना चाहता हूँ कि अगर सरकार इसी तरह अन्तर्राष्ट्रीय कठिनाइयों से बचती रहेगी, तो काश्मीर के सम्बंध में ऐसी कौन सी अन्तर्राष्ट्रीय कठिनाई है जो आज नहीं है और कल होने वाली है।

पाकिस्तान का काश्मीर के सम्बंध में क्या रवैया है और भारत की काश्मीर के सम्बंध में क्या नीति है, यह सरकार को और से दिया गया एक प्रश्न का उत्तर स्पष्ट करता है। अभी 30 नवम्बर को मैंने लोक सभा में यह प्रश्न पूछा था कि मुझे पता चला है कि काश्मीर का जो भाग आजाद काश्मीर कहलाता है, वहाँ के राष्ट्रपति खुरशीद को

[श्री प्रकाशवीर शास्त्री]

पाकिस्तान गवर्नमेंट ने गिरफ्तार कर लिया है, वहाँ के झंडे हटा कर अपने झंडे लगा दिये हैं और उन के सरकारी कर्मचारियों को हटा कर अपने एडमिनिस्ट्रेटर भेज दिये हैं, इसलिये सरकार इस सम्बंध में सुरक्षा परिषद् में जा कर शिकायत क्यों नहीं करती? भारत, सरकार की ओर से उत्तर दिया गया कि हां ऐसा हमने समाचारपत्रों में पढ़ा है। मैं यह पूछना चाहता हूँ कि इस सरकार का हाई कमिश्नर वहाँ बठ कर क्या करता है जिसको इस प्रकार की जानकारी भी नहीं है? समाचारपत्रों में पढ़ने के बाद जब सरकार ने विरोध-पत्र भेजा, तो उसका क्या परिणाम हुआ? इस दुर्बल सरकार का यह उत्तर सुनिये कि हमारे विरोध-पत्र का पाकिस्तान सरकार ने कोई जवाब नहीं दिया।

आज स्थिति यह है कि पाकिस्तान ने आजाद काश्मीर के झंडे हटा कर अपने झंडे लगा दिए, अपने एडमिनिस्ट्रेटर वहाँ पर भेज दिये और इस सरकार के विरोध-पत्र कोई का उत्तर नहीं दिया। लेकिन जब पाकिस्तान के विदेश मंत्री ने एक वक्तव्य निकाल दिया तो सरकार का मस्तिष्क बदलने लगता है, उसके निर्णय बदलने लगते हैं, उस की नीति बदलने लगती है।

मुझे क्षमा किया जाये, आज मैं यह कहना चाहता हूँ कि अगर रूस ने सुरक्षा परिषद् में अपनी वीटो अधिकार का प्रयोग न किया होता, तो काश्मीर में हिन्दुस्तान की स्थिति कभी की भयंकर हो गई होती। उस वीटो-अधिकार के कारण ही हमने काश्मीर को काश्मीरियों के सम्मान के अनुरूप आज तक बचा कर रखा, लेकिन आज सरकार यह बात कान खोल कर सुन ले कि आज रूस खुश्चेव के हाथ में नहीं है, कल को रूस की नीति क्या बनेगी, इसके बारे में सरकार भी अधिकारपूर्वक कुछ नहीं कह सकती है। अगर यह सरकार धारा 370 को नहीं हटाती

है, और धारा 370 इसी प्रकार बनी रहती है, तो भारत सरकार अपनी ओर से दुनिया में इस बात का सन्देश बने रहने का मौका देती है कि जम्मू-काश्मीर भारत के अन्य राज्यों की तरह से भारत का अंग नहीं है।

एक बात यह भी कही गई है कि इस बारे में कुछ कानूनी विशेषज्ञों की राय ली जायेगी। मुझे बड़ा दुख होता है कि जब काश्मीर के प्राइम मिनिस्टर, श्री सादिकभी जगह जगह यह कहते हैं कि हम धारा 370 को हटाने के पक्ष में हैं, लेकिन इसबारे में कुछ कानूनी विशेषज्ञों की राय ली जाये। मैं निवेदन करना चाहता हूँ कि भारत सरकार की ही कैबिनेट के एक मँबर, श्री छागला, ने सुरक्षा परिषद् से लौटने के बाद पार्लियामेंट में अपना पहला वक्तव्य यह दिया था कि धारा 370 को संविधान से हटा देना चाहिए। क्या उन से बड़ा कोई कानूनी विशेषज्ञ हो सकता है? उस के बाद सुप्रीम कोर्ट के वकील और इस सदन के एक माननीय सदस्य, श्री एन० सी० चटर्जी, ने अपने भाषण में कहा कि धारा 370 को हटा देना चाहिए। मैं पूछना चाहता हूँ कि इस सरकार के पास और कौन से कानूनी विशेषज्ञ इन से बड़े मस्तिष्क हैं, जिन की राय यह सरकार लेना चाहती है।

और बड़ी बात तो यह है कि धारा 370 तो पहले से ही आधी मरी हुई है। धारा 370 में जम्मू-काश्मीर की कांस्टीट्यूएण्ट एसेम्बली की चर्चा है। क्या आज जम्मू-काश्मीर में कोई कांस्टीट्यूएण्ट एसेम्बली है? धारा 370 में जम्मू-काश्मीर के राजा की चर्चा है। क्या आज जम्मू-काश्मीर में कोई राजा है? इस लिये भारत के संविधान में इस अध-मरा धारा को रद्द कर क्या संविधान को पवित्रता का नष्ट करना नहीं है? यह संविधान के साथ भी अन्याय करना है और

देश की भावना के साथ भी अन्याय करना करना है ।

इस सरकार की दुर्बल गतिविधियों और नीतियों के दुष्परिणाम क्या हो रहे हैं ? अभी कल-परसों शोपुर में जनमत संग्रह मोर्चे की ओर से जो कांफ्रेंस हुई है, उस में उस मोर्चे के नेता, शेख अब्दुल्ला, ने यह घोषणा की है कि एक भारत सरकार नहीं, एक हजार भारत सरकारें भी काश्मीरियों के जनमत के अधिकार को नहीं छीन सकतीं ।

इस के अलावा, जसा कि श्री हेम बरुआ ने कहा है, कल 5 दिसम्बर, को काश्मीर में एक नया झंडा लहराया जा रहा है जो पाकिस्तान का झंडा है । यह नया झंडा भी बिल्कुल वही झंडा है । उसके एक कोने पर अल्पसंख्यकों की प्रतीक सफ़ेद पट्टी है और बाकी सारा हरा झंडा है । एक कोने पर चांद-तारा लगा हुआ है और एक कोने पर दो हाथ मिले हुए हैं, जो कि पाकिस्तान और काश्मीर के आपस में होने वाले पैंकट का प्रतीक बताये हैं । यह झंडा कल काश्मीर में लहराया जायेगा ।

यह सरकार संविधान में धारा 370 को रख कर काश्मीरी जनता के लिए सन्देह पैदा कर रही है, जिस के परिणाम-स्वरूप उस के मन में अपने भाग्य के सम्बन्ध में आशाका उत्पन्न हो गई है । पिछली बार, माननीय सदस्य, श्री समनानी, ने अपने भाषण में कहा था कि अगर सरकार की इस नीति का कोई दुष्परिणाम निकला, तो हम अपने बच्चों को क्या जवाब देंगे ?

सरकार की दुर्बल नीतियों के कारण जम्मू-काश्मीर की स्थिति जैसी बनती चली जा रही है और अन्तर्राष्ट्रीय स्थिति कल जैसे बदलने जा रही है, अगर उस के परिणामस्वरूप जम्मू-काश्मीर हमारे हाथ से

चला गया, तो श्री नन्दा क्षमा करें, वे हजारों विधवायें, जिन के पति 1947 में काश्मीर की रक्षा के लिए लड़ते हुए मारे गए थे, वे हजारों बच्चे जो अपने पिताओं के मारे जाने से आज अनाथ बने हुए हैं, ब्रिगेडियर उस्मान की विधवा पत्नी, डा० श्यामाप्रसाद मुखर्जी की आत्मा और जम्मू-काश्मीर के लाखों लोग इस अपराध को क्षमा नहीं कर सकेंगे कि सत्रह साल के बाद भी यह सरकार दृढ़ता से कोई निर्णय नहीं ले सकी ।

अपनी बात को समाप्ति की ओर ले जाते हुए मैं सरकारी बेंचों पर बैठे हुए अपने उन भाइयों को धन्यवाद देना चाहता हूँ, जिन्होंने मेरे इस विधेयक का समर्थन किया । मुझे यह भी पता लगा है कि इस सरकार ने अपनी दुर्बल नीति को छिपाने के लिये ग्लिप जारी किया है कि वे इस विधेयक पर मत न दें और इस प्रकार इसका विरोध करें, । मैं अपने उन भाइयों से कहना चाहता हूँ कि यदि वे मेरे विधेयक के विरोध में मत देंगे तो हो सकता है, कि यह विधेयक गिर जाये, लेकिन वे याद रखें कि हिन्दुस्तान का इतिहास उन को कभी इस बात के लिए क्षमा नहीं कर सकेगा । वे आज अपनी आत्मा की आवाज के आधार पर मत दें, किसी ग्लिप के आधार पर मत न दें । पाटियां छोटी होती हैं, देश सब से बड़ा होता है । इतिहास में जब यह लिखा जायेगा कि इस प्रकार सर्वसम्मत समर्थन मिलने के बाद भी केवल एक मंत्री के खड़े हो कर विरोध करने के कारण सब लोगों की राय बदल गई, तो लोक-सभा के इतिहास में जनतंत्र की भी हत्या हो जायेगी और वे भी अपनी आत्मा की हत्या करेंगे ।

आखिर में मैं यह कहना चाहता हूँ कि जिस ङंग में सरकार इस विधेयक का विरोध कर रही है और धारा 370 को संविधान में जारी रखने की बात कर रही

[श्री प्रकाशचौर शास्त्री]

है, उस का दुष्परिणाम यह होगा कि जम्मू-काश्मीर में ही आन्दोलन नहीं उठेगा सारे हिन्दुस्तान में भारी आन्दोलन उठेगा। यदि रजिये, जिस समय आप इस विधेयक को गिरावेंगे, तो आप मेरे विधेयक को नहीं गिरावेंगे, अपनी पार्टी की प्रतिष्ठा को गिरावेंगे और देश की भावनाओं का आप अपमान करेंगे। मैं चाहता हूँ कि फिर से आप एक बार गम्भीरता से विचार कर लें। आज के ये क्षण, ऐतिहासिक क्षण, भारत के इतिहास के लिए हैं, एक बहुत ही महत्वपूर्ण प्रश्न के सम्बन्ध में हम निर्णय लेने जा रहे हैं। कोई भूल मत कीजिये; मुबह का भूला हुआ शाम को घर आजाय त; उसे भूला नहीं कतुने है। मैं फिर कहता हूँ मन्दी जी से कि आप इस के ऊपर फिर से विचार करें।

Shri Shivaji Rao S. Deshmukh (Parbhani): On a point of order, Sir. The hon. Home Minister referred to article 368 of the Constitution and said that in terms of that article, the mover of the Bill has no authority to move the Bill which he has moved. He has referred to the proviso also. You were pleased to remark that, that proviso has something to do with the coming into operation or coming into effect of the Bill and that stage would be after the passing of the Bill. Besides this provision, I wish to draw your attention to the further fact that every Bill, including a Bill for amending the Constitution, has to receive the assent of the President in order to become effective. That means, every Bill which requires Presidential assent should be capable of receiving Presidential assent. But here the position would be, if we pass this Bill, regardless of the fact whether it will come into effect or not, it is certain that the President of India, even if he so desires, cannot assent to this Bill . . .

Mr. Speaker: It would not come into effect unless the President applies this provision.

Shri Shivaji Rao S. Deshmukh: You were pleased to state that the Bill will not come into effect unless the President gives his assent. My contention is quite different. You say that even if the President gives the assent, since article 370 is mentioned in this Bill, unless Jammu and Kashmir is referred to, it will not come into effect. For a Bill to come into effect regarding Jammu and Kashmir, a reference to Jammu and Kashmir under article 370 is necessary.

My contention is that the President of India, even if he so desires, cannot give his assent to this Bill, because the House cannot obviously pass a Bill which, regardless of coming into effect, cannot even receive the President's assent.

Article 152 specifically says that the whole part is not applicable to Jammu and Kashmir. Can there be an amendment of a statute, more so of the Constitution of India, which has got the effect of rendering the whole or a considerable portion of that statute ineffective? For instance, if article 152 remains as it is, it will mean that the whole part relating to the States will not be applicable to Jammu and Kashmir and yet, article 370 will not be there.

Mr. Speaker: The Minister has already said that this Bill shall not have any effect. If article 370 is removed, there are other articles of the Constitutions that make other provisions.

Shri Shivaji Rao S. Deshmukh: The Minister has stated that this Bill shall not have effect. I say that even if the people and Government of Jammu and Kashmir were to agree to it, and even if this Bill were to receive the President's assent, even then in the form in which the Bill stands, the whole part of the Constitution shall be rendered ineffective. Therefore, on the principle that there can be no amendment of a statute which renders

the statute itself ineffective, this Bill is out of order.

श्री नन्दी : मैं जी टैक्नीकल सवाल उठाया गया है, उसके बारे में कुछ नहीं कहना चाहता हूँ। उस पर मैं नहीं जाना चाहता। लेकिन कुछ सफ़ाई मैं देना चाहता हूँ उसके बारे में जी श्री प्रंगोशिवीर शास्त्री जी ने कहा है। उनके दिल में जो भावनाएँ हैं, जो जज्बात हैं, वे हमारे दिलों में नहीं हैं, यह मैं नहीं मानता हूँ। इस चीज को मान नहीं लिया जाना चाहिये। हमारे ऊपर जिम्मेदारियाँ भी हैं और मैं समझता हूँ कि आप इन्हें अच्छी तरह से जानते हैं। उनमें और हमारे में कोई मतभेद नहीं है। जल्दी सब कुछ हम करना चाहते हैं। लेकिन जो कर्म का तरीका हो, वह अच्छा होना चाहिये, ठीक होना चाहिये, ज्यादा अच्छा होना चाहिये। पाकिस्तान क्या करता है या भुट्टो साहब क्या करते हैं, उसका असर हम पर नहीं पड़ता

है। हमारा जो अपनी पालिसियाँ हैं, वे पहले से बनाई हुई हैं।

Mr. Speaker: The question is:

"That the Bill, further to amend the Constitution of India be taken into consideration."

The Lok Sabha divided.

श्री मधु लिनय (गुजर) : मुझे कोई जगह नहीं दी गई है।

श्री अय्यंगर श्रीवलय : आपको किस में शामिल कर लूँ ?

श्री मधु लिनय : एक में मैं देना चाहता हूँ।

श्री स० मो० बनर्जी (कानपुर) : मैं भी एक में देना चाहता हूँ।

श्री चं० ला० चौधरी (मद्रास) : मैं "नो" में वोट देना चाहता हूँ।

Division No. 8

AYES

[15.35 hrs.]

Ahaves, Shri
Aney, Dr. M. S.
Bade, Shri
Banerjee, Shri S. M.
Barua, Shri Hem
Chatterjee, Shri N. C.
Daji, Shri
Dwivedy, Shri Surendranath

Gokaran Prasad, Shri
Gupta, Shri Kanesh Ram
Kachhavaia, Shri
Kamath, Shri Hari Vishnu
Limaye, Shri Madhu
Lohia, Dr. Ram Manohar
Mukherjee, Shri M. N.
Pandey, Shri Sarjoo

Rajyalaxmi, Shrimati
Shashank Manjari, Shrimati
Shastri, Shri Prakash Vir
Siddhanti, Shri Jagdev Singh
Singh, Shri Y. D.
Swamy, Shri Sivamurthi
Utiya, Shri

NOES

Abdul Wahid, Shri T.
Achal Singh, Shri
Achuthan, Shri
Alva, Shri A. S.
Rabunath Singh, Shri
Bal Krishna Singh, Shri
Balkrishnan, Shri
Balmiki, Shri
Barkataki, Shrimati Renuka
Barua, Shri R.
Barupal, Shri P. L.
Basappa, Shri
Beera, Shri
Bhagat, Shri B. R.
Bhagawati, Shri
Bhakt Darshan, Shri
Bhanja Deo, Shri L. N.

Brahm Prakash, Shri
Brjeshwar Prasad, Shri
Chandrabhan Singh, Shri
Chandriki, Shri
Chaturvedi, Shri S. N.
Chaudhury, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chaudhuri, Shri Sachindra
Chavan, Shri D. R.
Chavda, Shrimati Johrabai
Chuni Lal, Shri
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Deo Bhanj, Shri P. C.
Dehshankh, Shri Shivaji Rao S.
Day, Shri S. K.

Dhuleshwar Meena, Shri
Dighe, Shri
Dixit, Shri G. N.
Dubey, Shri R. G.
Dwivedi, Shri M. L.
Gandhi, Shri V. B.
Ganga, Devi, Shrimati
Guha, Shri A. C.
Manumantbaiya, Shri
Mem Raj, Shri
Imbichibava, Shri
Iqbal Singh, Shri
Jainil, Shri M.
Jamunadevi, Shrimati
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kabir, Shri Humayun

NOES—Contd.

Kanungo, Shri
 Kedaria, Shri C. M.
 Khadilkar, Shri
 Khan, Shri Shah Nawaz
 Khanna, Shri Mehar Chand
 Khanna, Shri P. K.
 Kindar Lal, Shri
 Koujalgi, Shri H. V.
 Koya, Shri
 Kripa Shankar, Shri
 Krishnamachari, Shri T. T.
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Mahtab, Shri
 Mahishi, Shrimati Sarojini
 Malachami, Shri
 Malaviya, Shri K. D.
 Marandi, Shri
 Maruthiah, Shri
 Mathur, Shri Shiv Charan
 Mehrotra, Shri Braj Bihari
 Mehta, Shri Jashvant
 Melkote, Dr.
 Menon, Shri Krishna
 Minimata, Shri
 Mishra, Shri Bibhuti
 Mishra, Shri M. P.
 Misra, Shri Shyam Dhar
 More, Shri K. L.
 Mukane, Shri
 Murthy, Shri B. S.
 Murti, Shri M. S.
 Musafir, Shri G. S.
 Muthiah, Shri
 Naik, Shri D. J.
 Nanda, Shri

Nigam, Shrimati Savitri
 Niranjan Lal, Shri
 Oza, Shri
 Pande, Shri K. N.
 Panna Lal, Shri
 Pant, Shri K. C.
 Patel, Shri Chhotubhai
 Patel, Shri P. R.
 Patil, Shri J. S.
 Patil, Shri V. T.
 Pillai Shri Nataraja
 Prabhakar, Shri Naval
 Pratap Singh, Shri
 Rai, Shrimati Sahodrabai
 Rajdeo Singh, Shri
 Raju, Dr. D. S.
 Raju, Shri D. B.
 Ram Sewak, Shri
 Ram Subagh Singh, Dr.
 Ram Swarup, Shri
 Rampure, Shri M.
 Rane, Shri
 Rao, Shri Jagannatha
 Rao, Shri Rajagopala
 Rattan Lal, Shri
 Reddy, Shrimati Yashodai
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Samanta, Shri S. C.
 Sanji Rupji, Shri
 Satyabhama Devi, Shrimati
 Sen, Shri P. G.
 Shah, Shri Manubhai
 Shakuntala Devi, Shrimati

Sharm Nath, Shri
 Sharma, Shri D. C.
 Sheo Narsain, Shri
 Shree Narayan Das, Shri
 Siddananiappa, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri R. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Ramdulari
 Sinha, Shrimati Tarkeshwari
 Sonavane, Shri
 Soy, Shri H. C.
 Srinivasan, Dr. P.
 Subbaraman, Shri
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Swamy, Shri M. P.
 Tahir, Shri Mohammad
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tombi, Shri
 Tripathi, Shri Krishna Dev
 Tula Ram, Shri
 Tyagi, Shri
 Uikey, Shri
 Upadhyaya, Shri Shiva Dutt
 Vashya, Shri M. B.
 Varma, Shri Ravindra
 Veerabasappa, Shri
 Vijaya Ananda, Maharajkumar
 Wadiwa, Shri
 Wainik, Shri Balkrishna

Mr. Speaker: The result of the division is as follows:

Ayes 23; Noes 157.

The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting. Therefore, it falls through.

The motion was negatived.

15.40 hrs.

HINDU MARRIAGE (AMENDMENT) BILL

(Amendment of Section 13)

Shri D. C. Sharma: (Gurdaspur):
 Sir, I beg to move:

"That the Bill further to amend

the Hindu Marriage Act, 1955, be taken into consideration."

I have also tabled certain amendments. My first amendment is that on page 1, line 1 of the Bill, for "thirteenth year", we should substitute "fifteenth year". This is of course, in the Enacting Formula. My second amendment is that on page 1, line 4, for "1962", we should substitute "1964". My third amendment is that on page 1, for lines 12 to 14, we should substitute "(1A) Either party to a marriage, whether solemnised before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground . . ."

Sir, I do not want to give a very long speech, but I want to bring home