

**Mr. Speaker:** Even to the High Court. So that remedy is there. I know what the procedure has been.

**ELECTION OF Sadar-i-Riyasat BY THE CONSTITUENT ASSEMBLY OF JAMMU AND KASHMIR.**

**Mr. Speaker:** Now there is another adjournment motion from Shri V. G. Deshpande. It reads thus:

"The House do stand adjourned for considering the situation created by the election of *Sadar-i-Riyasat* by the Constituent Assembly of Jammu and Kashmir against the provisions of the Constitution of India."

I really feel confused as to how this matter can be taken up for discussion, and if at all, on an adjournment motion. In the first place, I think it is a matter of interpretation of the provisions of the Constitution. Now, I cannot see how an interpretation of the Constitution can be arrived at by a discussion in this House. The proper forum for that will be a reference to the Supreme Court; and it is the Supreme Court only who can decide as to whether whatever was done is or is not against the Constitution of India. I do not think this House will be the proper forum for this purpose. That is one. I am stating my doubts.

The other thing is, the election has taken place. Of course, the whole motion is based on the assumption that it is against the provisions of the Constitution. If you once concede that it is not against the provisions of the Constitution, then the other point is, that it is a thing done by another State in its own Assembly. It is not for this House to discuss it. That is again really the interpretation of the Constitution and for that I have already stated my own reactions. Then about this election. It is also going beyond the scope of what is necessary for the purpose of disposing of this adjournment motion. This has arisen out of, I believe, some agreement which the hon. Prime Minister mentioned in this House at full length when he made a statement with regard to Kashmir. At that time also a question was raised about the Constitution and some arguments were advanced in this House and the Prime Minister made the statement.

"Now that it was agreed that the head of the State shall be the person recognised by the President on the recommendation of the Legislature of the State, how the Legislature of the State recommends is a matter for the Legislature. Whether it is by the process of election or not, it is for them to decide. It may be by the process of

a majority or a two-third majority; it is entirely for them to decide, anyhow, they recommend and then it is for the President to recognise."

That is the explanation as regards the powers of the State Assembly of that particular State. I do not think this motion is in order and I am not inclined to give my consent to this motion.

**Dr. S. P. Mookerjee** (Calcutta South-East): I have given a Short-Notice Question on this very issue, Sir.

**Mr. Speaker:** That has been referred to the Prime Minister and if he accepts to answer it at short notice it will be answered.

**Dr. S. P. Mookerjee:** You may remember, it was said that this election of an elected head of Jammu and Kashmir will require an amendment of the Constitution. How it is to be done is a different matter and for that I have asked this Short-Notice Question.

**Mr. Speaker:** That raises a different issue altogether. That again comes to the Constitution, if change is necessary on the present interpretation of the Constitution. I am saying that it is not competent for this House to decide.

**The Minister of Home Affairs and States (Dr. Katju):** I may give some additional facts. The statement was made by the Prime Minister on 25th July and it was discussed at great length on the 7th August and a resolution was actually passed. That resolution said, "Having considered the Prime Minister's statement, this House approved of the steps taken so far in the matter." Therefore, the matter has already been discussed for one full day in this House.

**Dr. S. P. Mookerjee:** That does not mean that the Constitution need not be amended. The arguments advanced by the hon. Member admit the need for amending the Constitution. If that is admitted, then it is certainly beyond the scope of the Constitution.

**Shri V. G. Deshpande** (Guna): I may be permitted to make a submission. Section 366 of the Constitution.....

**Mr. Speaker:** Is the hon. Member going to argue the Constitution?

**Shri V. G. Deshpande:** No, Sir, I am going to say that this election is a challenge to the provisions of the Constitution. That is not a question of the interpretation of the Constitution. But certain articles of the Constitution remain and this election is made against them.

**Mr. Speaker:** The hon. Member assumes that his interpretation of the Constitution is correct and argues that

[Mr. Speaker]

according to that interpretation it is against the Constitution.

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Shri V. G. Deshpande: I am not putting any interpretation. If a *Sadar-i-Riyasat* is elected, can it be given effect to before this Constitution is changed?

Mr. Speaker: Anyway, I do not think any further argument is necessary on that point. I do not give my consent

#### INFLUX FROM PAKISTAN (CONTROL) REPEALING BILL

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): I beg to move for leave to introduce a Bill to provide for the repeal of the Influx from Pakistan (Control) Act, 1949.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the repeal of the Influx from Pakistan (Control) Act, 1949."

The motion was adopted.

Shri J. K. Bhonsle: I introduce the Bill.

#### INDIAN LIGHTHOUSE (AMENDMENT) BILL

The Minister of Railways and Transport (Shri L. B. Shastri): I beg to move for leave to introduce a Bill further to amend the Indian Lighthouse Act, 1927.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Lighthouse Act, 1927."

The motion was adopted.

Shri L. B. Shastri: I introduce the Bill.

Shri T. K. Chaudhuri (Berhampore): Sir, may I draw your attention to a matter of form! It is a very small matter, of course. But when you called the name of a Minister or a Deputy Minister, some other Minister stood up and moved his motion. There should be some formality observed with regard to these matters in due deference to the House.

Mr. Speaker: I quite agree that if the motion is in the name of a particular Minister then, it is better that he is present in the House or intimation is previously given to the

Chair that, not he but some other person is going to move. But, unfortunately, as the rule stands regarding motions to be introduced by a Minister, the expression 'Mover of the Bill', I believe, includes any one of the Ministers or any Minister of the Government. I note, in future the Ministry will take care to see that the particular Minister in whose name the notice is given, is present or he informs the Chair before the motion is called out, that so and so will move it on his behalf.

Shri V. P. Nayar (Chirayinkil): In that case the substitute's name may be announced.

Mr. Speaker: It is all right. I do not think this was done deliberately but anyhow the formal procedure has to be followed.

#### INDIAN TARIFF (FOURTH AMENDMENT) BILL—concl'd.

Mr. Speaker: We now proceed with the further consideration of the following motion moved by Shri D. P. Karmarkar on the 13th November, 1952:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Mr. Gurupadaswamy was on his legs yesterday.

Shri M. S. Gurupadaswamy (Mysore): Sir, the trouble in India is mainly stomach trouble. She is now sitting like a beggar on a bench of gold. She has got all the latent and potential natural resources, only inferior to the U.S.A. and the U.S.S.R. but still she finds herself in a very difficult position.

[MR. DEPUTY-SPEAKER in the Chair]  
The most interesting feature in India today is that her soil is rich but her people are very poor. There is the worst unemployment. According to the recent calculations, nearly 50 million people are completely unemployed and most others are partially employed or under-employed. The per capita income is very low as compared with the per capita income of other western countries. The main reason for this is paucity of industries, and the backwardness of our industrial economy. Our entire economy, Sir, is still in a primordial state; it is not yet developed. It has to be developed now and so it is imperative that India should be rescued from her backwardness; and the right royal road to overcome this backwardness is to launch a planned policy of protection.

Sir, our Government seem to be lately fond of the concept of planning.