

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Thursday, 15th March, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-23 A.M.

MOTION FOR ADJOURNMENT

REFUSAL TO PERMIT JAN SANGH WORKER TO GO TO JAMMU

Mr. Speaker: There is a motion for adjournment.

Shri U. M. Trivedi (Chittor): May I explain what the information I want is. The only point or reason why I have raised this point is this. Under article 1 of our Constitution the territory of India includes Jammu and Kashmir also. The Fundamental Rights given to us under article 19 give us freedom to move throughout the territory of India. Everyone has got a right to go to Jammu and Kashmir which is an integral part of India and particularly so when a party is operating as an all-India political party. It is a Fundamental Right which can be exercised by any member of such a party if he wants to go there for legitimate purposes. I would therefore, like to know why Government has refused permission to Shri Kedar Nath Sahni, a worker of the Jan Sangh Party for going to Jammu for the purpose of holding elections there.

The Minister of Defence (Dr. Katju): The answer may be that I have received just now a short notice question raising this very point and it is for your consideration whether you should admit this motion on that point or rather await my answer to the short notice question. That is one point.

Secondly, this question of entry into Jammu and Kashmir has been raised on the floor of this House many times. The position of Jammu and Kashmir is rather a complicated one. In 1955, the

Jammu and Kashmir Government circulated the Jammu and Kashmir Ingress (Permit) Rules. No one has doubted anywhere the validity of those rules and under those rules they have declared that they will not allow, or rather they are very reluctant to allow, outsiders coming into Jammu and Kashmir and particularly people who belong to communal organisations for obvious reasons. They have delegated the powers to the Ministry of Defence to refuse permit entry to specified persons. The motion raises a very vague point, namely, organising and carrying on the election work in Jammu. But Mr. Sahni on the 6th of March wrote to us, or rather submitted an application in which he said that he wanted to go there for Jan Sangh work. In accordance with the previous practice—the activities of Jan Sangh are well-known—permission was refused and there the matter ended. I may add that we are going strictly in accordance with the wishes communicated to us by the Jammu and Kashmir Government.

Shri N. C. Chatterjee (Hooghly): Does the hon. Minister know that there is election which is going to be held in that territory in early part of April and that Jan Sangh as a recognised political party—which is also recognised in this Parliament—has a right to participate in that? Therefore, why is it being banned from taking legitimate part in that activity?

Dr. Katju: In the first place, the application which was made referred not at all to any municipal election work or anything like that; it simply said 'Jan Sangh work'. Whether elections are going to be held or not, I have no information and I shall have to make further enquiries.

Shri V. G. Deshpande (Guna): Election work or not, should their political work be allowed or not? That is the question. Unless that is an unlawful activity, all Indian citizens are at liberty to move from one part to any other part of India.

Dr. Katju: So far as the general question is concerned, there is perfect free-

[Dr. Katju]

dom. Anybody is free to go from anywhere to anywhere. But the position of Jammu and Kashmir is not so simple as my hon. friend makes it out. Conditions there are very exceptional and therefore, we say that the Jammu and Kashmir Government should have liberty to decide as to whom they would admit and whom they would not.

Shri U. M. Trivedi: This decision is by the Defence Ministry, and not by the Jammu and Kashmir Government. Is it the suggestion of the hon. Minister that if he has said that he is going only for election work, his application will be re-considered?

The Minister of Defence Organisation (Shri Tyagi): It is always done on an individual basis. It is not a question of elections or any movements. In the case of individuals the intentions are judged and it is only on that basis applications are decided.

Mr. Speaker: I have heard sufficiently about this matter. So far as the adjournment motion is concerned, it has been brought to the notice of the House that there is a short notice question tabled by the same hon. Member. I believe the hon. Minister is accepting that question?

Dr. Katju: Yes. I shall try to answer.

Mr. Speaker: A date will be fixed for it. Further, it is not a matter of recent occurrence except that this gentleman who has applied for permission to go there has been refused. So far as the rules are concerned, the rules seem to have been framed several years ago. Since those rules had not been taken exception to or their validity or propriety questioned, that point does not arise. It is not a matter of recent occurrence. Therefore, there cannot be a debate or adjournment motion.

So far as the individual is concerned, this House ought not to be the forum. So long as the Government has got the right to permit or refuse a permit in individual cases, such individual cases will not be taken up in this House. For all these reasons, I withhold my consent to this motion.

Shri Ramachandra Reddi (Nellore): I want one little clarification. May I know whether these rules which have been referred to by you have been framed after integration or before integration?

Mr. Speaker: Whatever it may be, it is before today.

Shri U. M. Trivedi: These rules have been framed by the Jammu and Kashmir Government and not by our Government.

Mr. Speaker: Whoever framed it, it has been in existence and it has been adopted all along.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha :

"I am directed to inform the Lok Sabha that the Indian Registration (Amendment) Bill, 1955 which was passed by the Lok Sabha at its sitting held on the 16th December, 1955 has been passed by the Rajya Sabha at its sitting held on the 9th March, 1956, with the following amendments :—

Enacting Formula

1. That at page 1, line 1, for the words 'Sixth Year' the words 'Seventh Year' be substituted.

Clause 1

2. That at page 1, line 4, for the figure '1955' the figure '1956' be substituted.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 126 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House."

INDIAN REGISTRATION (AMENDMENT) BILL

(Amendment of section 2 etc.)

Secretary: Sir, I lay on the Table of the House the Indian Registration (Amendment) Bill, 1955, which has been returned by Rajya Sabha with amendments.
