

[Shri Jawaharlal Nehru]

The tragic dramas that have been enacted almost before our eyes, have demonstrated the inherent dangers of a recourse to arms to settle any problem. The Israeli and Anglo-French attack on Egypt has not only brought infinite suffering to the people of Egypt, but has let loose evil forces which are driving the world towards destruction. The recourse to force and the armed intervention in Hungary have not only cost the lives of many brave men and women, but have also checked a progress towards greater freedom which we had welcomed.

The world appears now to be in the grip of the fevered psychology of war, and I am reminded of the months preceding the last great war. I am convinced that it is not by war and violence that these problems will be settled or freedom established. I am convinced that colonialism, whatever new look it may put on, can revert to its old brutal self, and the only remedy is for it to give place to freedom.

The world stands facing great danger, and it may be that the little wars we have had, are only a first round and bigger conflicts lie ahead. In particular, the ambitions of strong nations imperil weaker countries. The only hope lies in the United Nations, representing the world community, succeeding in putting an end to the law of force and substituting for it a more civilised method of dealing with problems. Today, the choice lies between the hydrogen bomb and the Panchsheel.

POINT RE DRAFT CONSTITUTION FOR JAMMU AND KASHMIR

Shri Kamath (Hoshangabad): I did not want to delay or interrupt the Prime Minister's statement. With regard to item 6 on the Order Paper, may I request you to take note of the fact that in the Press there have been various reports and allegations that the Draft Constitution of Jammu and Kashmir is in some respects not in conformity with the

Indian Constitution, particularly with regard to fundamental rights? Therefore, I would request you to give the House an early opportunity of discussing this Draft Constitution, at least those portions which may not be in conformity with the provisions of the Indian Constitution?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): What is it that the hon. Member is talking about?

Mr. Speaker: He is referring to item 6, Draft Constitution for Jammu and Kashmir.

Shri Jawaharlal Nehru: It has been laid on the Table.

Mr. Speaker: He now makes a suggestion that an early opportunity may be given to the House to consider this matter.

The Minister of Home Affairs (Pandit G. B. Pant): The Jammu and Kashmir Constituent Assembly has autonomous powers under our Constitution to a large extent. It can deal with the matters which come within its purview. I do not see how we can take up that matter here and discuss its provisions. That will look like an encroachment into the powers of the autonomous Constituent Assembly of Jammu and Kashmir. They have those powers under our Constitution. We cannot even interfere in matters concerning our States. Kashmir has larger powers and it will certainly be improper to deal with their Constitution here. We cannot sit in judgment over it. So, I do not see why we should discuss it here.

Shri Kamath: May I suggest to the hon. Minister that as far as I am aware the relations of Jammu and Kashmir *vis-a-vis* India are regulated by article 370 and the Presidential Order of 1954? If the Draft Constitution is inconsistent with the provisions of article 370 or the Presidential Order of 1954, this House is certainly competent to take notice of that fact

*Draft Constitution for
Jammu and Kashmir*

and get it amended to that extent by the Jammu and Kashmir Constituent Assembly; that is what we want to be done. That Constitution should not be in violation of article 370 or the Presidential Order issued subsequently.

Shri U. M. Trivedi (Chittor): Article 1 also applies to Jammu and Kashmir. In view of the fact that article 1 makes Jammu and Kashmir a part and parcel of India, it is the incumbent duty of this House to discuss it here.

Shri N. C. Chatterjee (Hooghly): We want an opportunity to discuss it. There is going to be some kind of dual citizenship. Millions of Indians in this country are enjoying the fundamental rights guaranteed by the Constitution which also guarantees the enforceability of the remedial rights and the Kashmir citizens are being denied those rights. That is a very important point which I want to submit.

Mr. Speaker: A copy of the Draft Constitution has been laid on the Table of the House. A suggestion has been made and the hon. Home Minister has replied that it is not within the competence of this House to discuss that matter here. If, however, hon. Members think differently on that matter, they may make a formal motion in the usual course and after hearing hon. Members I shall consider the matter as to how far a debate can be held, whether the House is competent to discuss it and so on. That is the proper procedure. I am not in a position to give any decision on this matter now; if a proper motion is made, I will consider it.

Shri Kamath: May I bring it to your notice that the Draft Constitution is shortly going to have its third reading before the Jammu and Kashmir Constituent Assembly? So, we want an early opportunity.

Mr. Speaker: It will not take time to move in the proper manner.

BUSINESS ADVISORY COMMITTEE

FORTY-SECOND REPORT

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House agrees with the Forty-second Report of the Business Advisory Committee presented to the House on the 15th November, 1956."

Mr. Speaker: The question is:

"That this House agrees with the Forty-second Report of the Business Advisory Committee presented to the House on the 15th November, 1956."

The motion was adopted.

Shri Kamath (Hoshangabad): What about Government Business for next week?

Mr. Speaker: He will make an announcement in the afternoon.

SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS BILL

Pandit Thakur Das Bhargava (Gurgaon): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950 for the suppression of immoral traffic in women and girls, be extended up to the 21st November, 1956."

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950 for the suppression of immoral traffic in women and girls, be extended up to the 21st November, 1956."

The motion was adopted.