

enteritis and when it is not proved that it has cholera germs.

SHRI D. P. KARMARKAR: During this season,—it is cholera season as my friend knows and he is <sup>an</sup> eminent doctor to whom I look forward for advice in this regard and also in connection with my other work sometimes,—because this is cholera season anti-cholera inoculations are being given to prevent any recrudescence of cholera.

MR. DEPUTY CHAIRMAN: That will do.

SHRI AMOLAKH CHAND: (Uttar Pradesh): Just one question, Sir. May I know whether it is a fact that the area in which this well is situated and which is said to be contaminated has not got any water supply from the Municipal Corporation?

SHRI D. P. KARMARKAR: This is a fact; there is no adequate public water supply.

MR. DEPUTY CHAIRMAN: He said that earlier in his statement.

SHRI AMOLAKH CHAND: Because of the scarcity of water people were using that. What was the normal condition?

MR. DEPUTY CHAIRMAN: He said so in his earlier statement.

SHRIMATI T. NALLAMUTHU RAMAMURTI (Madras): Is it not cholera, and is it not quite different from gastro-enteritis? Are we to treat one instead of the other? That is number one. Number two, if there was shortage of water through municipal supply to certain areas and if there were the wells which were resorted to for water supply at that time, preventive measures should have been taken to maintain well water pure. Is it not essential that preventive measures should have been taken? The third is we seem to

look for cure after the thing has happened. At least in future may I request the Health Ministry or those organisations that are concerned that preventive measures are foreseen and provided for?

SHRI D. P. KARMARKAR: I think in fairness to the House also I should like to answer. With regard to the last part of it I shall have to begin from the beginning of public health administration itself. My hon. friend knows that, whether in Delhi or in other big towns, during particular seasons particular preventive measures are taken and they are in the process of being taken and there is no question about it. With regard to the sudden outbreak like this it has been localised, as I said, in Trinagar and here the epidemic is possibly due to the contamination of well water by a latrine and this, as I said, is subject to further investigation. Till this unfortunate occurrence occurred we had no reasons. In fact, Sir, I should not be unfair to the Corporation also. This is a thing which the Corporation till recently could not come to know of and did not anticipate, and this gastro-enteritis is the first major ailment that has broken out in Delhi. I do hope, Sir, that there will not be a recrudescence of this disease. They are taking all measures to put an end to it. It is only the other day that I said in the House that, when almost the whole of the country was suffering from small pox and from cholera, from things like that, Delhi had been immune from them, and I think part of the credit for this should go to the municipal authorities who had been vigilant about taking all preventive measures.

THE ALL INDIA SERVICES  
(AMENDMENT) BILL, 1958—continued.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, I am conscious that

[Shri Bhupesh Gupta.]

many people and many eminent leaders of the State of Jammu and Kashmir have worked against the aggressive actions and aggressive designs of those people who have been directing an attack against that State, against Kashmir. These people are distributed on both sides. There are people on the Government side and there are people on the Opposition side as well. Therefore this is not to be viewed—whatever I am saying—from any party angle. Yet, Sir, I must confess that all is not well with the administration of the State of Jammu and Kashmir; not that this is an exception; things are also bad in other States but here I am concerned with that particular State, Sir. The problem therefore is to go into that and when we are having the all-India Services we should see that these Services go into those problems in order to tackle them courageously and manfully. It appears, Sir, that a lot of complaints and grievances have accumulated against the present administration.

MR. DEPUTY CHAIRMAN: Kashmir Government is not represented in this House and you are not justified in criticising that Government here. You are going far beyond the scope of the Bill.

SHRI BHUPESH GUPTA: It is within the scope of the Bill because I am telling the House as to what the administration should keep in view, the all-India Services which will function there, and the Government have to answer for their Services. Kindly allow me to speak.

MR. DEPUTY CHAIRMAN: It will be relevant in the Kashmir Assembly; not here.

SHRI BHUPESH GUPTA: I am not dealing with what is happening in the Kashmir Assembly at all. I am entitled to draw the attention of the

Government of India to certain things, which would concern the Administration that we are creating . . .

MR. DEPUTY CHAIRMAN: Please speak on the Bill, Mr. Gupta.

SHRI BHUPESH GUPTA: Therefore please allow me to continue. I am entitled to . . .

MR. DEPUTY CHAIRMAN: Please don't criticise the Kashmir Government; it is not represented here.

SHRI BHUPESH GUPTA: I am not making such criticisms. I am posing certain problems. Then you can say that I cannot say anything because the administration although relates . . .

MR. DEPUTY CHAIRMAN: Speak about the Bill. We are at the third reading stage and you have already taken fifteen minutes . . .

SHRI BHUPESH GUPTA: I may take another two hours; that does not matter.

MR. DEPUTY CHAIRMAN: I won't allow.

SHRI BHUPESH GUPTA: But the time has not been fixed. If you anticipate my speech and . . .

MR. DEPUTY CHAIRMAN: I would rule it out . . .

SHRI BHUPESH GUPTA: We will say about the subject; I am relevant. How do you say you don't allow?

MR. DEPUTY CHAIRMAN: This way it does not help, Mr. Gupta. This is a very small Bill, you know that, and we are at the third reading stage, and the Chairman has asked you to be brief. You have taken twenty minutes. You are going to criticise . . .

SHRI BHUPESH GUPTA: There was interruption. How are we . . .

MR DEPUTY CHAIRMAN I am not going to allow

SHRI BHUPESH GUPTA There was interruption I am not going to abdicate my right and privilege as a Member of Parliament so easily

MR DEPUTY CHAIRMAN It is restricted by the Rules

SHRI BHUPESH GUPTA It is not restricted Which rule restricts it? Please tell me, I will see I am also aware of the proceedings, it is not that I am ignorant

MR DEPUTY CHAIRMAN You can't criticise the Kashmir Government here

SHRI BHUPESH GUPTA I am not talking of what Kashmir is doing or not I am posing certain problems that the administration will be facing, and we are creating the all-India Services for them for which this Government is responsible to this House Therefore I am entitled, Sir, to at least pose certain problems It is far from my intention to say things against the Kashmir Government as such, I am not concerned here with criticism of the Kashmir Government I make it very clear, I am not concerned with criticising the Kashmir Government I am only posing certain problems, no matter where they emanate from

MR DEPUTY CHAIRMAN Here is the rule, Rule 96 "The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character"

You are not referring to any provisions of the Bill, but you are going on to criticise the Kashmir Government, which is wholly irrelevant

SHRI BHUPESH GUPTA I am not referring at this stage to the details of the Bill After all, what are the details? There is only one clause here

MR DEPUTY CHAIRMAN You are entitled to refer at this stage to the Bill either in support or against it

SHRI BHUPESH GUPTA You kindly listen and then give your ruling because you will be reigning ultimately, not me

MR DEPUTY CHAIRMAN That is right, please realise it

SHRI BHUPESH GUPTA It is sometimes good to listen Firstly, discussion is ruled out as far as details are concerned I am not on details Discussion is permitted in support of the Bill If it is so, then I must state why I am supporting this measure It is not as if that I get up, support and then I say, 'amen' and sit down, not at all I state the reasons why I am supporting this Bill And in this case certainly I am not bringing in Kashmir or any other Government just to criticise them I am saying that certain problems have arisen and I say how, according to me, the Services are to be recruited These are relevant points

MR DEPUTY CHAIRMAN All that is laid down in the rules

SHRI BHUPESH GUPTA Well, I may make suggestions, I may demand change of rules

MR DEPUTY CHAIRMAN You have been a Member of Parliament sufficiently long enough to know all these things

SHRI BHUPESH GUPTA I have been but sometimes you make me forget that fact

MR DEPUTY CHAIRMAN It is you who forget it

SHRI BHUPESH GUPTA: No, no. You make me forget. You are so unkindly kind that . . .

MR. DEPUTY CHAIRMAN: I have been very lenient to you.

SHRI BHUPESH GUPTA: You are generally lenient; only it comes at the fag end of the interchanges.

I am not criticising the Kashmir Government. Please understand that. I say that certain complaints and grievances are there. From whom have they come, I do not know. I am not concerned here. Even if I know, I won't say. The point is, these have to be gone into. Certain matters in the economic field are there; they have also been the subject-matter of discussion. Maybe the ruling party members have discussed it; maybe others have discussed it. But when we are having an Administrative Service, these should also be gone into. That is what I am saying. What is the kind of administration that we want? We want an I.A.S. and I.P.S. cadre which would be steeped in democratic outlook, which would have a missionary zeal, which would reflect our fellow-feelings, our sympathies and our regard for democracy, our love for the people in the valley of Kashmir. That is what we want. It is not a Bill that we are passing just for the sake of fun. This is an important measure which is being passed after so many years. It means that it was not possible to pass it before now. Today we are passing it by mutual consent. Our understanding has grown all these years and we want to strengthen that understanding and the brotherly relations between the people of Kashmir and the rest of India. That is what I am saying. Here it is said that the Government has powers, in consultation with the States concerned, to make rules for the regulation of recruitment to all-India Services. Now, Sir, you will understand that that will imply that the rules would be formulated in future within of course the broad framework of the rules that obtain

already. That would be done naturally and rightly in consultation with the Government of Jammu and Kashmir. I emphasize that that Government should be consulted, thoroughly consulted at every point. The Kashmir Government should be fully consulted so that there is no misgiving on that score. We propose to proceed in this matter through mutual consent, through greater and deeper understanding, through accord at every stage. It is very good that they are going to settle matters in this way. But the Government should keep certain fundamental things in view when such consultations take place. And they relate to certain proposals that I want to place before the House.

First of all, the Government should naturally be interested in recruiting the right type of people, the very right type of people, people who are democratic in their outlook, people who are able and efficient, people who are in a position to quickly respond to the urges of the common man. Such people should be recruited. And in making rules governing recruitment, the Kashmir Government and this Government should always be above all narrow, partisan and fractional considerations whatever they are. I am not concerned as to which side gains or which side loses. That is not at all my point. When the rules of recruitment are made, you should keep in view the larger interests of the people of Kashmir and keep in view the democratic tasks that lie ahead. Therefore I think the Central Government will have to give a little more attention and I take it that the Central Government and the Kashmir Government will pay the required attention to this question. This is very important.

Sir, as I have told you, we are not enamoured of the I.A.S. and I.P.S. We have got an all-India Service and what is necessary for us is to improve that Service, is to get the right type of people in that Service. When we are expanding the Services, it is all the more necessary that we should take adequate steps to see that the

right type of people are drawn into these Services.

Another aspect of the matter which I have in mind is this. One of the things that the administration will have to undertake is to enlarge the democratic rights and liberties in that State. I need not dilate upon it because that would be regarded by all as a very important task. Whether they are I.A.S. or whether they are I.P.S., all of them would be concerned with administration and the Kashmir people will see India through them. It is through their conduct, through their behaviour that the people of Kashmir will judge the people of the rest of India. It is understandable that it should be so. Therefore they must be men of exemplary character, men of integrity, men with democratic outlook, men who are full of sympathy for the people. That is another aspect to which I would like to draw the attention of the hon. Minister and the Government when I am supporting this measure.

Then, if there are any unhealthy influences in Kashmir, no matter from which quarter they come, the administration must steer clear of them; it must not get embroiled in them. That is another point I wish to make.

Then, among the Kashmiri people themselves, there is a grievance that they are not adequately drawn into the all-India Services. I think when we are expanding the all-India Services we should take steps to recruit more and more people, talented people, from among the people of Jammu and Kashmir. It is very important. It should not look as if that the expansion has been made in order only to import some people from outside. What is important in this connection is that we want to man these posts, as far as possible, good democratically-minded administrators who will come up from among the people of Jammu and Kashmir. That you cannot do until you have a clear policy. That is important. That is not to say that I am opposed to any one from outside, effi-

cient and able, being sent to that State. People from other States may have to be sent. That is true, but then the traffic must be both ways. If we send people, say, from Uttar Pradesh or Bengal, to Kashmir whenever it becomes necessary, in the same way we should be prepared to draw on the talent of Jammu and Kashmir, to draw on their genius, for manning administrative posts in Uttar Pradesh and Bengal. There should be an interflow and interchange in this matter. That is how we integrate; that is how we build up relations; that is how we allay misgivings; that is how we strengthen the relations between Kashmir and the rest of India. I think the Government will do this but I am stressing that point because there may be a tendency to ignore the people of Kashmir when it is a question of filling certain posts or there may be a tendency, even if you recruit some Kashmiri people for these Services, not to bring them outside that State. Whenever they show a desire to come outside, they should be given facilities to do so. That is, the Service should be put on the same footing as it is in every other State. That is also another aspect which I would like particularly to emphasize.

Sir, I need not say that in this context, Parliament should be a hard taskmaster, not because we have suspicions against the State of Jammu and Kashmir but because of the lot of Jammu and Kashmir. We should see that a really incorruptible all-India Service and administrative cadre is created there. Whether you create it from the local resources there or whether you send people from outside that State, that should be incorruptible; that should be efficient; that should be 100 per cent honest and above all that should be democratic. That is what we should ensure. We should do so in order to help matters there, in order to improve the conditions there, in order to render greater service to the people of Jammu and Kashmir who deserve so much of our sympathy and

[Shri Bhupesh Gupta.]

consideration. That is another side of the matter which I think the I P. M. hon. Minister and his Government should keep in view. I think, Sir, I am not being partisan, I hope I am not attacking any particular Government. All that I am saying is that we are turning a new leaf in certain aspects of administration. Do so with a clear conscience, do so with a clear vision, do so with a clear perspective, and take bold steps, courageous steps; that is most important. Sir, as I have told you earlier, we want these things and similar other measures, but all these things we want by consent, we do not want them by coercion, by dictation or by imposition; far from it. We want consultations with the Government of Jammu and Kashmir.

Sir, this is all that I have to say. But I would ask the hon. Minister to consider my suggestions and, may be, it will be necessary for us to give a little deeper thought to the problems of Kashmir, to discuss it a little more here, in order to set things right there, to improve matters. If we do so, that in itself would be a great contribution to the further improvement of relations between the people of Jammu and Kashmir on the one hand and the people of the rest of India on the other.

Sir, I make one point clear, because you even seem to get the impression that I am criticising the Government. I did not rise on this occasion to criticise . . .

MR. DEPUTY CHAIRMAN: Are you finishing now?

SHRI BHUPESH GUPTA: I will take two or three minutes.

MR. DEPUTY CHAIRMAN: You can continue after lunch. The House stands adjourned till 2-30.

The House then adjourned for lunch at two minutes past one of the clock.

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI BHUPESH GUPTA: I only wanted to say a few things more.

MR. DEPUTY CHAIRMAN: Still some things more?

SHRI BHUPESH GUPTA: I do not have much to say after what I have already said, but I think I should make certain things very clear because, as you know, Sir, this is rather a delicate subject for us to speak on or for that matter, for any body to speak on. For many reasons. I am not concerned—I make it quite clear—with the State Governments in this matter when I am speaking on this particular Bill, although it may be necessary for us to go into such questions of the States' administration with which the Government of India are directly involved. But this is not the occasion for us to go into these things in detail here.

I have posed a number of questions before the House and before the Government. When I say that the Government should take them into consideration, I do not at all mean that there should be any encroachment on the rights of a State or of any State, for that matter. Much, naturally, will depend on the policies the State Government pursue on their own measures. I am quite aware that the responsibilities of the Government of India in this matter are of a very limited nature. At the same time, it is possible for them, through mutual consultation, to influence the other Governments in the States in the right direction. I am not at all suggesting that there should be any attempt at dictation or imposition. We are opposed to such dictation or imposition.

When the Services are going to be integrated, it will, naturally, ultimately depend on, as I have said, the States. But at the same time, when the rules are formulated, when

recruitment is made, it is possible. I believe, for the Government of India to create conditions, prerequisites, for getting good things done. That is all that I can say.

Then, Sir, in formulating the rules or in conducting this recruitment, the Government of India should always keep in view certain guiding considerations, certain fundamental principles. There should not be any violation of, or departure from, such principles. This is all I say. Within the framework of these principles, agreement should be sought and consent obtained. I say this because sometimes, there is a tendency on the part of the Government of India, for reasons of sheer expediency, to break certain things and principles. That should not be done. When I say 'principles', I naturally have in mind such principles as are in the best interests of the country and as are helpful for an efficient and democratic administration. I hope there will be discussions, and it will be good for the Government of India, when they are going to create such new Services, to have this in view and to consult all those who may be of help in such a matter. I will not name any individual because the Government of India has to find their own feet when they are embarking on a new venture. With regard to the emoluments of the Services

MR. DEPUTY CHAIRMAN: The rules are already framed. I.A.S. and I.P.S. rules will apply. I do not think they are framing any fresh rules. You are going at random. You have already taken five minutes. You cannot go on like this.

SHRI BHUPESH GUPTA: I do not think it is always good for the . . .

MR. DEPUTY CHAIRMAN: Please resume your seat. Mr. Khobaragade will go on. I am sorry.

SHRI BHUPESH GUPTA: Why can't you listen? I have a submission to make

MR. DEPUTY CHAIRMAN: No. (Interruption) Order order

SHRI BHUPESH GUPTA: Under what rule you are preventing me?

MR. DEPUTY CHAIRMAN: You are repeating yourself. You are wasting the time. Please sit down.

SHRI BHUPESH GUPTA: Do you think that the dignity of the House, by treating . . .

MR. DEPUTY CHAIRMAN: There is a limit even . . .

SHRI BHUPESH GUPTA: There is a limit. I am

MR. DEPUTY CHAIRMAN: Please resume your seat.

SHRI BHUPESH GUPTA: I contest your statement. You may correct me. You said

MR. DEPUTY CHAIRMAN: Please obey the Chair.

SHRI BHUPESH GUPTA: On a point of order. I have every right .

MR. DEPUTY CHAIRMAN: No point of order. I am not going to allow you any further.

SHRI BHUPESH GUPTA: Can't you listen?

MR. DEPUTY CHAIRMAN: You may do whatever you like. I have called the next name, Mr. Khobaragade.

SHRI BHUPESH GUPTA: Is this the way you are going to treat us? Then, I think, you will not get any co-operation from our side. Let there be a fight between the Chair and the House, because I wanted to . . .

MR. DEPUTY CHAIRMAN: I am

SHRI BHUPESH GUPTA: No, Sir.

MR. DEPUTY CHAIRMAN: Look here. Please hear me. You know that there are the I.P.S. and I.A.S. Rules. This Bill only seeks to extend the Services to Kashmir. You are going on talking at random on mere conjectures. I am not . . .

SHRI BHUPESH GUPTA: Here it is written. Will you kindly allow me to read it?

MR. DEPUTY CHAIRMAN: You wanted only two minutes.

SHRI BHUPESH GUPTA: "Section 3 of the All-India Services Act, 1951, empowers the Central Government, in consultation with the States concerned, to make rules for the regulation of recruitment, etc., to an all-India Service."

MR. DEPUTY CHAIRMAN: There are already rules. I do not think any argument . . .

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): All the rules have already been placed on the Table of the House.

SHRI BHUPESH GUPTA: They are going to consult the States to formulate the rules.

MR. DEPUTY CHAIRMAN: The rules are already there. No fresh rules are necessary for this.

SHRI BHUPESH GUPTA: You do not even listen, I have seen. Why was it necessary to mention it?

MR. DEPUTY CHAIRMAN: Where is it mentioned?

SHRI BHUPESH GUPTA: It is stated in the Statement of Objects and Reasons that I have just read out.

MR. DEPUTY CHAIRMAN: This is a simple Bill to extend the I.A.S. and I.P.S. Public Service Act to Kashmir.

SHRI BHUPESH GUPTA: That is true.

MR. DEPUTY CHAIRMAN: And the rules are already there. You are going at random making conjectures of all sorts of things.

SHRI BHUPESH GUPTA: I read it out to you. You kindly see this statement.

MR. DEPUTY CHAIRMAN: You wanted only two minutes. You have taken five minutes.

SHRI BHUPESH GUPTA: Will you kindly see?

MR. DEPUTY CHAIRMAN: You cannot waste the time of the House like this.

SHRI BHUPESH GUPTA: . . . "empowers the Central Government, in consultation with the States concerned."

MR. DEPUTY CHAIRMAN: It is all right. They will consult the State Governments when the rules are made and place the matter before the House. If they have not consulted, then will be the time for you to speak on that.

SHRI BHUPESH GUPTA: I make a submission. Kindly listen to my speech.

MR. DEPUTY CHAIRMAN: You wanted only two minutes to be allowed. You have taken ten minutes.

SHRI BHUPESH GUPTA: I have not. How much time we have spent in this? I do not want to speak. But still I request you. Kindly listen to me; otherwise, I will make some other speaker get up and say something.

MR. DEPUTY CHAIRMAN: I know . . .

SHRI BHUPESH GUPTA: "Section 3 of the All-India Services Act, 1951, empowers the Central Government. . ." Here you are right, when you refer to the Government. This is an enabling Act. The Government is empowered to formulate rules and they



will act. How do they act. They act in consultation with the States concerned to make rules for the regulation of recruitment to the all-India Service. Therefore, you are not absolutely wrong nor am I. You are right so far as you refer to that matter.

MR. DEPUTY CHAIRMAN: There is nothing in this Bill about the rules. The rules are already there and they are made applicable to the State of Jammu and Kashmir. (Interruption.) I am sorry.

SHRI BHUPESH GUPTA: Creation of this service.

MR. DEPUTY CHAIRMAN: Please resume your seat

SHRI BHUPESH GUPTA: They will be formulated. The rules . . .

MR. DEPUTY CHAIRMAN: The rules are already there—I.A.S. and I.P.S.

SHRI BHUPESH GUPTA: You ask the hon. Minister.

MR. DEPUTY CHAIRMAN: Where is any mention of rules?

SHRI BHUPESH GUPTA: It is true—what you are saying.

MR. DEPUTY CHAIRMAN: I am sorry. You cannot go on at this stage.

SHRI BHUPESH GUPTA: I want to tell you as to the way this provision is made.

MR. DEPUTY CHAIRMAN: He tells me that the rules are already there and those very rules will be made applicable. Where is any reference in this Bill to the rules? Show it to me.

SHRI BHUPESH GUPTA: Why is it stated here?

SHRI H. P. SAKSENA (Uttar Pradesh): May I request my friend, Mr. Bhupesh Gupta, to submit to the ruling of the Chair?

MR. DEPUTY CHAIRMAN: Is there any mention of rules in this Bill?

SHRI BHUPESH GUPTA: No. You ask him, not me, as to why in that case, it is necessary that the rules should be formulated in consultation with the States.

MR. DEPUTY CHAIRMAN: The rules are already there.

DR. R. B. GOUR (Andhra Pradesh): May I submit one thing, Sir? When the existing employees of the State of Jammu and Kashmir will be recruited to the I.A.S. and I.P.S. certain formulae will have to be worked out.

MR. DEPUTY CHAIRMAN: It is all right. When the Rules come in for discussion, you can speak about them.

SHRI H. N. KUNZRU (Uttar Pradesh): I think that has already been provided for. This is not something new that is going to be done in the case of Kashmir. It is done in the case of every State.

SHRI BHUPESH GUPTA: But then here it has been stated that certain procedures of recruitment and other things will be followed, and therefore I do not see as to why . . .

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, leave it to the Kashmir Government to protect their own officers. Mr. Khobaragade.

SHRI B. D. KHOBARAGADE (Bombay): Mr. Deputy Chairman, it is gratifying to note that this Bill has been welcomed by both sides of this House. Of course, as we have noticed, there have been certain suggestions regarding the implementation of the provisions of this Bill in the matter of recruitment to the I.A.S. and I.P.S. cadres. But there has been general approval of the Bill. There are various reasons for this general approval. The first reason is that by passing this Bill we will be in a position to extend the application of the

[Shri B. D. Khobaragade.]

**All-India Services Act to the State of Jammu and Kashmir.** It will be recalled, Sir, that when the All-India Services Act was passed in 1951, it was done with a view to having a uniform administrative set-up throughout the whole country. But due to an exceptional and unique position of the State of Jammu and Kashmir we could not achieve this object. Now by passing this Bill we will certainly be able to remove all the impediments in implementing the object of the original Bill and we shall be able to have a uniform administrative set-up in all the States of India.

Secondly, we will now be able to exchange mutually the officers of the State of Jammu and Kashmir and those belonging to the other States of this country. So far it was not possible for the officers of the State of Jammu and Kashmir to participate in the administration of other States of India or to participate in the Central Administration. But now by passing this Bill the officers belonging to the State of Jammu and Kashmir will be eligible for participating in the Central Administration and they will also be able to send their officers to other States of India.

Sir, the Central officers are senior-most officers and they have got multi-farious experience, having worked in different and diverse departments of Administration and I am sure the State of Jammu and Kashmir will certainly avail of the services of those experienced officers, and the services of these experienced officers will certainly prove useful for running the State administration more efficiently. The officers of the State of Jammu and Kashmir will now be able to participate in the administration of the Central Government, and I am sure that their intelligence and experience will be utilised for greater progress of this country.

There is a third reason also for welcoming this Bill, and I think that

argument is more important. This step is taken in furtherance of the integration of the State of Jammu and Kashmir with the rest of India. So far, even though we have been claiming that the State of Jammu and Kashmir is an integral part of this country, there are certain provisions due to which we could not conclusively prove that Kashmir is an integral part of this country. Because due to the agreement entered into with the State of Jammu and Kashmir on the 21st July, 1952, this State is excluded from the jurisdiction of Delhi. There is a separate Constitution to run the Government of the State of Jammu and Kashmir. Excepting some few provisions, the Constitution of India is not applicable to the State of Jammu and Kashmir. The Constitution of India has been defined in the Constitution of the State of Jammu and Kashmir—"the Constitution of India" means the Constitution of India as applicable in relation to the State." Then, Sir, there is another thing. The State of Jammu and Kashmir has got its own flag. This unique privilege enjoyed by the State of Jammu and Kashmir is not enjoyed by any other State in this country. In all the States in this country the Head of the State is appointed by the President of India, whereas in the State of Jammu and Kashmir there is no Governor, but there is Sadar-i-Riasat who is elected by the Legislative Assembly. The State of Jammu and Kashmir has got its own Election Commission also. The jurisdiction of the Supreme Court is not applicable to the State's High Court. Only in certain respects the High Court of that State accepts the authority of the Supreme Court, but in so many other respects it is imperious to the authority of the Supreme Court.

Of course, no one can doubt that Kashmir is an integral part of India. But by providing all those anomalies in the present state of affairs we are rather giving opportunities to certain mischievous elements to exploit the situation, which have already been harping on the theme that Kashmir

is not an integral part of India. Therefore it is our responsibility to remove all such anomalies and to indicate to the world at large that the State of Jammu and Kashmir is an integral part of India. This Bill which we are passing now is in furtherance of the integration of that State with the rest of India. The credit for this should be given to the people of Kashmir, to the Government of Kashmir and particularly to the Prime Minister of Kashmir, Bakshi Ghulam Mohammad. I don't think I will be wrong if I say that no credit should be given to this Government, because as admitted by the hon. Minister, the initiative in this respect was taken by the Government of Kashmir. It will be recalled that when Sheikh Abdullah was the Prime Minister of Kashmir, he did not want that there should be one administrative set-up for the whole country. He did not even desire that the Indian Administrative Service and the Kashmir Administrative Service should be integrated. There was an attempt by this Government but it was not successful. But immediately after his removal when Bakshi Ghulam Mohammad came into power, he said that there should be integration of administrative service. Not only that—he did not wait for passing such a Bill. Immediately, in the month of January 1957, he had sent about 10 or 15 officers to participate in the All India Service cadre. Therefore I should congratulate particularly Bakshi Ghulam Mohammad for having taken this step and I hope that all impediments that are in the way of full and final integration of Kashmir with the country will be removed by this Government with the help and cooperation of the Kashmir Government. Of course there have been attempts by certain sections of the Kashmiri people also to get some of their services integrated with the services of India. My friend Shri Bhupesh Gupta has just now referred that there was an attempt by some Members of the Kashmir Assembly that the elections to the Jammu and Kashmir State Assembly should be

held under the auspices of the All India Election Commission. I think a Resolution also was passed by the state P. S. P. and a suggestion was made by the Members of the State Assembly that the elections in Kashmir should be held under the auspices of the Indian Election Commission. Unfortunately this suggestion made by so many Members of the Kashmir State Assembly was not accepted. I hope in future this will be accepted and there will be integration of the two election machineries.

Of course when we are passing this Bill, there will be certain difficulties experienced. They are inherent. We cannot escape from them. The question of recruiting officers has been raised by Mr. Bhupesh Gupta. In the beginning we will have to send certain officers from the Central Government or from other States. They will be sent there on transfer or on deputation. In this respect we must be very careful and particular because when we send officers from the Centre, the usual experience is that instead of executing the work carefully and sympathetically, they always try to impress the local cadre there by verbosity and loquacity only. They—Central officers—do not do any work. It has a very bad effect on the local administration. The local officers resent such attitude. The Central officers do not know the intricate problems of the State administration. They don't have the experience of State administration. Moreover they have some prejudices and complexes. They consider themselves rather superior and think that the officers from the States are not equal to them and therefore they try to despise them. It has a very depressing effect on the local administrative officers. So my request is that when we are sending the administrative officers there, we should send those who have been working in other States and not from the Centre so that they know all the problems of administration in the States and they can actively participate in the administration of Jammu

[Shri B. D. Khobaragade.] and Kashmir State. I will illustrate my point. We have been experiencing certain difficulties in our Vidarbha area; due to the reorganisation of States, Vidarbha, which was formerly a part of Madhya Pradesh, is now a part of the bigger bilingual State of Bombay. There has been mutual exchange of officers between Bombay and Vidarbha. All officers coming from Bombay area say that the officers belonging to the former Madhya Pradesh are not upto the mark. But the truth is just the reverse. Vidarbha officers have been quite efficient and competent. I can understand people calling a particular region a backward area. I can understand if certain sections of people living in that area are called backward. But does it mean that the officers who are at the helm of affairs of a particular State, who are running the administration, are inefficient? I would suggest that the officers are not inefficient. The effect of such attitude on the part of the other officers is very demoralising. At least it has been so in Vidarbha. Therefore there is an agitation going on for dividing the bigger bilingual State of Bombay and establishing their own separate State of Vidarbha. Such things should not happen in Kashmir. The local officers should not feel dissatisfied. It very much depends on the officers we depute from the Centre or from other States.

Secondly, while recruiting officers certain percentage of seats should be reserved for Scheduled Caste persons. In this connection we have a bad experience as far as recruitment to I.A.S. and I.P.S. cadres is concerned in India. Because even though a certain percentage is reserved...

MR. DEPUTY CHAIRMAN: The Constitution itself provides for that.

SHRI B. D. KHOBARAGADE: It does. It should be properly implemented. My grievances are that even though we have got all those safeguards in the Constitution, they are

not properly implemented. For example, there was special recruitment about 5 months back. I know about 150 candidates appeared for the examination. They passed the written examination and were called for interview. While the total number of candidates recruited for I.A.S. was 102, the scheduled caste number was only 7. According to the reservation . .

DR. R. B. GOUR: Have we a similar provision in the Kashmir Constitution about scheduled caste representation?

SHRI B. D. KHOBARAGADE: I don't know about that. I think it is not there and therefore I want particularly to press this point that there should be reservation for scheduled castes in Kashmir. Because the scheduled castes people living in Kashmir are backward. So there should be reservation. I was giving the instance of the last special recruitment in India. I know there were many students who had very good educational careers. I know of one instance where the person passed his matriculation examination of the U.P. Board in first class.

MR. DEPUTY CHAIRMAN: We need not go into all those details. We are in the Third Reading stage.

SHRI B. D. KHOBARAGADE: I am only illustrating my point that there should be reservation. There was a first class student and he stood 16th among 50,000 students from U.P. who appeared for matriculation examination. He passed the I.A.S. written examination, he was called for interview but unfortunately, I don't know what happened, in *viva voce* he did not prove successful. There are so many such instances. A person who could not pass Intermediate examination has been declared successful in the I.A.S. There is one such officer in our Vidarbha who could not pass the Interme-

3 P.M.

diate examination but still he appeared for the I.A.S. examination and he was declared successful.

AN HON. MEMBER: How was he allowed to appear?

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. D. KHOBARAGADE: I don't know. I think one person who did not pass his intermediate examination was allowed to pass this test and he has been recruited. I think the benefit of his war service was given to him.

MR. DEPUTY CHAIRMAN: You may bring such instances to the notice of the hon. Minister, if there are any.

SHRI B. D. KHOBARAGADE: I think the . . .

MR. DEPUTY CHAIRMAN: You cannot on a solitary instance make a generalisation. If there are instances of real grievance, bring them to the notice of the Government.

SHRI B. D. KHOBARAGADE: I have no grievance about any particular person.

SHRI D. P. SINGH (Bihar): Even if it is a solitary instance, it is fantastic.

SHRI BHUPESH GUPTA: Instances will come up, one, two, three, like that.

SHRI B. D. KHOBARAGADE: I am not quoting any instances. What I say is, there were so many qualified candidates. More than 150 of them were called for the interview and only 7 were selected. I say the full quota i.e. 16 candidates should have been selected. My submission is, when Scheduled Caste persons appear for any particular I.A.S. or I.P.S. examination, if they possess the minimum qualifications, they should be

selected and be given full representation.

SHRI H. P. SAKSENA: You mean they should be selected and appointed?

SHRI B. D. KHOBARAGADE: Of course, if they satisfy the minimum qualification.

SHRI H. P. SAKSENA: Fantastic, that is all I can say.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. D. KHOBARAGADE: Otherwise there is no point in giving reservation facilities. The reason why I am pressing this point is, that the members of the Scheduled Castes have no other careers open to them. After the completion of their education, they cannot enter any other career, like commerce, trade, industry and so on. There is no such field open to them. This is the only last resort open to them where they can enter and make their career. Moreover, as we all know, there has been educational advancement among the Scheduled Castes and after the completion of their education, if they do not get any service, if there is no scope for them, no career open to them, there will be frustration among them and the effect will be on the advancement of the Scheduled Castes. It will retard their progress. From that point of view, it is essential that even in Jammu and Kashmir, even if there is no such provision in the Constitution, there should be certain percentage of posts reserved for these persons.

Lastly, there is the problem that we have been experiencing throughout the whole of India. The administration which is in the hands of caste Hindus is unjust towards the Scheduled Caste persons. The caste Hindus are the persons who administer the laws.

SHRI H. P. SAKSENA: Is Chaudhuri Jagjivan Ram a caste Hindu?

\* \* \* \* \*

SHRI B. D. KHOBARAGADE: What I am saying is that we have passed the law of the Untouchability Offences Act. But I can quote so many instances wherein Scheduled Caste people have suffered and could not get any justice for the reason that . . .

\* \* \* \* \*

SHRI B. D. KHOBARAGADE: As far as the Scheduled Castes are concerned, good laws do not matter. What is important is good administration, and if you want good administration, the most important thing is we should have good administrators who can look to the interests of the scheduled caste persons.

MR. DEPUTY CHAIRMAN: I would request hon. Members to use dignified language. It will add to the dignity of the House also.

SHRI B. D. KHOBARAGADE: \*\*\*\*For us, good administration is more important than good laws. Even after passing the Untouchability Offences Act, we have not been able to remove the stigma of untouchability, because at the helm of affairs, there are caste Hindu officers who have no sympathy for the scheduled caste persons. Therefore, it is very essential that we should have scheduled caste administrators and from that point of view it is very essential that as far as the extension of the All India Services Act to Jammu and Kashmir is concerned, there should be a specific provision that a proper percentage of posts will be reserved to the scheduled caste persons in Jammu and Kashmir.

Lastly, I will only express my hope that in future, we shall be able to

\*\*\*\*Expunged as ordered by the Chair.

remove all sorts of impediments and there will be sooner or later some day, the sooner the better, full and complete and final integration of Kashmir with the rest of India.

MR. DEPUTY CHAIRMAN: Mr. Biswanath Das. Please remember that we are on the Third Reading stage.

SHRI BISWANATH DAS (Orissa): Yes, I am aware of it, Sir.

I welcome and support this measure as a very wise and useful one. In doing this, I also congratulate the Kashmir Ministry for having decided to extend to the State of Kashmir the All India Services Act, 1951. This is a simple Act, though a lot of extraneous things were raised, though not relevant for discussion, in the course of the debate. It must be clearly understood that neither we nor the Government of India is projecting, in any way, in matters of administration in Kashmir, as a result of this Act. This measure merely expands the scope and possibilities of the people, the educated and useful people of Kashmir, for the service of Kashmir and of India. In this sense of the term, it offers them greater and wider scope, to the educated people of Kashmir.

Any idea of any kind of projection is nothing short of a misnomer. Sir, recently, I, with two other friends, one a Member of the Lok Sabha and another a Member from this House had a tour in Kashmir and it is our experience, our common experience, that the administrative service that is functioning there in the State contains some of the finest material which could easily be absorbed into the All-India Services. This is a boon for such people as also to the State. This will give greater opportunity of service to these officials. Sir, I was pained to hear an unfortunate remark regarding the representative character of the Kashmir Government. The Kashmir Government and the Kashmir Assembly are as representative and as responsible as any

other Assembly or Government within this union and it is our experience that the administration that is being conducted under the aegis of the Ministry and the officials is as efficient as in any other State in India. Therefore, I think that it is a very unfair and unfortunate observation to make on the floor of this House condemning or commenting in an adverse manner, about the administration of Kashmir. We found that there is a powerful opposition functioning and very efficiently too. We also found that the Plebiscite Front which is opposed to the Government there is having full scope for its activities. It is going on without any hindrance. All this goes to the credit of the administration and also of the services as great and commendable. The very fact that the administration is run smoothly even in the remotest villages that we have gone to—we went to villages 60 or 70 miles away from Srinagar, this side and that—shows this. We found absolute confidence both in the villages and in the bazars of Kashmir. Therefore, this is a credit both for the present set-up of the administrative services there and for the Ministry. It would be unfortunate if wrong impressions were taken from the discussion as a result of certain observations made by certain hon. Members of this House regarding the affairs there. Although I prefer always to be a back-bencher, I thought it necessary to record my strongest caveat in this matter that a misrepresentation has been made probably most unwittingly and without knowing the actual facts. True it is that you are opening the gates wide to give further opportunities to the people of Kashmir, for the educated and talented people of Kashmir which is, as I stated earlier, for the benefit both of Kashmir and of India. These things also bring in a certain amount of responsibility. You have to realise, Sir, that the University of Kashmir was constituted only very recently. The State has suffered from neglect, as has been the case in a number of Indian States, and today, the people of Kash-

mir are the inheritors of all that. If the Public Service Commission exacts the same quality, the same standard of education and intellectual attainments, it would be a serious difficulty for the incumbents from Kashmir. Therefore, I would plead with you, and through you, with the Minister and also with the Public Service Commission, to have a soft-corner for them for a few years. Secondly, I would plead with the Minister and with the Public Service Commission that there are very many existing incumbents now in the Services who should be given greater scope and opportunity for service so that Kashmir will see the benefits, the educated people of Kashmir will feel the benefits, that have been conferred upon them by this Bill and appreciate it.

With these remarks, I fully support the Bill and I would beg of hon. Members not to vitiate the atmosphere that is being created as a result of this.

SHRI D P SINGH: Mr. Deputy Chairman, we all welcome—and I personally very much welcome—this Bill which has been introduced now. My only grievance is that it should have been introduced much earlier. The All-India Services Act was passed in 1951 and this Bill comes before us in 1958. I do not know whether an attempt was made earlier by our Government to contact, so far as this matter is concerned, the Government of Jammu and Kashmir. I believe, Sir, efforts must have been made. At any rate, I would like to know from the Government whether an attempt was made earlier to get the Government of Jammu and Kashmir to agree to this integration. It seems to me, Sir, that so far as such Bills are concerned, we have got to move rather cautiously because all kinds of things are said whenever something is done in regard to Kashmir, and, I, therefore, very much appreciate the caution that is there. But I also believe, Sir, that in this particular case, the delay was rather inordinate; it should not have taken such a long time. At this rate, the emotional integration which you

[Shri D P Singh.]  
 wish to bring about between the people of Jammu and Kashmir and the rest of India will take a little bit longer time. In this regard, I would like also to submit that so far as the jurisdiction of the Supreme Court is concerned, I believe that the State of Jammu and Kashmir is now completely under the jurisdiction of the Supreme Court in certain matters but it is not so in certain other matters. I see no reason why in regard to the other matters also the jurisdiction should not extend to this State of Jammu and Kashmir. I do not know whether the Government of India have been trying to bring about that kind of an integration also as quickly as possible but I submit that that should be done without any loss of time.

Now, so far as the Election Commission is concerned, the question of the jurisdiction of the Election Commission was raised through a resolution on the floor of the Assembly of the State of Jammu and Kashmir but the Prime Minister of that State did not seem to like the extension of the jurisdiction of the Election Commission to that State. But the ground which he advanced, so far as I remember, was that it could not be extended for the simple reason that it required an amendment of the Constitution. He did not object on merits to the extension of the jurisdiction of the Election Commission to that State. I would like to suggest, Sir, that our Government should come in touch with the Government of Jammu and Kashmir and see to it that suitable amendment is made in the Constitution so that the jurisdiction of the Election Commission of India is extended to that State also. I say this for a definite reason, Sir, the reason being that unless everyone in that State as also outside that State, in India and elsewhere, feels that the elections which take place in Jammu and Kashmir are quite impartial, lots of things can be said and all kinds of reflections can possibly be made. I therefore suggest this in the interests

of the State itself and in order to ensure that nobody is able to say anything as regards the intentions of the Government of Jammu and Kashmir. I do believe, Sir, that the elections there are by and large held impartially. There may be certain objections being made, but there would be no ground for any objections if the jurisdictions of the Election Commission is extended to that State also. From that point of view also it is necessary that the State of Jammu and Kashmir also comes under the jurisdiction of the Election Commission of India. Sir, I do believe, so far as Kashmir is concerned, that in order that the emotional integration between the people of that part of India and the rest of India is brought about, it is necessary that so far as, other matters are concerned, the matters which still remain, there should be greater integration and quicker integration. Unless that is done, the feeling of separateness will subsist, which feeling I submit must rapidly vanish.

With these words, Sir, I support this Bill.

DR R B GOUR. Mr Deputy Chairman, Pandit Kunzru said that the All-India Services Rules existed in our country and they had been framed under sub-section (1) of section 3 of the All-India Services Act, 1951 with of course consultation with the then existing Governments to whom these Rules were applied and Mr. Datar said that they have already been laid on the Table of the House. We all know that. Now what is going to happen is that you are going to extend the jurisdiction of this Act to Jammu and Kashmir, and that is why you are defining "the States concerned" as also inclusive of Jammu and Kashmir so far as this particular Act is concerned, this sub-section (1) of section 3 of the Act. Now that tells you that the Central Government may, after consultation with the Governments of the States concerned, make rules, etc. Now you have already framed the rules. The question now is whether these Rules which have been framed in consultation with the existing States in



our country will *ipso facto* apply to Kashmir or you will hold tresh consultations with the Kashmir Government about these Rules and if the Kashmir Government demands any modifications in these rules they will be given effect to So we want an explanation because Kashmir now is under the Delhi Agreement, you know So I want to know whether, if there is to be a change in the existing rules, the amended rules will be placed on the Table of the House

MR DEPUTY CHAIRMAN. There is no question of any change at all Anyway he will explain the point

DR R B GOUR The point is this

SHRI D P SINGH The rules will have to be uniform

DR R B GOUR The point is this that you are passing this Bill now Will you go with the rules *ipso facto* there or will you consult them and tell us how they have adopted these rules?

SHRI H N KUNZRU. The rules will be the same for all the States

DR R P DUBE (Madhya Pradesh): Mr Deputy Chairman, I wholeheartedly support this Bill and I am glad that the Kashmir Government has agreed to have these all-India Services in their States as well Just my previous speaker was talking about the rules When the Kashmir Government has consented to integrate, they have seen these rules, and these rules are there, and with the knowledge of these rules they have agreed The only request that I have to make to the hon Minister is that the training for the IAS and the IPS is there, but the people that are promoted from the Provincial Service, well, are supposed to be people who are experienced, therefore no particular training is given to them I would request that the people from the Provincial Service who are upgraded should also be given the same training because it is possible that the people from Kashmir

may come to India and the Indian States people will go to Kashmir, because now the integration is going on So I have to make the request that there should be training for these people as well Not only that, also in the other States that are existing in India, there also the Provincial Service people should be given the same training They are given a sort of training, but I say the regular six months' training or so should be given to them also so that they may know the conditions of all the States which were called as Part B States and Part C States as distinct from Part A States till the other day Now from this particular State of Jammu and Kashmir people will come to the Centre There are so many State IAS people who come and work in the Central Secretariat here Therefore my submission is that that training should be given to the people who are upgraded from the Provincial Service I also hope and pray that the good offices and good sense will prevail and as the Jammu and Kashmir State people have agreed to this integration of Services, the other anomalies and lacunae that are there will be taken away and there will be full and complete integration of that State with the Indian Union This is perfectly sure that the Government of India does not want to interfere because we have pledged that it is with the free will of the Kashmir people that the integration will go on Therefore I only pray and request and I hope that the people of Kashmir will see their way that complete integration takes place

Thank you very much

SHRI B N DATAR Sir, only a few points require some explanation from me My hon friend Dr Gour wanted to know what the position was so far as the existing Rules were concerned and to what extent they would be binding on the Kashmir Government so far as their participation in the All-India Services is concerned. May I point out to him that till now the State of Jammu and Kashmir had

[Shri B N Datar, not been participating in this scheme? After the passing of the Act of 1951, rules were made in respect of the different conditions of the Services and other relevant matters. They have all been placed on the Table of the House, and whenever it was found that any rule required a change or an amendment, then the rules have been amended and copies have also been placed on the Table of the House. Now so far as the Jammu and Kashmir State is concerned, all these rules have naturally been discussed with them and generally they have accepted these rules, and in case they require certain relaxations, then those relaxations will be granted to them because we are anxious to have the introduction of the IAS and IPS Services in the State on a very satisfactory basis. Where any difficulty arises so far as the State Governments are concerned, they would be fully examined and whatever is necessary will be done for the purpose of meeting the appropriate requirements of Kashmir.]

SHRI BHUPESH GUPTA That is to say, if the State Governments desire consultation, you will consult them, you will be agreeable to such consultation.

SHRI B N DATAR If the State Governments desire, then we shall examine the whole question.

SHRI BHUPESH GUPTA That was precisely the point I was driving at.

SHRI B N DATAR The State Governments have already seen these Rules and they have generally accepted the rules subject to certain points, which are being examined and it is our desire, Sir, to relax those rules wherever they are necessary, provided they arise because of the peculiar conditions that Kashmir is in.

SHRI BHUPESH GUPTA I am grateful to the hon. Minister for making this clear, and if it had been made clear before, there would have been

no necessity for this avoidable heat between me and the Chair.

SHRI B N DATAR I have made the whole thing clear. When the Kashmir Government agreed, they had these rules before them and therefore there was no question of any difficulty at all. Then I was very happy to find that my hon. friend Shri Biswanath Das had recently gone into that State; he travelled widely and he has pointed out to us that the administration of this State even in the remotest corner is being carried on very efficiently and satisfactorily. That would answer some of the points that some hon. Members raised and I was very happy to find that you, Sir, have ordered the expunction of a particular highly unhappy expression with regard to that State.

DR R B GOUR That expression was not about the State. Let not this impression go.

SHRI B N DATAR Was it not about it?

SOME HON. MEMBERS No.

SHRI B N DATAR Anyway, that expression is gone. Then another point was made by my friend as to whether these State officers would receive some training. Arrangements are being made to have them properly trained both in the Districts, because District experience is necessary, as also in the IAS Staff College at Simla and in the Police Training College at Mount Abu. All these things are duly attended to and there need not be any difficulty at all.

So far as interflow of officers is concerned, that is most important as far as all-India Services are concerned. When these Services are constituted, naturally different cadres are formed for the different States and as you are aware, Sir, when the States Reorganisation Bill was under consideration both Houses expressed a desire that there ought to be some officers of one

State or candidates from one State taken on the cadres of other States. That also is being followed and now Kashmir officers or candidates from Kashmir will have the opportunity not only of serving in Kashmir but in the other States as well. We have got also a promotion quota under which State officers are being taken into the I.A.S. and the I.P.S. Thus it will be found that by the participation of Jammu and Kashmir State in the All-India Service scheme not only Jammu and Kashmir but India also would benefit considerably because thereby the officers would have an opportunity of working either in that State or in the other States and *vice versa*. And that will meet the particular desire or the objective that my friend, Mr. Bhupesh Gupta, has in view, namely, that all these officers ought to be extremely efficient and they ought to work in the present political set-up. So far as these two points are concerned, naturally his observations will always be given effect to because we are anxious that our officers are very efficient and secondly that they know the democratic conditions in which they have to work. Thus even though the Bill is very small, it will have very good effect so far as India and so far as the State of Jammu and Kashmir are concerned.

**SHRI BHUPESH GUPTA:** I have only one question just for clarification. The hon. Minister said that the Kashmir Government has seen this thing. I take it that they have seen it. Have they fully accepted these rules and regulations or will it be necessary for them to have some consultations in the future?

**SHRI B. N. DATAR:** They have accepted the rules; they have made certain suggestions which will be examined with as much sympathy as possible because it is our desire to see to it that all their requirements are properly met.

**MR. DEPUTY CHAIRMAN:** The question is:

"That the Bill be passed."

The motion was adopted.

#### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 1958

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR):** Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the Lok Sabha, be taken into consideration."

So far as this Bill is concerned, the object of this Bill is to facilitate what can be called reciprocal arrangements. Now, so far as India is concerned, we have got a Code of Criminal Procedure dealing with all the matters relating to criminal justice. Similarly, in the State of Jammu and Kashmir they have got a similar Code of their own. There are certain areas in India where the Code of Criminal Procedure does not apply. Under these circumstances in respect of these areas often-times a question arises as to how the summonses from one area into the other should be served or how warrants should be executed. In this connection may I point out to this House that we have already got section 93A which deals with this question? Section 93A of the Code of Criminal Procedure dealt only with two matters. It stated that so far as reciprocity arrangements were concerned in respect of two matters proper arrangements should be made so far as the Indian courts were concerned and *vice versa*. They provided for the service of summons to, and warrants for the arrest of, an accused person. Now, whenever such summonses or warrants were issued either in the State of Jammu and Kashmir or in any of the States in India then naturally reciprocal arrangements