

# LOK SABHA

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## SYNOPSIS OF DEBATES\* (Proceedings other than Questions & Answers)

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Tuesday, August 6, 2019 / Shravana 15, 1941 (Saka)

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### REFERENCE BY THE SPEAKER

**HON. SPEAKER:** Hon. Members, you may recall that 74 years ago atom bombs were dropped on Hiroshima and Nagasaki on 6<sup>th</sup> and 9<sup>th</sup> August, 1945 respectively in which both the cities were completely destroyed. In this catastrophe 3,55,000 persons were killed and millions were injured and crippled for life. Let us on this occasion, reaffirm our resolve to strive for elimination of weapons of mass destruction and to work together for the propagation of peace and brotherhood all over the world.

The House may now observe silence for a short while to pay their respects to the victims of atom bombs in Japan.

*The Members then stood in silence for a short while.*

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\* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

**STATUTORY RESOLUTION**

**THE JAMMU AND KASHMIR REORGANISATION BILL, 2019**

*(As passed by Rajya Sabha)*

**AND**

**THE JAMMU AND KASHMIR RESERVATION**

**(SECOND AMENDMENT) BILL, 2019**

*(As passed by Rajya Sabha)*

**THE MINISTER OF HOME AFFAIRS (SHRI AMIT SHAH)** *moving the motion for consideration of the Resolution and the Bills, said:* Yesterday, I moved a Resolution before this House which was passed. I have brought this Bill before this House after the Rajya Sabha has passed it. This is not only a political issue but a legal issue as well. I would like to make it clear that Jammu and Kashmir is an integral part of India. There is no any legal or constitutional dispute in this regard. The Constitution of India and the Constitution of Jammu and Kashmir, wherein it is clearly stated and Jammu and Kashmir also accepts this fact that it is an integral part of India. It has been already stated in the Article 1 of the Constitution that India shall be the Union of States. This makes it amply clear that Jammu and Kashmir is an integral part of India and this Parliament is fully competent to frame laws for the State. Therefore, no one can stop us to frame laws

for Jammu and Kashmir. When I say the state of Jammu and Kashmir in the House, it also includes Pak Occupied Kashmir and Aksai Chin. Yesterday, the President of India signed a Constitutional Order, 2019 in exercise of powers conferred under Article 370(1) (D) and issued an Order by which all the provisions of Constitution of India will be applicable to the Constitution of Jammu and Kashmir. Now, wherever Constituent Assembly of Jammu and Kashmir has been mentioned in the Constitution of India that will be read as Legislative Assembly of Jammu and Kashmir. Hon. President can fully cease Article 370 by using Article 370(3). Now, there is President's Rule in Jammu and Kashmir. As per Article 356(1)(B), the full authority of Assembly is now vested in both the Houses of Parliament. In this scenario, the mandate of both the Houses is the same as that of the Assembly. I hope that this House will support scrapping of Article 370. As far as the question of bifurcation is concerned, there was a long pending demand to make Laddakh region as a Union Territory. Keeping in view this demand, there is a proposal to bifurcate Jammu and Kashmir into two Union Territories- the first one will be of Union Territory of Laddakh in which Aksai Chin will also be included. The second one will be Union Territory of Jammu-Kashmir which will have a Legislative Assembly and the Chief Minister will be elected by the people. I would like the House to consider and pass these Bills.

**SHRI MANISH TEWARI** *initiating said:* Today, we have gathered here to discuss a very sensitive Bill. By bifurcating Jammu and Kashmir, the Government has formed two Union Territories i.e. one is Union Territory of Jammu and Kashmir and the second one is Union Territory of Laddakh. We must keep in mind the manner in which the modern state of Jammu and Kashmir came into existence. The Treaty of Amritsar was signed between the Britishers and Maharaja Dilip Singh on 16 March, 1846. There were 562 Princely States in India before independence. All of them were given the option to merge themselves with India. Jammu and Kashmir decided to merge itself with India instead of merging with Pakistan on certain terms and conditions. The Bill brought in by the Government provides that the State of Jammu and Kashmir will be bifurcated into two Union Territories. Article 3 of the Constitution of India provides that the legislative assembly and the legislative council of the State are required to be consulted before its bifurcation or bringing any changes into its boundaries but this Parliament is being directed to decide the future of Jammu and Kashmir by consulting themselves. I would humbly like to submit that whatever is being transacted in this House is nothing but a constitutional tragedy. I would like to state categorically that the erstwhile UPA Government had not done any unconstitutional work. Andhra Pradesh and Telangana States were formed after due consultation with the Legislative Assembly and the Legislative Council of

Andhra Pradesh in accordance with the provisions enumerated in the Article 3 of the Constitution. The proviso to Article 370 provides 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. So, this Government cannot scrap the Article 370 without having the consent of the Constituent Assembly of Jammu and Kashmir, which at present, does not exist. This is a wrong interpretation of the Constitution. The Constitution of India does not contain only Article 370. It also contains Articles from 371A to I which are intended to provide special rights to Nagaland, Assam, Manipur and Andhra Pradesh. What message does this Government want to send to those States by scrapping the Article 370 today? The Government can scrap even the Article 371 in the manner it is scrapping now the Article 370. Jammu and Kashmir has a separate Constitution which came into force on 26 January 1957. The Government has bifurcated the State but what about its Constitution? Whether the Government is contemplating to bring in a Bill to scrap the Constitution of the State? I would like to state with a profound sense of responsibility that this Government has not taken into account separate constitutional aspects related to this bifurcation before bringing this Bill. At the same time, I would also like to state that we have had a number of occasions during the last 70 years when we have seen transformation of a Union Territory into a State but it is perhaps for the first time that a State is being converted into a

Union Territory. This is the severest blow to the federal structure of the Constitution.

**SHRI JUGAL KISHORE SHARMA:** I would like to thank the hon. Prime Minister and the Minister of Home Affairs for bringing in the Jammu and Kashmir Reorganization Bill and a Statutory Resolution. Sardar Ballabh Bhai Patel, Bhim Rao Ambedkar and Shayama Prasad Mukherjee had opposed the inclusion of the Article 370 in the Constitution at the time of its inclusion. But the politics of vested interests got it included in the Constitution. What has the Article 370 so far brought to Jammu and Kashmir? Article 370 has only widened the gap between India and Jammu and Kashmir. It has provided nothing else but unemployment, corruption and terrorism to the people of Jammu and Kashmir. No one is ready to set up a big factory in Jammu and Kashmir as no one can purchase land over there. I would like to tell you that the people from all over the country are availing of the benefits of 'Ayushman Bharat Scheme' but the people of Jammu and Kashmir are deprived of the benefits of this scheme. This is only because there is no big hospital nor anyone is ready to set up big hospital there. The entire country was celebrating the passing of the Bill which was intended to provide 10 per cent reservation to the poor of general category but the people of Jammu were disappointed because this legislation could not be enforced in Jammu and Kashmir. Hence, the people want that Article 370 and 35A associated with Jammu and

Kashmir should be scrapped. If the daughters of Jammu and Kashmir are got married in other States, she has to lose her identity. All her relations come to an end. I would also like to state that the entire country is aware of what happened to Kashmiri Pandits. So, Kashmiri Pandits will not be in a position to live with peace unless and until they are properly rehabilitated. In fact, Jammu and Kashmir has been relegated to the category of a backward State only because of the Article 370 and 35A. The States where Article 370 is not enforced, people are happy and prosperous. The condition of the refugees of West Pakistan is still quite pitiable though they have been living in Jammu and Kashmir for the last 70 years. Today, history will be created here in the House.

**SHRI T.R. BAALU:** This Bill should have been brought by invoking Article 368. That is what I have said previously. My point is that the Government is bringing a legislation. But the Government is not consulting the State Legislature. The Government says the State Legislature is not in existence. Why the Government has not conducted the elections? The will of the people is not reflected here. The Government may say that constitutionally it is correct. The Bill can be passed because the Government has got a brute majority. By passing this Bill, the Government is going to change a mighty State Government with a municipality. Two municipalities are being created. The end result is that the States will be headed by the Lieutenant Governors. They cannot manage the day

to day administration. The security problems have not yet been solved. Our people in border areas are not safe. That is a more important thing. In your party manifesto, you have said that Article 370 will be erased. This is just to see that the wishes of your party and not the public are fulfilled.

**SHRI SUDIP BANDYOPADHYAY:** After the abolition of Article 370, a war like situation has arisen. This situation has been created by the Government. The fact is when Article 370 was incorporated, maybe at that time it was the most important and an effective step. Maharaja Hari Singh had decided to merge Jammu and Kashmir with India. At that time, some concessions were given to them. So, it should not always be criticised saying that at that time Article 370 was incorporated in a wrong way. I feel that it could have been better if the matter had been discussed with the leaders of all the political parties of the country before going to take such a very crucial step which has shaken the country. This step will throw Jammu and Kashmir in a direction of more uncertainty. We feel that Dr. Farooq Abdullah, Shri Omar Abdullah, Madam Mehbooba Mufti, former Chief Minister should be released immediately. We feel that this Bill is against the constitutional morality and a procedural hara-kiri has been committed. Whether we vote in favour or against the Bill-we will become the partner of this Bill. This we do not want to become. Hence, as the ultimate conclusion, we have decided to

walkout instead of opposing this Bill with a request that no atrocities should happen in Jammu and Kashmir.

**THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION; MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH) *intervening said:***

In the year 1953, Shri Shyama Prasad Mukherjee was arrested in the State of Jammu and Kashmir. At the time of his arrest, he had said to his young associate Shri Atal Bihari Vajpayee that go and tell the word that Shyama Prasad Mukherjee has entered Jammu and Kashmir without permit. Had he been alive today, he would have said that go and tell the word that Modi has abrogated Article 370. This day will be remembered in the history of India as a day of redemption. Article 370 was the gravest blunder in the post-independence India. 70 years ago, had the then Prime Minister Pandit Jawahar Lal Nehru allowed the Home Minister Sardar Patel to handle the matter of Jammu and Kashmir in the same way he had handled other princely States including Junagarh and Hyderabad, the history of Jammu and Kashmir along with the history of Indian sub-continent would have been different.

When the Indian Forces were pushing back the Army of Pakistan, the then Prime Minister, without taking into confidence his Cabinet, took a unilateral decision and announced the cease-fire. When the Instrument of Accession was signed, there was no need to go to the United Nations Organisation. I would also like to add that Pandit Jawaharlal Nehru had himself said that the Article 370 is a temporary provision. In the year 1964, the then Home Minister Shri Guljarilal Nanda had said that the time has come for the abrogation of the Article 370, but the Government should be given some more time. The then Chief Minister of Jammu and Kashmir, Shri Sheikh Abdullah had himself said in the State Assembly on 2nd March, 1981 that Article 370 can be a stumbling block for progress. All this make it amply clear that a consensus had developed by the decade of 1970's that the Article 370 should be abrogated. But later on, some western countries started taking interest in this issue. Further, the new generation of politician came up and they found this Article a very convenient tool to further their political career. They could be able to become the Members of Parliament and State Assembly with just 8 to 10 per cent voter turnout. As far as the National Conference is concerned, its commitment to the Article 370 and Article 35A is just sham. They have misused Article 370 for their own political benefits and they have been disloyal to their own people. A question has been raised that the Government did not hold consultation with the stakeholders in the State. I would

like to say that each one of the 130 crore citizens of India is a stakeholder and we, sitting in this House, represent them. It has also been said that no consultation was held with the State Assembly. I feel that the hon. Home Minister has very much clarified that this is the practice which is followed in those States where President Rule is imposed. It has also been said that the abrogation of Article 370 will fuel alienation among the people of the State. I would like to counter this view with full responsibility that this very Article has generated the feeling of alienation among the people. As soon as the news of the abrogation of Article 370 spread, the people in entire India as well as in Jammu and Kashmir came out on roads in jubilation. The youths and the common man in Kashmir is rejoicing the abrogation of this Article . The youth of Kashmir has moved on in the development journey of new India. I would conclude by saying that Kashmir is not an issue at all. If at all there is an issue, it is Pak Occupied Kashmir. I have firm belief that our next step should be directed towards the efforts to make the Pak Occupied Kashmir a territory of the Indian Union.

**SHRI KANUMURU RAGHURAMA KRISHNARAJU:** It is very clearly mentioned that Article 370 is a temporary provision. When it is being abrogated, there is no need to make such an issue out of it. We have seen that in the passage of every Bill we find that the provisions of the Bills are applicable to the entire country except to the State of Jammu and Kashmir. After the passage of this Bill,

we will not have this anomaly. We believe that we will have the best governance after the bifurcated status of the State of Jammu and Kashmir and Ladakh. The country is going to be very safe and the real dreams of people will come true in the coming days. The Government now should take all initiatives to bring Kashmiri Pandits back. With abolition of 35A, I am sure, wonderful developments are going to take place in fields of tourism, IT and in every other sphere. Many other anomalies would be removed and corrected after the passage of this Bill and we are going to see a beautiful Kashmir hereafter.

**THE MINISTER OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARVIND SAWANT):** This is a very fortunate moment for me because I was party to that Cabinet meeting which was called yesterday to abrogate Article 370 and 35A and I was also a witness to this historical moment. Our party was constituted in the year 1966. Since then our party has been continuously raising the Kashmir issue. In this regard, I would like to say we did not even bring a separate manifesto when our party was contesting election in coalition with Bhartiya Janta Party. We said that the manifesto of Bhartiya Janta Party would be our manifesto because it includes abrogation of Article 370 and 35A. Due to this Article 370, Kashmiri Pandits were thrown away from Kashmir. It has also aggravated the problem of terrorism. I fail to understand why they are opposing this corrective measure being taken in this regard. One can imagine how

much loss that Kashmiri citizens have suffered due to Article 370. There are various such laws which have been not applicable to Jammu and Kashmir due to which the people of this country have suffered a lot. They have suffered on all accounts be it education or health sector. Our Government has felt their pain. So, this Government has taken a good step and it should be commended.

**SHRI RAJIV RANJAN SINGH ' LALAN':** There used to be a time in our country when terrorism was at its peak. Various major terrorist incidents had occurred in this country during those times. There used to be discussion on terrorism in this House every two or three months. But fortunately, after 2014, when this Government took charge, no major terrorist incident has taken place in this country. This shows the resoluteness of the Government in combating terrorism. It is an established fact that roots of terrorism lies in Kashmir which get their support from other nation. Right from the first Session, this Government has brought many stringent laws to combat terrorism. I wish to say that if this Government had brought any other stringent law to combat terrorism than we would have definitely supported it. It has also been written in the National Agenda of Governance of NDA that we will not tinker it. So keeping in view the prevailing situation, this Government should not have touched this contentious issue. So our party do not support it and we will not be a party to it.

**SHRI PINAKI MISRA:** I unequivocally stand to support the Government's measure by way of the Jammu and Kashmir Reorganization Bill, 2019. On earlier occasions also, our party had supported the only 'Article of Faith' which India proclaims that the entire State of J&K shall be an integral part of India and that any attempt to interfere in the internal affairs of India will be met resolutely. It was always known that Article 370 is going to be temporary, transitional and special provision. That is in part 21 of the Constitution. Generations upon generations have been taught that Kashmir is not an integral part of India. This is impermissible in the Constitution. Again, the fact of the matter is that the manner in which the Government has gone about it is not the first time this has happened. Under Article 370(1)(d), 45 Presidential Orders from 1950 with regard to Jammu and Kashmir have been passed. So the Order of 2019 of a similar nature that supersedes all previous Orders. This House has always been recognized as the supreme sovereign body under the Constitution. Therefore, this House always has the power to deal with these exigencies and these situations. So, I do not believe that there should be any talk about any breach of faith. I am of the opinion that this august House should come together and send a message to our brothers and sisters of Kashmir that they are integral to our Indian family. There must be unanimity within India because if we appear divided, we give a lot of power to forces outside

India to criticize us on this. At the same time, there are certain historical issues which need to be ironed out.

**THE MINISTER OF PARLIAMENTARY AFFAIRS; MINISTER OF COAL AND MINISTER OF MINES (SHRI PRALHAD JOSHI):** The entire nation is in agreement with the fact that Kashmir is an integral part of India. I would like to assert that Kashmir and even India for that matter is not mere a territory for us but we look upon it as our motherland. Today, the whole nation is speaking in one voice. But it is most unfortunate that the dissenting voices are coming from the Congress Party. In regard to Article 370 of the Constitution it is to be noted that there is no special provision for Kashmir. It is a temporary provision. Even Dr. Babasaheb Bhimrao Ambedkar had opposed it tooth and nail. Sadly, in spite of his opposition, this Article was inserted because of Pandit Nehru's insistence. Moving further, it merits attention that subsequently Nehru himself said in one of his speeches and I quote "This Article 370 is a temporary phenomenon, it will be corroded and eroded as the time comes." We must understand what the entire India needs today. On December 5, 1961, a year before the Sino-Indian War, Mahavir Tyagi famously criticized the Nehru's statement in the Indian Parliament. As far as Hyderabad and Junagadh are concerned, let me bring a historic thing on record that the decision to this effect was taken solely by Sardar Patel. I support the Resolution and the Bill brought by the power that be.

**SHRI GIRISH CHANDRA:** My Party and I myself are in support of the resolution to accord J&K and Laddakh the status of Union Territories. It has been a long pending demand. This move has sent a wave of immense pleasure among the masses particularly among the Buddhist followers of Dr. Bhim Rao Ambedkar. In fact, Dr. Ambedkar happened to make a statement disapproving of the draft of Article 370 wherein he said on record that the residents of Kashmir have equal rights to grow in India as is available to the other citizens of the country. Contrary to his wishes the citizens of India have been barred from settling down, or acquiring land or entering into trade and profession in Kashmir. This is totally unacceptable. I support this Bill.

**SHRI NAMA NAGESWARA RAO:** This is a historic Bill brought in by the Government. I rise to support this Bill on behalf of our Party. This apart, I would like to urge upon the hon. Minister to have plan B in place to convert POK into IOK somewhere down the line. Part 2 of the Jammu Reorganization Bill consists of two main issues. One of these pertains to the formation of Union Territory of Laddakh without an assembly Legislature and the other one is concerning formation of Union Territory of Jammu and Kashmir with an assembly Legislature. This is welcome move and has been hailed by the masses concerned. Earlier, I happened to be part of a delegation to Kashmir and received firsthand accounts of the pathetic condition people of J&K, who have been reeling under for

years together. We learnt from the masses that there is no development in J&K even tourism is in rough patch. So is the case with employment and industrial development. So finding the happy medium seemed to be the best way forward. Yesterday, many people were saying that it is a dark day. How can it be a dark day if development will reach all the people, employment will be provided, industries will be set up in Kashmir? Therefore, it is not a dark day rather it is a revolutionary day, a day of development. Yesterday, hon. Home Minister has told that he will make it number one state in the matter of development in the next five years. Jobs will be provided to the Muslims, Hindus, Sikhs, youths of Kashmir. Till now, there was no development in Kashmir, therefore, we are supporting this Bill due to these promises. Kashmir is a paradise on earth. It is sad that we could not protect beautiful Kashmir for so long. The people of Kashmir are lovely people. Injustice has been done to them for so long. We are supporting this Bill to bring justice to them.

**SHRIMATI SUPRIYA SADANAND SULE:** I do not believe that removal of Article 370 would improve the level of education in any way. The insurgency in Jammu and Kashmir is related to economics. Unemployment is one of the biggest challenges there. The hon. Prime Minister two years ago worked out the framework with NSCN and they said that the State is unique and it has a different history. So, what is really the Government's line? What would it be for Naga

framework? My only humble question to you is when will you have elections which are fair and transparent in Jammu and Kashmir. As far as Ladakh is concerned, it should also have an assembly. We have supported dividing States several times, but there has to be a way. The Constitution is there to follow it. The Government must make sure that people in the valley feel safe.

**SHRI AKHILESH YADAV:** The Government must assure us that the Pak Occupied Kashmir is a part of India and the 24 vacant seats also belong to India. I feel that there is a feeling of fear prevailing in Kashmir. I doubt whether Kashmir will witness any development.

**SHRI HASNAIN MASOODI:** I rise to oppose this Bill. This is a black day for the relationship between Jammu and Kashmir and the Union of India. Only the time will decide whether this step is one worth celebrating or otherwise. Article 370 does not give you the right to amend it. The route which has been adopted is an assault on Constitution. With regard to the proposal regarding bifurcation or the change in boundary, the people of the State must have an opportunity to give their opinion. Only after that, the Parliament could take a decision in this regard. Object of the Government should be to connect the people. This process had started but you have pushed it back. You claim that you have abrogated Article 370 but Mukherji Ji was part of the process of its coming into being. Though, I have never said that he had moved the resolution. This is an assault on the

Constitution. Your other claim is that it will facilitate development. To this, I want to say that Jammu and Kashmir is already a well-off state.

**SHRI P. K. KUNHALIKUTTY:** There is a criticism that you have not followed any democratic process in bringing this Resolution before the Parliament. This is a country which respects democratic approaches. Saying something in your manifesto is very easy but it is not easy to rule this country with your Manifesto. Today, you may be jubilant, but tomorrow you will feel sorry about this step. There are many problems in the Kashmir Valley. The people living in the Valley are Indian citizens. This will have serious implications. I oppose this Resolution.

**SHRI JAMYANG TSERING NAMGYAL:** It is a historic day when historical mistakes have been rectified. Ladakh has been neglected for the last 71 years with vehement demand for U.T. status ever since but this never seized the deserved attention of the powers that be in the past. Ladakh has its unique culture. Abrogation of Article 370 will certainly make the future of Jammu and Kashmir bright. Every religious organization has demanded U.T. status for Ladakh. Some people say that there will be no equality in Jammu and Kashmir in the absence of Article 370 whereas they themselves meted out step-motherly treatment to Ladakh. Article 370 has been misused against the minorities in Jammu and Kashmir. I thank the Government of India and all the hon. Members who supported this Bill.

**SHRI CHIRAG KUMAR PASWAN:** Our Government has taken a historic decision and I on my behalf and on the behalf of my Party extend our heartfelt thanks to hon. Prime Minister and hon. Home Minister. Until now, we just heard about the united India but today the country has been united in real terms. We ourselves alienated Kashmir from the whole country by inserting the Article 370 in our Constitution. Today the leaders of opposition parties have also accepted that we are fulfilling the promises made by us at the time of election. Jammu and Kashmir remained detracted from the path of development and progress for so many years. Now it will join the journey of development and progress. Laddakh has also got its own identity and after becoming the Union Territory, the wishes of aspirations of the people of the State will also be fulfilled by this historic decision taken by our Government.

**DR. SHASHI THAROOR:** The Parliamentary Affairs Minister said that he lamented that the Congress Party had called this a black day. Let me explain why we think it is indeed a dark day for India's democracy. The Government has brought this Bill to this House without consultation with the local parties, with the State Legislature out of Session for more than six months and with democratically elected political leaders. The claim that Jammu and Kashmir is an integral part of India is also our claim. There is no political divide on that proposition. But the way you have pursued that claim with this Bill is an affront to our very values as a

democracy, as a nation and it has already done serious damage to our international standing. I am sure you will get this Bill through this House very easily. But the tradition of consultation and deliberation will lie in sewage. This is a breath-taking betrayal of our democracy and nothing short of legislative authoritarianism. Let us look at the short-term damage which has already been done. Tourism, the lifeline of Kashmir, has been devastated. Today, advisories are back in foreign countries; tourists are out; shikara operators are out of business; handicraft makers and carpet weavers are broke and the Amarnath Yatra has been rudely interrupted. Now, let us look at the medium-term consequences. You may drive more misguided young Kashmiris to join the militants than ever before and our brave jawans will be even more in harm's way and in danger as a result of this action. The international implications are very serious for our country. The UN has issued a statement calling for restraint. Is this not embarrassing for our nation? In the process, we have also jeopardized our claims to PoK because that rested on the question of the accession of the whole State and now the whole State no longer exists. The Government is in the habit of portraying opposition to its initiatives as anti-national. We are the original party of nationalism. Nehruji has also been demonized here. There is a misleading record in the House. Nehru ji did not do anything on his own. There were three accessions. They are Hyderabad, Junagadh and Kashmir. All three had to be treated by Nehru ji and Sardar Patel together

without an exception. I would also request the Home Minister to say whether he would accept a request from my Party to lead or to conduct or to organize an all-party delegation to visit Kashmir and see for ourselves what the situation is on the ground.

**SHRI JAYADEV GALLA:** I rise to support the Bill. Article 370 of our Constitution, being a temporary provision has to go for the good of the people of Jammu and Kashmir. In effect, a historical mistake that took place about 70 years ago is now being corrected through this Bill. All sorts of assistance was provided to the State of Jammu and Kashmir in the past but everything went into drain. In return, we got bloodshed and terrorism. Our own Kashmiri pundits have been thrown out of Kashmir. Complete integration of Jammu and Kashmir into India will be one nation with one flag and one Constitution. Infrastructural facilities, peace and prosperity across the region will improve. The hon. Home Minister is on record saying that as soon as the situation normalizes, Jammu and Kashmir would be made as a full-fledged State. This House may kindly be enlightened if he has set any timeline in this regard. I want to know as to what supplemental, incidental and consequential measures the Government is going to take for Jammu and Kashmir.

**SHRI SUKHBIR SINGH BADAL:** I stand in support of the Bill. My party Shiromani Akali Dal clearly stands for a strong federal set up but, at the same time,

we believe in a strong and united India. During partition, when a lot of minorities shifted from Pakistan to the rest of India and J&K, they were given equal amount of property or some compensation but the people from Pak Occupied Kashmir or from Pakistan who migrated to Jammu & Kashmir have not got any compensation till date. Minorities of Jammu & Kashmir are depressed and suppressed because there was no Minority Commission in Jammu & Kashmir. A lot of residents of Jammu and Kashmir have settled down in Punjab. They have bought land in Punjab but people of Punjab cannot buy land in Jammu and Kashmir. I congratulate the Prime Minister and the Home Minister for taking this bold decision.

**SHRIMATI ANUPRIYA PATEL:** I rise to support this Bill. Had Sardar Ballabh Bhai Patel handled the Kashmir issue, the current situation would not have emerged. Kashmiri people have not developed a connect with the rest of the country only because of this Article 370. Many important laws are not enforced in Kashmir due to this Article. If a Kashmiri girl marries a man from any other State, she loses her Kashmiri citizenship. Democracy in the valley has been suppressed and corruption flourished due to this Article 370. The Government of India provides huge packages to this State yet it failed to register development. So, I congratulate the Government for today's decision. This decision is going to change the history of India, not geography.

**\*SHRI M. SELVARAJ:** The special status given to Kashmir is being denied. People belonging to Muslim minority community are subjected to marginalization in this country. The status of autonomy given to that State has been snatched away. This special status to Jammu and Kashmir was given for certain specific reasons. Jammu and Kashmir is in a strategic location geopolitically, surrounded by Pakistan and China. Special provisions are essential for that State. On behalf of my party Communist Party of India (CPI), I strongly oppose it.

**\*SHRI P. RAVEENDRANATH KUMAR:** There is a situation in Jammu and Kashmir that people are oppressed. The Government has opened the gates of liberation to the women, children and youth of Jammu and Kashmir today. They are being given equality today. They have ensured their rights. I strongly believe that they can breathe the air of freedom here afterwards. In 1974, the then Congress Government separated Katchatheevu from Tamil Nadu and gave it to Sri Lanka. As they snatched away the rights of Kashmiris, they denied the rights of Tamil Nadu. I request the hon. Minister that Katchatheevu has to be retrieved from Sri Lanka. This Bill is a milestone. It is of historic importance.

**ADV. A. M. ARIFF:** I am not wondered or surprised by the repeal of Article 370 in Kashmir. Kashmir is the product of complex historical agreements

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\* Original in Tamil

and India has ensured its special status even to the international community. It is universally acknowledged that the unity of India lies in its diversity. This is the biggest attack on national unity and the concept of India as a Union of States. The country is passing through an undeclared emergency. Just look at the Bills that have been passed in this Session of Parliament. It is a well-planned move to silence any minor dissent of the citizens. Brute majority of the ruling party is not a licence for doing anything of your choice.

**DR. SANJAY JAISWAL:** The people of who went to Kashmir, even after 70 years, they are still nomads. This Bill has been brought to deliver justice to those people. Even a single Member of Congress party did not utter even a single word about Reservation Bill because reservation is not in their behaviour. This Bill is the last nail in the legislation which you had been legislated against Kashmir. From today, the whole India has been united in a true sense. I am happy today that our generation is the witness of the time when Article 370 is being repealed.

**SHRI ASADUDDIN OWAISI:** The BJP has lived up to its electoral promise in their manifesto, but they have not lived up to their constitutional duties. This Bill is a violation of Article 3 of the Constitution of India. Had this been done by a Governor who did not belong to the BJP, the party would have raised the issue of how a Governor is partial to the ruling party. But now when the Governor is

working on the diktats of the Government, the BJP is quiet. The Government says that Article 370 was a temporary provision. But in the State Bank of India versus Santosh Gupta case and in the case of Safarullah, the Supreme Court held that Article 370 is not 'temporary', it is a special status. I want to know when I can go and buy agricultural property in Himachal Pradesh and when I can go to Arunachal Pradesh and Lakshadweep without a permit. I demand that the Government release all prisoners and remove curfew and ensure that communication in the State begins.

**SHRI HANUMAN BENIWAL:** It had been over six decades long demand of persons from every section of India that the Articles 370 and 35A should be scrapped. I, myself, was not hopeful that the Article 370 would be scrapped so early. The Government has taken a historic decision to make Jammu and Kashmir and Ladakh separate Union Territories. This has instilled a sense of nationalism into our children. At the same time, the move taken by the Government will automatically put the terrorism to an end there.

**SHRIMATI NAVNEET RAVI RANA:** I feel that we will get the real independence today with the passage of this Bill. The credit for this independence definitely goes to those soldiers who had been fighting and laying down their lives for this issue for the last 70 years. I would like to thank the Government for

bringing in this Bill in the very first session. I believe that this Bill matters a lot for the youths and hence I support this Bill.

**SHRI RAMESH BIDHURI:** It has been clearly mentioned in the Constitution to promote brotherhood, to give respect to each citizen and provide equal rights to everyone. But Congress and two families from Jammu and Kashmir kept playing games with the people there for their vested interests. Had Nehruji not ordered ceasefire then even Lahore would have been a part of India today. Shri Shyama Prasad Mukherji was murdered in Kashmir in 1953 when he had gone there to oppose the permit and particularly Article 370. Congress did not even order an enquiry into his murder. I support this Bill.

**DR. NISHIKANT DUBEY:** Today, we all can celebrate Holi and Diwali today itself. Today it is the day of culmination of all the hard work that was being done by our party for the last 70 years, the purpose for which agitations were being held continuously, the purpose for which our first President Shyama Prasad Mukherji gave away his life. For this, I would like to congratulate hon. Prime Minister, hon. Home Minister in particular on behalf of all the workers and all the people that they brought such a Bill and that this Bill is being passed before us. The mistake made by the Congress party, the mistake made by Nehruji due to which we suffered so much, that mistake has been corrected today.

**SHRI VINAYAK BHAURAO RAUT:** I rise to support, on behalf of Shiv Sena, the Amendment Bill brought to remove Article 370 and make Jammu and Kashmir a Union Territory. I pay respects to the jawans who laid down their lives for the protection of Jammu and Kashmir since independence. Today, every Indian from Kashmir to Kanyakumari is feeling overjoyed. Kashmir is paradise of India. But unfortunately the Congress Government has, in the last 72 years, tried to destroy this paradise. Today, the people of Kashmir have achieved freedom in the true sense for which they had been waiting. Something should also be done for the Kashmiri Pandits who got displaced due to Article 370.

**SHRI N.K. PREMACHANDRAN:** I oppose the Statutory Resolution and the Jammu and Kashmir Reorganisation Bill, 2019 because they are totally unconstitutional and ultra vires the powers of the President. It flies in the face of federal character of the Constitution of India. Not just that, it abrogates all the Parliamentary Procedures, Rules and conventions of this House. There seems to be an ulterior political motive to achieve political gains. Further, instead of integrating the country by bringing the people of Kashmir to the mainstream of the country. Jammu and Kashmir State is being disintegrated. This move will have grave repercussions on more fronts than one. Finally, I would like to say that it is a monumental historic mistake committed by the power that be.

**THE MINISTER OF LAW AND JUSTICE; MINISTER OF COMMUNICATIONS AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD):**

In the laws enacted earlier invariably there figured a sentence that ‘it shall extend to the whole of India except the state of Jammu and Kashmir’. Even important laws like the Right to Education, Right to Information, Child Marriage Prohibition Act, Prevention of Corruption Act used not be enforced in the state of Jammu and Kashmir for the reasons of Article 370 being in place. Now, since this Article is going to be repealed today, this will lead to the implementation the whole host of schemes flagged by the Government aimed at ensuring the welfare of the masses at large. I wish to assert the point that this Government is open to the views of each and every person inhabiting in Kashmir who is dead against the enforcement of Article 370. At a time when Article 370 is going to be repealed, a pleasant wave of happiness can well be witnessed upon their faces. Only those supporting the evil of terrorism seem to be in bad humour. This Bill has been brought in for the development of Kashmir and for the holistic growth of those living there. As far as the contribution of Sardar Patel goes, history is witnessed to the fact that he handled the affairs of 561 out of 562 princely estates and none of these is faced with any problem whereas Nehruji handled just one which is fraught with a number of problems even now which is being set right by the Prime Minister by

scrapping Article 370. I fully support this Bill and appeal to you all to come forward in its support as it is fully legitimate and in the interest of the nation.

**THE MINISTER OF HOME AFFAIRS ( SHRI AMIT SHAH)** *replying said:* For the past 70 years, every person in this country has been claiming that Kashmir is an integral part of India. Surprisingly none of us has ever made this claim in respect of Uttar Pradesh or Bengal or Tamil Nadu etc. It is because the Article 370 had raised a suspicion in the minds of our citizens and the people living abroad about the real status of Jammu and Kashmir. I would like to congratulate the hon. Prime Minister that this blot on the face of our country is going to be erased today. A number of hon. Members have participated in this discussion and have raised a number of queries. One of them is whether the Union Territory status given to the State is forever. I would like to make it categorically clear that the status of a full fledged State will be restored to the Jammu and Kashmir as soon as the circumstances permit. As far as the question of POK is concerned, our claim on that territory is as strong as ever. As far as the resolution passed by the United Nation Organization is concerned, it was abrogated on the day when the Pakistan Army had crossed the international border in the year 1965. This House, therefore, is fully entitled to take any decision within the Indian territory. I would like to further add that had Pt. Jawaharlal Nehru allowed the Indian Army, the entire POK would have merged into the Indian Union. A comparison has been made between

the Article 370 and Article 371 during the discussion. I would like to make it clear that no comparison can be made between these two Articles and I would like to assure Maharashtra, Karnataka, Andhra Pradesh and all other States of the North-East that the Government of India has no intention to abrogate Article 371. The way adopted by the Government of India to amend the Article 370 has no element of unconstitutionality in it as the previous Governments had also carried out amendments in the same Article by adopting the same route. Further, the decision to deploy the security forces in the valley is precautionary in nature so that no person should try to disturb the law and order situation by instigating the local public. Some hon. Members have made suggestions to hold consultation. We have been holding consultation for the past 70 years and we are tired now. Further, we do not want to negotiate with the Hurriyat. We will definitely hold consultation with the general public living in the valley if they do have any concern. I would further like to make it clear that there is no parallels between the Naga accord and the Article 370. The House should rest assured. We will not commit any blunder there. An argument has been given that terrorism in the Jammu and Kashmir drew its strength from the large scale unemployment. In my view, the feeling of alienation and terrorism in Jammu and Kashmir have their roots in Article 370. Another argument is that Jammu and Kashmir is a big State and it cannot be governed by an Advisor. Let the House know that the Jammu and

Kashmir will have its own public representatives. The State will have its own cabinet and it will be run by them. The Government does not have any communal agenda as not only Muslims but other communities like the Hindus, Jains, Buddhist and Sikhs etc also live in that State. Since the year 1989, about 41,500 persons have died in Jammu and Kashmir. I would like to ask the House whether we wish to tread on the beaten path or we should look other fresh avenues to defuse the situation. For how long we will be deaf to the aspirations of the people of Laddakh? Today, this House is going to correct a historic blunder. It is very surprising that not a single Member from the Opposition has enlightened the House about the possible benefit of the Article 370. How this Article can help the State? Because of this Article, the Government of India has not been able to apply 9 constitutional reforms and 106 Acts to the Jammu and Kashmir. The State does not have any Act to stop child marriage. It does not have Minority Commission. A number of other legislations like the Right to Education Act, the National Council for Teachers Education Act, the Land Acquisition Act, the Whistle Blower Protection Act, the Multiple Disability Act, the Maintenance and Welfare of Parents Act, the National Commission for Safai Karamcharis do not apply to the State of Jammu and Kashmir. The delimitation exercise was held in the entire country but it was not allowed to be held in the Jammu and Kashmir. The provision of reservation for the Tribals and Dalits is not a part of the State Statute.

The 73rd and 74<sup>th</sup> amendments to the Constitution are not applicable there. All these provisions will be applicable to the State of Jammu and Kashmir with the abrogation of this Article. The industries will be set up. The educational institutions and public health institutions will come up there. The people will get employment opportunities and they will get rid of poverty. The value of their land will increase. A number of luminaries like Madhu Limaye, Ram Manohar Lohiya, Abdul Gani, Atal Bihari Vajpayee had supported the abrogation of Article 370. All of them were secular in their approach. I, therefore, would like to request the House to think afresh about this Article and grant the opportunities of development to the people of three region namely the valley, Laddakh and Jammu. Let them have an opportunity to integrate with the mainstream of India.

*The Resolution was adopted*

*The Bill was passed*

*And*

*The Bill, by leave, was withdrawn.*

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## VALEDICTORY REFERENCE

**HON'BLE SPEAKER:** Hon'ble Members, we have now come to the close of the first session of the Seventeenth Lok Sabha, which commenced on the 17th June, 2019. During this Session, we had 37 sittings spread over 280 hours. This has been the most glorious session since 1952 with the cooperation of all of you. As per well established convention, on 17th June, 2019, the first sitting of the new House commenced with the observance of silence for a short while, to mark the solemnity of the occasion. As many as 539 Members took oath or made affirmation on 17th June and 18th June, 2019. On the 19th June, 2019, the Motion for Election of the Speaker was taken up. I indeed feel greatly honoured to have been unanimously elected by the House to the august office of Speaker. The House also adopted the Motion of Thanks on the Address of Hon'ble President to Members of both the Houses on 24th June, 2019. The Motion was adopted after a structured debate lasting over 13 hours 47 minutes. The Session also saw the disposal of important Financial, Legislative and other business. The Discussion on Union Budget 2019-20 lasted for 17 hours and 23 minutes. Discussion on the Demand for Grant No. 82 under the control of the Ministry of Railways 2019-20 lasted for 13 hours 06 minutes, till 12.00 clock in the night. The Demand for Grant No. 83 under the Control of the Ministry of Road Transport and Highways 2019-20 lasted for 7 hours 44 minutes. The Demand for Grants No. 84 and 85 under the

control of the Ministry of Rural Development and Grants Nos. 1 and 2 under the control of the Ministry of Agriculture and Farmers Welfare 2019-20 lasted for 9 hours 13 minute. The Demand for Grant No. 100 under the control of the Ministry of Youth Affairs and Sports 2019-20 lasted for 4 hours 14 minutes. All the other outstanding Demands for Grants in respect of Union Budget for 2019-20 of the remaining Ministries were put to the vote of the House and voted in full on 17th July, 2019 and the related Appropriation Bill was passed. During the current Session, 33 Government Bills were introduced. In all, 36 Bills were passed. This is the maximum number of Bills passed by the House so far since 1952. Some of the important Bills so passed are: The New Delhi International Arbitration Bill, 2019; The Protection of Human Rights (Amendment) Bill, 2019; Motor Vehicles (Amendment) Bill, 2019; The Muslim Women (Protection of Rights on Marriage) Amendment Bill, 2019; The National Medical Council Bill, 2019; The Consumer Protection Bill, 2019; The Code on Wages Bill, 2019; The Insolvency and Bankruptcy Code (Amendment) Bill, 2019; The Protection of Children from Sexual Offences (Amendment) Bill, 2019; besides Statutory Resolution regarding Article 370 of the Constitution in regard to Jammu and Kashmir State'; the Jammu and Kashmir Reorganisation Bill, 2019 and the Jammu and Kashmir Reservation (Second Amendment) Bill, 2019 was withdrawn. About 183 Starred Questions were orally answered. About 1066 Matters of Urgent public Importance were

raised by the Members during this Session by sitting late in the evening. Hon. Members also raised 488 Matters Under Rule 377. As many as 35 Statements were made by the Ministers on various important subjects including 6 Statements by hon'ble Minister of Parliamentary Affairs regarding Government Business. During the Session, as many as 1719 papers were laid on the Table by the Ministers concerned. Coming to the Private Members' Business, as many as 118 Bills on different subjects were introduced by Private Members during the first session. The discussion on the motion for consideration of the Compulsory Voting Bill, 2019 did not conclude. As regards, Private Members' Resolutions, the Resolution regarding the construction of canals through Ken-Betwa river-linking project to overcome the problem of water scarcity and stray cows in the Bundelkhand region remained part discussed. In this Session, the House sat 71 hours extra to pass important legislations and discuss various important issues. The First Session has been most productive in terms of number of legislations passed, utilisation of time and opportunity to first time Members to speak in the House. During the period from 17-6-2019 to 6-8-2019 in 37 sittings, a total number of 33 Government Bills were introduced and 36 Bills were passed. This figure is quite on the higher side when compared to the first session of First Lok Sabha in 1952 in which 32 Government Bills were introduced and 24 bills were passed even though the House sat for 67 days. The Bills were passed in such a

great number with the cooperation of all of you. Out of 265 newly elected Members, almost all of them got an opportunity to speak in the House either during zero hour or on another business of the House. During the zero hour out of 265 newly elected Members, 229 Members got the opportunity to speak in the House. Out of 46 newly elected women Members, 42 of them got opportunity to speak in the Zero Hour. I am very glad to say that during this period there was no loss of time due to interruptions, which is perhaps a record since 1952 till date. All of you conducted the proceedings of the House in a productive manner for which you all deserve compliments. I hope that this cooperation would continue in the coming session also to enable us to uphold the dignity of the House in the country and the world as well. During the current Session, on an average 7.6 Questions per day were answered, whereas during 1996-2019, on an average 3.35 Questions were answered. The maximum number of Questions were answered during this Session. As compared to first Session of previous Lok Sabhas, when only a few Members were allowed to raise Matters of Urgent Public Importance during Zero Hour, this time round as many as 1066 number of Matters were allowed to be raised during the Zero Hours including 161 Members who were allowed to speak on a single day i.e. on 18-7-2019. Overall productivity of the Session from 17-6-2019 to 6-8-2019 (37 sittings) turned out to be 125 per cent. I thank Speaker Pro tem Dr. Virendra Kumar and the members of the Panel of Chairmen appointed by the President for

sharing the responsibility of Presiding over the House in the initial days for administering Oath or Affirmation to the newly elected Members of the 17th Lok Sabha. I would like to thank my hon. colleagues in the Panel of Chairmen for their cooperation in the completion of business of the House. I am extremely grateful to the hon'ble Prime Minister, Minister of Parliamentary Affairs, Leaders of various parties and groups as well as the hon'ble Members for their cooperation. I would also like to thank, on behalf of all of you, our friends in the Press and the Media who presented the business of House before the people in a precise manner. I take this opportunity to compliment the Secretary General of Lok Sabha, officers and staff of Lok Sabha Secretariat for rendering assistance in the smooth conduct of the proceedings of the House. I also thank the allied agencies for their able assistance in the conduct of the proceedings of the House.

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## **NATIONAL SONG**

*The National Song was played.*

*(Lok Sabha adjourned sine-die at 7.39 P.M.)*

**SNEHLATA SHRIVASTAVA**  
*Secretary General*

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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