

[Shri Bhupesh Gupta]

should make a proper statement, at least to tell Parliament about the case. We are interested to know what exactly are the facts of his escape.

REFERENCE TO REMOVAL AND RELEASE OF SHRI P. K. KUNJACHEN

MR. DEPUTY CHAIRMAN: I have to inform Members that the following telegram dated the 11th March, 1975, regarding the removal and release of Shri P. K. Kunjachen, Member, Rajya Sabha, has been received from the Deputy Superintendent of Police, Shoranur:

"Shri P. K. Kunjachen MP who picketed labourers engaged in harvesting at Palathully Village Palghat taluk Kerala was removed from the scene at 11.30 hours on 11-3-75 to Pundunagaram police station under section 38(11) of Kerala police act for not conforming to the reasonable directions of Deputy Superintendent of police Shoranpur he was released after 30 minutes at 12.00 hour on 11-3-75."

MOTION RE STATEMENT IN RELATION TO THE STATE OF JAMMU AND KASHMIR

प्रधान मंत्री, परमाणु ऊर्जा मंत्री, इलेक्ट्रॉनिक्स मंत्री और अंतरिक्ष मंत्री, योजना मंत्री तथा विज्ञान और प्रौद्योगिकी मंत्री (श्री मती इंदिरा गांधी) : उपसभापति महोदय, मैं प्रस्ताव करती हूँ कि जम्मू तथा काश्मीर राज्य के संबंध में 24 फरवरी, 1975 को राज्य सभा में दिये गये वक्तव्य पर विचार किया जाये।

पिछले दो सप्ताह में देश ने शेख अब्दुल्ला के साथ हुए समझौते का अभूतपूर्व स्वागत

किया। (Interruptions) आप को क्यों बुरा लगता है। यह केवल राजनीतिक समझौता नहीं है। यह सद्भावना का एक ज्वलन्त उदाहरण है जिस ने देश की जनता को पूरी तरह प्रभावित किया है। शेख अब्दुल्ला ने अपने नये पद का कार्यभार सम्हाल लिया है। जैसा कि माननीय सदस्यों को मालूम है, वह दिल्ली आये थे, अपने विभिन्न मित्रों से मिले और राजनीतिक स्तर पर विचार-विमर्श में उन्होंने भाग लिया। जम्मू काश्मीर के इतिहास के एक नये अध्याय का आरंभ हुआ है। मुझे पूरा विश्वास है कि यह उस राज्य और सारे राष्ट्र के लिये शुभ होगा और अब हम इस भरोसे के रास्ते को अग्रनायें तो जो भी दूसरी समस्याएँ उठ रही हैं और जीवन में समस्याओं की कमी नहीं है; वह भी संतोषजनक रूप से सुलझाई जा सकती हैं। इस विषय पर बहुत कुछ कहा गया है। इस समय मैं और कुछ नहीं कहना चाहती हूँ। अगर वाद-विवाद में कुछ नयी बातें उठेंगी तो उन का जवाब चर्चा के बाद मैं दूंगी। मुझे आशा है कि सदन इस समझौते का अनुमोदन करेगा और जम्मू काश्मीर की जनता को अपनी शुभकामनाएँ भेजेगा।

MR. DEPUTY CHAIRMAN: There are three amendments. Mr. Mathur.

श्री जगदीश प्रसाद माथुर (राजस्थान) : उपसभापति महोदय, मैं आप की आज्ञा से प्रस्ताव करता हूँ कि प्रस्ताव के अन्त में निम्नलिखित जोड़ा जाय, अर्थात् :—

और उस पर विचार करने के पश्चात् यह सभा सिफारिश करती है कि जम्मू और काश्मीर राज्य के भारत के शेष भाग के साथ एकीकृत करने की जो प्रक्रिया पिछले दो दशकों से भी अधिक समय से चल रही है उसे भविष्य में भी जारी रखा जाय और उस राज्य को भारत के अन्य राज्यों के समकक्ष लाया जाये।

SHRI BHUPESH GUPTA: (West Bengal): I move:

2. That at the end of the Motion, the following be added, namely:—

"and having considered the same, this House approves of the accord and looks forward to all secular and democratic forces in the State of Jammu and Kashmir working together for the progress of the State, the well being of the people and further strengthening of the nation."

SHRI V. B. RAJU (Andhra Pradesh): Sir, I move:

3. That at the end of the Motion, the following be added, namely:—

"and having considered the same, this House approves of the accord and looks forward to all secular and democratic forces in the State of Jammu and Kashmir working together for the progress of the State, the well-being of the people and further strengthening of the nation"

The questions were proposed.

MR. DEPUTY CHAIRMAN: We can start the discussion, but I think...

SHRI S. S. MARISWAMY (Tamil Nadu): You can adjourn the House now.

MR. DEPUTY CHAIRMAN: I think that is better.

The House stands adjourned till 2.00 P.M.

The House then adjourned for lunch at fiftysix minutes past twelve of the clock.

The House reassembled after lunch at two of the clock, the **Vice-Chairman (Shri Jagdish Prasad Mathur)** in the Chair.

2.00 P.M.

THE VICE-CHAIRMAN: Mr. Bhupesh Gupta I hope you will co-operate.

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice-Chairman, I am very happy that we start this debate when a person such as you is in the Chair. It is symptomatic of the trend that this accord is receiving support from all sections of our people in the country, barring perhaps, a few, and now you are an exception.

Sir, in the midst of a disturbing economic and political situation through which we are passing today a very exhilarating event has taken place and I have no hesitation in saying that the accord which has been reached between Sheikh Abdullah and the Government of India is doubtlessly a significant step today which should be acclaimed by all men of goodwill irrespective of their political and other affiliations. After all, what has been achieved is not merely a constitutional or, shall we say, an administrative arrangement, what has happened is something even more fundamental. The step, we believe, will strengthen the forces of secularism and democracy in our country and be at the same time an invaluable contribution to the cause of national unity. That is why I say it goes to the very root of our thinking and existence. This accord has been achieved as a result of strenuous efforts by the representatives of the Government of India, not only Mr. Parthasarathy on the one hand and by the representatives of Sheikh Abdullah or, shall I say, Mr. Afzal Beg on the other. And the Sheikh himself, of course, played a part in it. I think all of them deserve our heartiest congratulations for the patience and forbearance they have

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shown, for the understanding they have displayed, for their attempts to come to a common agreement of the type that we have before us which is helpful not only to the people of Jammu and Kashmir but also opens a new chapter in the developing domestic relations which in its wake strengthen the forces of democracy and secularism in our country. Therefore, we look at this accord in the larger perspective of what we are striving for, namely, strengthening the unity of the country and its secular and democratic foundations. It has been indeed a victory, a triumph of all secular and democratic forces, and that is why we find today forces which are communal, anti-secular and anti-democratic have reacted violently to this accord and also the external forces which are hostile to us have not only taken unkindly to this accord which has been reached but have taken to assail it in a manner which is, to say the least, highly irresponsible.

Mr. Vice-Chairman, it has been a blow in particular to imperialism which always looked to the Kashmir problem or the Kashmir issue, as they call it, in order to divide our people, create difficulties for us and tensions in the sub-continent and, if possible, to involve Pakistan and India in conflict.

These forces of imperialism have certainly suffered a serious setback as a result of this accord which has been reached. It has also been a blow to Peking, if I may say so, because now-a-days we find that China, unlike in the past, is supporting the reactionary forces in Pakistan as in many parts of the world. They have come out with an attack against the accord. It is not surprising for us because in the so-called Shanghai Communique, which was issued some time back after the visit of some leaders and their meeting with Mao Tse-tung, they referred to the Kashmir problem and glibly talked about

the so-called self-determination of Kashmir. So, we are back to that theme of hate and disruption. Well, it is understandable from those quarters. But they all have suffered a rebuff. I am using that word because these people and especially the imperialists have always been trying to utilise the Kashmir situation or its relations as one of the constituent States with the Centre in a manner that would serve their nefarious designs and interests. Therefore, I think this accord is an answer to a prolonged conspiracy against the unity of our country, against democracy and secularism. As such, anyone who is patriotic in our land, anyone who wishes well of our country, should have no reservation in giving unstinting support to the terms of the agreement which have been arrived at. Here I must say that in the terms of the agreement, if you go through the agreement, as many of us have gone through, you will find that there is practically nothing new in the sense that nothing new has been written into the Constitution even indirectly, or is proposed to be written. In fact, the accord has been rightly claimed to have been within the framework of the Constitution. In the statement made by the Prime Minister in the other House and in this House also, she said:

"The agreed conclusions have been formulated within the framework of the Constitution of India"

This is the position. Therefore, the accord does not mean in any way a departure from the Constitution of India. I have mentioned this because some people are trying to make out, and we shall soon hear them, as if we are departing from the constitutional arrangement and indirectly smuggling something into the Constitution which was not intended by the Constitution or which runs counter to the spirit and letter of the Constitution. Nothing would be a greater distortion of truth or a more vulgar interpretation of the Constitution.

Mr. Vice-Chairman, as I said, it has been a great blow to the forces inimical to our country.

Now, unfortunately Prime Minister Bhutto has chosen this occasion to issue protests and even threats. The other day he called for a "hartal". Now we read in the newspapers that he has asked for some kind of a demonstration, observance of what he calls 'Day of Self-determination' on March 17.

It is rather surprising that Mr. Bhutto should have thought this was the best way to meet the situation which has been created. If anything, what has happened in Kashmir would strengthen the scope for our effort to bring about normalisation in the sub-continent and peace in the sub-continent. It is in absolute accord with the spirit of the Simla Agreement, if the spirit is not divorced from our commitment that we should work together for the establishment of a durable peace in the sub-continent. When Mr. Bhutto gives such threats and calls for action, well, I am reminded of the past. You will remember that immediately after the U.S. Pak pact was signed in 1954 or round about that time, again the Kashmir question came up. At that time the then Prime Minister of Pakistan said that he thought that the U.S. arms to Pakistan would help solution of the Kashmir problem. Referring to this speech in the Parliament on March 1, 1954, the late Prime Minister Pandit Jawaharlal Nehru said:

The Prime Minister of Pakistan has stated that by the receipt of the military aid, a momentous step forward has been taken towards the strengthening of the Muslim world, that Pakistan has now entered into a glorious chapter of its history and is now cast for a significant role in world affairs. He has also stated that this military aid will help to solve the Kashmir problem.

Somehow or other we find that connection again between military aid to

Pakistan and the revival of the Kashmir issue in Islamabad or Karachi or Rawalpindi, as the case may be. That connection seems to continue. It is quite clear that today when Bhutto speaks in this manner, naturally he has the prouiding, if not in publicly spoken words, and backing of American arms. Their arms are speaking, if I may say so. It is the U.S. arms which are already in Pakistan and which have been promised to be delivered to Pakistan that speak. Mr. Bhutto's word, therefore, should be taken in that connotation and in that light. Otherwise I cannot imagine why Mr. Bhutto should suddenly lose his balance and speak in this manner. He even said that Kashmir problem should have been settled bilaterally in accordance with the Simla Agreement. I again studied this Simla Agreement. I do not find any commitment on our part that internal problems of our country should be settled in consultation with Mr. Bhutto or the leaders of Pakistan or Government of Pakistan. There is no reference whatsoever. And there could be none. It would be a sad day if Mr. Bhutto has to solve his problems in some of his States or Provinces in consultation with us. How could it be? Bilateralism is intended to solve bilateral problems through bilateral discussion. Kashmir has been a problem—if you call it a problem—of internal democratic growth and development of national integration. If any residuary problem remains today, it is the problem which has been posed by Pakistan itself as a result of illegal occupation of some parts of the State of Jammu and Kashmir. If there is any bilateral talk called for, it is called for in respect of that part of Kashmir which is still under illegal occupation of Pakistan. The matter has been taken to the United Nations years ago. At no point even the United Nations challenged our claim and position with regard to the State of Jammu and Kashmir. This point was emphasized again and again by Pandit Jawaharlal Nehru both in this House and the other House. I recall to you the speech of

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Pandit Jawaharlal Nehru on March 28 1951, when he said:

Kashmir is juridically and politically an integral part of the State of India and at no time the United Nations Commission or the Security Council challenged this fact.

This was the position and even the United Nations could never challenge this fact, which was mentioned by our late Prime Minister in his speech in the Parliament itself. I do not know why Prime Minister Bhutto now should think in these terms. He thinks that we should have discussed it. Well, there is no question of any discussion. Are we to discuss with him as to who should be the Deputy Speaker in the Kashmir Assembly? Tomorrow he can say that. The day after tomorrow he can also say that we should discuss with him as to who should be the Commissioner of Police or the Inspector General of Police in Kashmir. It is absurd and I have never heard such fantastic statements having been made in international affairs. What has happened in Kashmir? The Constitution remains where it was. Kashmir remains as it is except the some part is under Pakistan's illegal occupation and we are not going into it at this moment. Nothing has changed there. All that has changed is that another Government, by agreement, has come into existence. Even the Assembly remains as it is and the same MLAs are there. Everything remains where it was except that a new Council of Ministers has been constituted, headed by Sheikh Abdullah. Therefore, how does it become something which defies the Simla Agreement? I cannot understand this. In 1972, with Mr. Mir Qasim there as the Chief Minister, Mr. Bhutto signed the Simla Agreement and he did not make any big point then. How does he now make a point when it has been decided that Sheikh Abdullah should be the Chief Minister of the State of Jammu and

Kashmir? When it has been endorsed even by the former Chief Minister of the State Mr. Mir Qasim, who has undoubtedly shown great imagination and understanding of the problem, how can Mr. Bhutto make any point now? This is the position now. Therefore, I say that this is an interference in the internal affairs of our country. Mr. Bhutto is interfering in the internal affairs of our country contrary to the Simla Agreement, defying the spirit of the Simla Agreement and all that it stands for. I think this is rather a serious matter and we are very sorry for Mr. Bhutto that he should not have learnt the lessons from history. It only harms Pakistan. We have no quarrel with Pakistan. When we talk about Pakistan, we feel that we are talking about our own brothers and sisters. Maybe, we are juridically divided. But there are many things, history, culture, association, language—these ties bind us together and these pulls are formidable pulls and, therefore, when we have to criticise Mr. Bhutto, we do so with a heavy heart, Mr. Vice-Chairman. After all, if all goes well with Pakistan, all goes well with us and if it does not go well with us, it does not go well with Pakistan. Our destiny our future, are all inter-woven together and we must go together as friends, as brothers and sisters, and as neighbours, as good neighbours, in our co-operative efforts to make our future. Mr. Bhutta got the bilateral agreement, well, the Simla Agreement, and I think the same should be lived up to. Why is he injecting a needless controversy where there is no controversy or dispute in this matter as far as the present arrangement in Kashmir is concerned? Therefore, I think that such an interference in the internal affairs of our country is not good and it does not speak well of a leader of an important country in this part of the world, namely, Mr. Zulfikar Ali Bhutto.

Now, Mr. Vice-Chairman, Sir, we are all naturally very happy that an agreement has been arrived at now. In fact, as you know very well, the

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(Interruptions)

SHRI BHUPESH GUPTA: Even when the talks were going on, the Jana Sangh were very much against the talks. They called it a conspiracy, plot and what not.

Recently, I find that an illustrious lady—shall I call her a dowager or ex-Maharani?..(Interruptions). She said that this is a sinister conspiracy. Now, what do we think? She may be marching in the 'people's march', flanked by Mr. Vajpai on the one side and Mr. Advani on the other side. It was a very good sight, no doubt—the lady being flanked on the one side by a confirmed bachelor and on the other side by an equally trust-worthy married man.

SHRI SUBRAMANIAN SWAMY: I hope you did not die of jealousy.

SHRI G. LAKSHMANAN (Tamil Nadu): You were also observing from some window. I saw you.

SHRI BHUPESH GUPTA: I was watching from the Western Court as to how the procession flopped. Now, many arguments have been raised about Article 370. What is Article 370? Here is the Constitution. The accusation is that Article 370 has been made permanent. Mr. Vice-Chairman, if this Article 370 has been made permanent, it has been done not by this Agreement, but some 15 or 20 years ago when the Kashmir Assembly was no more there. Nothing can be done about it. We have been living with it. It has been there since the commencement of the Constitution. Why should there be this sudden cry that this article has been made permanent? Kashmir was given a special status and it was left for the Kashmir Assembly to decide about Article 370. They did not decide anything. They wanted Article 370 to remain. They are not worried about it. Here also, we do not bother about it. On some occasions, Jan Sangh raised a hue and cry about it. Now they charge that it has been made permanent.

There is nothing of the kind. This agreement will continue giving the Kashmiri people their special status. (Time bell rings). I would like to add in this connection, before I sit down, that the Prime Minister has expressed hopes that Sheikh Sahib would now be in the mainstream of our national life. I fully share this. There is an obligation for us also. We must truly help him come into the mainstream of our national life. Let it not be said by Sheikh Sahib and others that we have asked him to get anchored like the house boats in the Dal Lake that never move. Ours is a running stream. It is the moving mainstream of our national life into which Sheikh Abdullah has come and certainly that will strengthen him and strengthen us. That is why we welcome this thing all the more in the larger national interest.

We know very well that we shall hear Mr. Mariswamy. He will refer to Mr. Karunanidhi's speech. He will claim something. I may say that no State was given the status as Kashmir got under Article 370 and it is useless now to bring in that kind of demand. Our Constitution did not give that kind of status to any State. So far as Centre-State relations are concerned, by all means democratise them by making the unity stronger. We are all for giving more economic powers to the States so that they can carry on their developmental efforts. At the same time, we are all for strengthening the unity of the country. It will be most uncharitable and hitting below the belt if this agreement is cited as an instance or a precedence in order to get something or to put forward certain demands, not openly separatist but with the spirit of separatism behind them. Mr. Karunanidhi has threatened that he would start other methods. We would like to hear from Mr. Mariswamy what other methods he has in mind. (Time bell rings). Therefore, let us not spoil this thing. I would ask Mr. Mariswamy and others to give it a national reception. I know that they may not support it. Jan

Sangh will certainly not support it. They have made up their mind. But the whole country has welcomed it. I have gone through many newspapers, editorials and other writings. Rarely have I come across an accord between the Government of India and some other people which has received such enthusiastic, whole-hearted support as this particular accord has received. Therefore, let us join with the people who have hailed this agreement and support this accord which has been arrived at as a result of painstaking efforts over the years. We must not only give it a trial but we must make it a resounding success for the sake of people of Kashmir. I should like to say that steps should be taken for the economic development of Kashmir, for the well-being of the people of Kashmir. My amendment speaks to that effect. I would urge upon the Central Government to render all possible material help to Sheikh Abdullah, his Government and the people of Kashmir so that the industries can come up, the economy can look up, the people get relieved and their distress and suffering are less than they are today. This is what I would like to say. This accord must be followed up by such measures for the well-being of the people of Kashmir. And that is the prime consideration in this context to which I must draw the attention of the Government. Again, before I sit down, I must congratulate those who have worked for the success of the accord and they deserve our appreciation. I do look forward to this effort producing still greater result. I do hope that Sheikh Abdullah when he has taken the helm of affairs in Kashmir will do everything possible as a statesman of the old British days, as a freedom fighter against the British imperialism and he would prove to be a powerful force in strengthening not only democracy within the country, not only secularism within Kashmir but the unity of the country as a whole.

With this perspective I once again extend our full support to a magni-

ficent agreement or, I should say, accord which has been arrived at for the well-being of the State of Jammu and Kashmir and the nation as a whole.

SHRI V. B. RAJU (Andhra Pradesh): Mr. Vice-Chairman, Sir, I rise to give the warmest welcome and express the highest appreciation of the accord that has been recently entered into between Shri Sheikh Abdullah and the Prime Minister Shrimati Indira Gandhi

Sir, my amendment is similar and the same as the amendment of Shri Bhupesh Gupta... (*Interruption*). It is a fact that there is an identity of views on certain important matters. Sir, I am grateful to Shri Bhupesh Gupta for the expression of his great appreciation of the achievement made by the Government and I claim this achievement as the achievement of the ruling party, the Congress Party.

Mr. Vice-Chairman, Sir, we have in this country a stable polity which has revealed its vigour and health, a democratic policy which has really risen to the level of solving the internal, domestic problems in a way that very few countries have been able to resolve whenever they faced such difficulties. Sir, the cultural level of the polity or the level of the political culture is always revealed by the manner in which the domestic issues are mostly resolved—it is not merely waging wars and achieving success but resolving the internal and domestic differences and also the manner in which they are resolved, leaving a good tradition for the posterity to take advantage of. About this accord, as Shri Bhupesh Gupta has said, there had been the widest appreciation, excepting one or two lone voices. And, it is really a significant factor that there has been a grand isolation. We are using the word 'grand' in grand alliance; like that there has been a grand isolation. With the exception of the Jan Sangh and its step-brothers the B.L.D. in a low key, not actually as vocal and as vociferous as the Jan Sangh, with the exception of these two

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political forces all shades of opposition political opinion welcome the accord on Kashmir.

AN HON. MEMBER: The B.L.D. is actually yet to be understood correctly.

श्री राजनारायण (उत्तर प्रदेश) :

बा एल डा का भा घांट रहे है?

SHRI KALI MUKHERJEE (West Bengal): It is a *kichhri*.

SHRI V. B. RAJU: I expect in this House some improvement over the performance in the other House because some time has passed and public reaction and response have been there. I hope our wisdom really uses the new direction and as Shri Bhupesh Gupta has said—I also actually stand by him and reiterate—there must be a national consensus. It is not a question of party consensus alone, national consensus must be there. And, in this democracy we have seen and we have been wise enough to distinguish between what is a party matter and what is actually a national matter and almost on all national issues we have been standing together.

Sir, not only here in this country but even outside there has been a very high appreciation. Even a newspaper like the *London Times*, which was not always happy with us, said:

The bulging file on a problem that surfaced nearly 30 years back will be closed and the United Nations will see the end of the long dispute with which it was saddled.

Even the *London Times* has said this and there should be nothing like a Kashmir issue now. This is a matter which we have to take note of. Even outside expression has been so receptive and so healthy that any dissenting voice in this country will not be appreciated.

Mr. Vice-Chairman, Sir, this accord which was achieved by us "is the result of the employment of all the

resources of patience and negotiational resilience at the command of the Prime Minister and her Advisers." I am quoting this from the writings of a columnist. Now, this is how the public press has received it and given great appreciation for the patience demonstrated and also the capacity to negotiate. What is the philosophy behind this accord? The philosophy is "Trust begets trust". That is the philosophy. Now, it is not the niceties, legal niceties and constitutional niceties, in which we sometimes get ourselves trapped. Now, there is trust after long years of distrust, say after nearly 22 years of distrust, there is trust again on both sides and on all sides. Now, it is in this atmosphere that we are now discussing the matter. Now, can it not be accepted by the opposition, particularly by these parties to which I made a reference? Kashmir is a bastion of secularism. It is here that a fitting reply was given to the notorious two-nation theory. Now, does not the Jan Sangh—to which fortunately or unfortunately, Sir, you belong to—realise that Kashmir has a special position because of both geography and history. There is some history behind it. It is a situation, I said it is a special situation, better or worse. (*Interruptions.*)

SHRI KALI MUKHERJEE: Do not argue with new-fascists in India.

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR): Mr. Prakashvirji will reply. Please hear him.

SHRI V. B. RAJU: Let us learn not to use bad words against each other. I am actually trying to fix my gaze at the Chair alone. I would not like to be disturbed, this way or that way. Sir, it is here that a befitting answer was given to the notorious two-nation theory. Now, as I said, Kashmir has by its history and geography a special position. When we

geography a special position. When we talk about Kashmir problem, it is not actually with regard to the part which is in the possession of India, Kashmir is divided and a part of Kashmir is under the illegal possession of Pakistan

SHRI SUBRAMANIAN SWAMY:
What are you doing about it?

SHRI V. B. RAJU: Because of the vulnerable position of a part which is occupied by Pakistan, the neighbouring country of ours, and since the people of Kashmir had passed through three wars and earlier raids, Sir, we must have sympathy for the people of Kashmir. Not only the people of Kashmir and the leadership of Kashmir have been giving the maximum support to the philosophy of socialism, secularism and democracy but also bearing the brunt of attacks from outside. Sir, it is very easy to sit far away from the border and talk sometimes in terms of waging a war. When war comes it is not those people who speak loudly that go to the battle-front.

AN HON. MEMBER: Hear, hear.

SHRI V. B. RAJU: It is the people on the border who actually shed their blood and give their life. It is very easy to sit in Delhi or in some part of the country, far away from Srinagar, and preach sermons. Now, in fact, I would like to say that this accord, really....

SHRI SUBRAMANIAN SWAMY:
Shyama Prasad Mookerjee! You killed him.

SHRI V. B. RAJU:would help in the ideological battles which are now being fought, secularism and democracy on one side and communalism and reaction on the other. Now these are the bodies which will really give us the desired results and now this accord would really help us.

Now it is easy to belittle these things but after passage of time their significance will be realised.

SHRI SUBRAMANIAN SWAMY:
Selling out!

SHRI V. B. RAJU: I do not think some of the critics....

SHRI SUBRAMANIAN SWAMY:
Not only giving a special status because of communal....

SHRI V. B. RAJU: Sir, I would request you to help me by stopping this running commentary.

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR): You don't see.

SHRI V. B. RAJU: I do not see. I am only appealing.

Sir, sometimes when we do not have arguments we use actually loud voice. That is not good. We have here to understand the things correctly and really help in the situation. As Mr. Bhupesh Gupta said, it is not....

(Interruption by Shri Subramanian Swamy)

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR): Mr. Swamy, you are making....Please.

SHRI V. B. RAJU: Sir, I do not find such people really helpful. I do not think those who come and say "Did I not tell you?" are helpful. It is not that. We have to see that certain things do not go wrong not only that we do not commit mistakes here but also that friends in Kashmir also do not commit mistakes. It is ultimately the greater integration, the higher integration which we are aiming at. There is no difference of opinion on that point. What is the fun of trying to actually break this accord wholesale and say there is a difficulty here, there is a difficulty

[Shri V B. Raju]

there and try to point out such things which might prejudice the atmosphere? It is not that. What is your objective ultimately?

This accord was not entered into because of any diffidence or lack of confidence or lack of strength on any side. It is from confidence and strength that this accord has actually been arrived at. (*Time bell rings*) How much time have you given me, Sir?

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR): You have taken fourteen minutes.

SHRI V. B. RAJU: Any step that will bring about political stability and tranquillity in Kashmir—a sensitive border State—will be of great benefit to the whole country. Let this be remembered in history. This accord is an achievement marking the maturity in our political development.

Sir, as has been said by Sheikh Abdullah, 'The accession of Jammu and Kashmir is not a matter at issue. It has been my firm belief that the future of Jammu and Kashmir lies with India because of the common ideals we share'. What more do we want, Sir?

SHRI SUBRAMANIAN SWAMY: He is talking like another Prime Minister.

SHRI V. B. RAJU: Sir, it is only Shri Subramanian Swamy who speaks like that.

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR): Don't hear him.

SHRI V. B. RAJU: The return of Sheikh Abdullah to Srinagar and to the mainstream of political life is to the good of the State and the country. The nation will welcome Sheikh Abdullah's return to constructive political life and share the confidence expressed by the Prime Minister that

he will make his own distinctive contribution to the task of strengthening the nation and sustaining its ideals.

Sir, I would like to emphasise on one point which I hope the Opposition will really take note of. We are talking about Centre-State relations. I think in this particular case the general aspect of Centre-State relations is not very much relevant but yet by accepting a variant in Centre-State relationship, the accord reminds that in a country, as varied as ours, the essence of unity should not be sacrificed at the altar of unity. What the Jana Sangh wants, as I understand, is unity. Unity presupposes diversity. Since we have diverse people, diverse areas, diverse climes and diverse interests too in fact, we are trying to achieve unity; otherwise the slogan of unity would not have come at all. What is it that the Jana Sangh wants? Unity alone? Is it possible and is it desirable? Our strength lies in unity in diversity". That is what is being aimed at. The special status to Kashmir through Article 370 is not an exclusive matter. Other Articles also in this Chapter follow, Article 371 and its parts also provide for special requirements of Nagaland and other States. The Chapter has only transitional provisions. So, it is not only Kashmir that has been given special status but other parts also have been given special status. Even in the Union all the areas do not enjoy the same status. There are the Union Territories. There were the constituent federal unions like the States. There are smaller States, very small States and very big States. Where is the question of achieving uniformity? Then we are committing a mistake in understanding 'accession' and 'integration'. About accession there was no dispute. 'Integration' is a question of degree; how far we have been able to integrate the people of this country perfectly is the question. Sir, that is why, in a nation, apart from these three pillars—democracy,

socialism and secularism—there is also unity' on which we have to emphasize. It is very essential. We are multi-ethnic, multi-religious and multi-lingual people. We are not a single homogeneous community as you find in the United Kingdom or Federal Germany or France or for that matter even in Bangladesh. Therefore it is the history of the country, it is the peculiarity of the country that has to be borne in mind. Every aspect has to be treated on its merits on the actual situation of the country. Sir this Kashmir has a special provision, as I said due to both history and geography. (*Time Belongs*). Just give me five minutes.

Sir the new developments in democracy are bound to have a healthy influence on the situation across the border. That is the point that has unnerved the rulers of Pakistan and that is why Mr. Bhutto is also making some noise. Sir, let me at this moment bring to the notice of the House how Radio Pakistan tried to exploit an incident in Jammu on the day of the swearing in when there was some demonstration when there was some law and order trouble; the Pakistan Radio seems to have broadcast that the armed forces, the army opened fire on those who did not agree with the accord. Pakistan had in its mind that pro-Pakistani elements were put down whereas here it was the Jana Sangh who disturbed the law and order. See, how the things become conspired and how the Radio Pakistan has exploited the event that there were elements who in this country were against this accord presumably meaning pro-Pakistani elements.

Sir, we should be very careful in our agitations in our dissent and all these things. Sir, Mr. Bhutto's letter to the members of the U.N. Security Council on Kashmir accord shall be taken up by us for the purpose of record and nothing more or nothing less. This matter is a closed chapter.

Sir, in legal houses and outside Article 370 has been mentioned very prominently and the Prime Minister has said very clearly and it has been said in the accord also, that nothing peculiar has been done nothing specific has been done to alter the position or alter the contents or alter the spirit of Article 370. It is not there, Sir. It is a matter of fact.

SHRI SUBRAMANIAN SWAMY: (Uttar Pradesh): Very offensive.

SHRI V. B. RAJU: Now, Article 370. It was provided by the Constituent Assembly—and Shri Gopalaswami Ayyangar made it very clear, very clear—and it is said also in Article 370 (3) that the President could repeal that Article or could modify or do anything provided the Constituent Assembly which was going to be established—Mr. Gopalaswami Ayyangar had said at that time—in Jammu and Kashmir would ask for it. And that Assembly did not ask for it. There was no Presidential Order issued. The Article has been there. The Constituent Assembly did sit from 1951 to 1956, and after 1956 in these two decades many Acts have been applied and many Constitutional provisions have been applied to Jammu and Kashmir. Things have been going on smoothly. And what is the change that has been brought about now? Nothing. Now, in fact I should compliment the leaders of Kashmir particularly Mr. Sheikh Abdullah and his emissary, for having agreed about the appointment of a Governor about the Election Commission, about the franchise about the Legislative Bodies—many things. The Assembly of Kashmir has powers today to amend their Constitution and actually change the character. They have agreed not to do that. This is an achievement that has not been highlighted. In fact, this accord secures the co-operation of the leadership of the Jammu and Kashmir State that such important matters are not going to be amended.

[Shri V. B. Raju]

No. 5 as an arrangement reciprocal to what has been provided in Article 360(i), a suitable modification of such Article as applied to the State should be made by Presidential Order to the effect that no law made by the Legislature of the State of Jammu and Kashmir seeking to make any change or in the effect of any provisions of the State of Jammu and Kashmir relating to any of the under-mentioned matters shall take effect unless the Bill having been reserved for the consideration of the President receives his assent. What are those? The appointment powers and functions and privileges of the Governor, and also election and other things. Now today the Kashmir Assembly by two-thirds majority can change it. Even though they have the power, they have agreed that without actually the Bill being approved by the President of India, they will not do it. Now it is such a concession for better integration that actually the leadership in Kashmir has agreed... (Interruptions). Sir, my point is that we have marched much ahead, we have gone far ahead, by this accord in the process of integration. Any agreement or accord is on a give and take basis. There is no question of failure; there is no question of success.

Sir, in the end I will say only one point. I think this Parliament will be not performing its function properly unless it takes note of the sacrifice made by the Legislature Congress Party of Jammu and Kashmir Assembly. Sir, any accord with Kashmir is a domestic matter. Even change-over is a domestic matter of the Congress. When it is a domestic matter of the country, it is a domestic matter of the Congress....

(Interruptions).

SHRI RABI RAY (Orissa): Mr. Sheikh Abdulla is not a Congressman.

SHRI V. B. RAJU: Congress has a right to be in office in Jammu and Kashmir.

SHRI RABI RAY: Sheikh Abdulla is not a Congressman.

SHRI V. B. RAJU: That is exactly so. Mr. Rabi Ray has agreed for the first time with me that the Congress Party has sacrificed its interests to be in power and has allowed actually a non-Congress party to come there. It is in the best interests of the nation. It is not for party purposes. It is only for integrating Kashmir closer with the rest of India. It is a sacrifice made by the Congress Party. On this occasion I take the opportunity to salute Shri Mir Qasim for having actually done a virtuous thing in history

श्री प्रकाशवीर शास्त्री: (उत्तर प्रदेश) :
उपसभापति जी, जवाहरलाल नेहरू को अपने जीवन में दो बार विश्वासघात का शिकार होना पड़ा। एक अवसर था जब 1962 में चीनियों ने भाई भाई का नारा लगा कर भारत पर आक्रमण किया और भारत की पीठ में छुरा भोंका। दूसरा अवसर था जब महाराजा हेमचन्द्र सिंह के विरोध के बावजूद पंडित जी ने जिन शेख अब्दुल्ला को काश्मीर का सर्वेसर्वा या प्रधान मंत्री बनाया उन्होंने स्वतन्त्र काश्मीर राज्य का मुल्तान बनने का स्वप्न लेना प्रारम्भ किया और 1953 में पंडित जी को विवश होकर मर्मन्तक पीड़ा के साथ उनको गिरफ्तार करना पड़ा। प्रधानमंत्री श्रीमती इंदिरा गांधी ने इस समझौते के सम्बन्ध में यहां और उस सदन में जो वक्तव्य दिया उससे मेरे जैसे कुछ व्यक्तियों का चिंतित होना स्वाभाविक था। लोक सभा में इसी प्रकार के वाद-विवाद के बाद जो उन्होंने उत्तर दिया उससे कम से कम मुझे या मेरे दल को कुछ थोड़ा सन्तोष हुआ जब उन्होंने कहा कि यह एक महान् प्रयोग है, एक ग्रेट एक्सपेरीमेंट है। मैं समझता हूं कि प्रधान मंत्री भी स्वयं इस सम्बन्ध में सतर्क हैं कि इस समझौते के बाद भी कुछ कठि-

नाइयां हो सकती हैं या कुछ ऐसी सम्भानाएं हो सकती हैं जिनका और से सरकार को या देश को पूरा तरह से सतर्क रहना चाहिए। हमारे कहना केवल इतना है कि एक बार नहीं, दो बार नहीं, तीन बार जिस व्यक्ति का परीक्षण या प्रयोग किया जा चुका है उसका चार बार प्रयोग करना खतरनाक है। चाणक्य ने नैति शास्त्र में लिखा है 'न विश्वसते अविश्वस्तम्', एक बार जिसका विश्वास चला जाय बड़े फूंक-फूंक कर उसका विश्वास करना चाहिए। तीन बार जमाना विश्वास खो चुका है हमारा कहना है कि उसके सम्बन्ध में चौथी बार इस तरह का परीक्षण करना अपने को संकट में डालने की स्थिति है।

उपसभापति जी, मैं इस प्रकरण को दूसरी ओर ले जाना चाहता हूं। जब जम्मू और काश्मीर राज्य का भारत में विलय होने लगा तो देश की दूसरी रियासतों ने जिस विलयपत्र पर हस्ताक्षर किए, हैदराबाद और जोधपुर ने जिस विलयपत्र पर हस्ताक्षर किए उसमें और महाराजा हरिसिंह ने जिस विलयपत्र पर हस्ताक्षर किए उसमें कोई अन्तर नहीं था। लेकिन जम्मू और काश्मीर राज्य के भारत में विलय में देर हुई। उस देर के दो कारण थे। मैं अपने शब्दों में नहीं कहता, जम्मू और काश्मीर राज्य के उस समय के जज दीवान थे, जो आगे चल कर सर्वोच्च न्यायालय के चीफ जस्टिस बने, उन श्री नेहरु चन्द महाजन ने लिखा है कि राज्य के भारत में विलय होने में देर के दो कारण थे। एक कारण यह था कि रेडक्लिफ एवार्ड ने 15 अगस्त, 1947 को यह नहीं बताया था कि पठानकोट तहसील भारत में रहेगी या पाकिस्तान को मिलेगी। अगर पठानकोट भारतवर्ष को न मिलता तो धरती से काश्मीर जाने का हमारे पास कोई मार्ग नहीं था सिवाय इसके कि आकाश के मार्ग से जायें। दूसरे, जस्टिस महाजन के अनुसार, इसलिए भी देर हुई जम्मू और काश्मीर राज्य

के भारत में विलय के बाद महाराजा हरिसिंह इस बात से सहमत नहीं थे कि जम्मू और काश्मीर राज्य के भारत में विलय के पश्चात् शेख अब्दुल्ला को जम्मू और काश्मीर का प्राइम मिनिस्टर बनाया जाय। आप और हम कह सकते हैं कि वे राष्ट्रीय स्वतंत्रता संग्राम के नेता थे, लेकिन महाराजा हरिसिंह को उनकी गतिविधियों को देखने के बाद उनके ऊपर विश्वास नहीं था, जैसा कि 1953 में हमारी सरकार का भ्रम मानना पड़ा और श्री रफी अहमद क़िदवाई, मलाना आजाद और पंडित जवाहरलाल नेहरू को यह कहना पड़ा कि पाना नाक तक आ गया है, इसके बाद कई चारा नहीं है, सिवाय इसके कि उनको जेल पहुंचाया जाय, उनको बाहर रखने से जम्मू और काश्मीर के भविष्य के साथ हम खिलवाड़ करेंगे। शेख अब्दुल्ला दो बार पहले गिरफ्तार हुए, जिसके बाद उनको रिहा किया गया। मैंने इस बात को देखने का प्रयास किया संसद के लाइब्रेरी में कि उस समय सरकार ने क्या वक्तव्य दिए शेख साहब की गिरफ्तारी के सम्बन्ध में। पहली बार 1953 में जब उनको गिरफ्तार किया गया उस समय पंडित जी ने बड़े दुख के साथ कुछ शब्द कहे क्यों उनको गिरफ्तार किया गया। मैं उन शब्दों के विस्तार से चर्चा नहीं करना चाहता। फिर दुबारा जब उनको छोड़ा गया और उसके बाद गिरफ्तार किया गया, भारत सरकार ने क्या शब्द कहे उनको भी मैं याद नहीं दिलाना चाहता। मैं तो अन्तिम बात की याद दिलाना

चाहता हूं जो भारत सरकार 3 P.M. ने शेख अब्दुल्ला के सम्बन्ध में

एक विस्तृत प्रेस नोट में कही थी 1965 में। 1965 में यह प्रेस नोट तब जारी किया गया था जब शेख अब्दुल्ला को हज की यात्रा का पासपोर्ट मिला था और उसी के दौरान अपने लड़के से मिलने के लिए लन्दन जाने की उनको अनुमति दी गई थी। लेकिन शेख साहब ने अपनी हज यात्रा का और इस पासपोर्ट का दुरुपयोग किया और उन्होंने कई देशों की यात्रा की। यात्रा के दौरान जो

[श्री प्रकाशवार शास्त्री]

उनका अपना कार्यक्रम था और काश्मीर के सम्बन्ध में जो उनकी अपनी योजनाएँ थीं उन पर उन्होंने विस्तार से प्रकाश डाला। लेकिन सब से अधिक भारत सरकार को जो बात खली और जिस के लिए भारत सरकार को वह प्रेस नोट जारी करना पड़ा— सरदार स्वर्ण सिंह जी यहां बैठे हुए हैं, वे इस बात की गवाही देंगे, वह बात जिसके कारण भारत सरकार को शेख अब्दुल्ला का वह पासपोर्ट रद्द करना पड़ा और शेख अब्दुल्ला को बीच में, उनकी यात्रा के बीच में वापस बुलाना पड़ा, वह बात यह थी कि शेख अब्दुल्ला अपनी उस यात्रा में जो हज करने और लन्दन गये थे उसके साथ ही वह मिश्र गये और अल्जीरिया भी गये। अल्जीरिया में जो पाकिस्तान की इम्बेसी थी, जो पाकिस्तान का दूतावास था उसने उनके लिए एक प्रेस कांफ्रेंस की व्यवस्था की। उस प्रेस कांफ्रेंस की व्यवस्था की गई अल्जीरिया के पाकिस्तानी राजदूतावास में और उस दूतावास ने शेख अब्दुल्ला को चीन के प्राइम मिनिस्टर चाऊ एन लाई से मिलाने की व्यवस्था भी की। यह दोनों वहां पर मिले और मिलने के बाद, जो उस प्रेस नोट के वाक्य हैं, भारत सरकार के प्रेस नोट के मैं उसकी बात ही कह रहा हूं, मैं अपनी ओर से कोई नयी बात नहीं कह रहा हूँ। मैं चाहूंगा कि यदि कांग्रेस के कोई मित्र मेरी इस बात को गलत मानें कि जिस प्रेस नोट की चर्चा मैं कर रहा हूँ उस में यह बात नहीं है, मैं अपनी ओर से कोई बात कह रहा हूँ या बना कर कोई नयी बात रख रहा हूँ तो वह मुझे अभी बतायें। उस प्रेस नोट में लिखा है कि पाकिस्तान की इम्बेसी उनकी पब्लिसिटी आफिसर बनी हुई थी। उस प्रेस नोट में लिखा है भारत सरकार ने कि शेख अब्दुल्ला काश्मीर को स्वतन्त्र राज्य बनाने के लिए चीन का सहयोग लेना चाहते थे, चीनी प्रधान मंत्री का सहयोग लेना चाहते थे और भारत के और जो दूसरे मित्र देश थे उनका भी वह सहयोग लेना चाहते थे।

यहीं तक नहीं, उस प्रेस नोट में भारत सरकार ने यह भी लिखा कि शेख अब्दुल्ला पाकिस्तान का माउथ पीस बन गये थे और अल्जीरिया में जो उनकी प्रेस कांफ्रेंस हुई उसको दृष्टि में रख कर भारत सरकार को उनका पासपोर्ट रद्द करना पड़ा और उसके बाद उनको बुलाना पड़ा। लेकिन वहां जो उन्होंने प्रेस कांफ्रेंस की उसमें सब से आपत्तिजनक बात यह थी और जिसको मैं चाहूंगा कि प्रधान मंत्री जी मेरी बात को सुन कर बतायें और देश को सान्त्वना दें। जो एक संदेह का वातावरण बना हुआ है उसकी कुछ पृष्ठभूमि है। चीन ने जब 1962 में भारत पर आक्रमण किया और भारत की दो हजार वर्गमील भूमि पर जब कब्जा किया और जिस पर आज भी चीन का कब्जा है उस का उस समय शेख ने विरोध नहीं किया और यह नहीं कहा कि यह भारत की धरती है जिस पर चीन ने अपना कब्जा किया है। लेकिन वहां जाकर चीन और पाकिस्तान का जो ज्वायंट कम्युनिके पेंकिंग से ईश्यू हुआ था, शेख अब्दुल्ला ने उसका समर्थन किया। यह मैं भारत सरकार के प्रेस नोट की बात कह रहा हूँ जो यह उस प्रेस नोट में लिखा है। मैं जानना चाहता हूँ प्रधान मंत्री जी कि आप जो यह एक्सपेरीमेंट करने जा रही हैं, महान प्रयोग करने जा रही हैं तो शेख अब्दुल्ला के उस स्टैंड में और आज के स्टैंड में किसी तरह का कोई परिवर्तन आया है क्या? आज शेख अब्दुल्ला की क्या स्थिति है? उनकी क्या नीति है और चीन और पाकिस्तान के उस कम्युनिके के बारे में और उस धरती के बारे में जिस पर चीन आज भी अपना अधिकार कर के बैठा है। यह है वह कारण जिन से देश में मुझ जैसे व्यक्तियों को शेख अब्दुल्ला की पृष्ठ भूमि में संदेह पैदा होता है।

दूसरी बात, प्रधान मंत्री जी ने जो दक्षव्य दिया उस में उन्होंने कहा कि यह जो जम्मू काश्मीर के बारे में समझौता हुआ है उसमें शेख अब्दुल्ला की महत्वपूर्ण भूमिका

रही है। अब मैं प्रधान मंत्री जी से नम्रता के साथ निवेदन करना चाहता हूँ कि इस भूमिका का कुछ इतिहास भी उनको जानना चाहिए। मेरी अपनी एक परम्परा रही है कि अगर किसी बात की जानकारी मुझे मिले और वह व्यक्ति जीवित हो तो उसके जीवन काल में ही मैं उस बात की पुष्टि कर लेना चाहता हूँ ताकि बाद में कोई किसी प्रकार की आपत्ति खड़ी न हो और किसी प्रकार की इन्कार की बात भविष्य में न आये। बात सीधी सी थी। बख्शी गुलाम मुहम्मद लोक सभा के सदस्य थे और बख्शी गुलाम मुहम्मद की उपस्थिति में मैंने लोक सभा में इस बात को उठाया था। सीभाग्य से बख्शी जी ने उस बात का विरोध नहीं किया। मैंने कहा कि आप चाहेंगे कि आप इसको काट्टेडिक करें या इस बात का विरोध करें? उन्होंने कहा कि वास्तविकता का विरोध कौन कर सकता है। बात क्या हुई। जिस विलय के बारे में श्रेय हमारी प्रधान मंत्री जी शेख अब्दुल्ला साहब को देना चाहती है। मैं प्रधान मंत्री की जानकारी के लिए कहना चाहता हूँ कि जब जम्मू-काश्मीर के राज्य का भारत के साथ विलय नहीं हुआ था उस समय शेख अब्दुल्ला ने अपने दो प्रतिनिधि भेजे। एक भेजा जिन्ना साहब से मिलने के लिए, उन्होंने काश्मीर के पहले मुख्य मंत्री श्री मादिक साहब को और दूसरा भेजा पंडित जी से मिलने के लिये बख्शी गुलाम मुहम्मद को। मादिक साहब को कहा कि जिन्ना साहब से पूछ कर आओ कि अगर काश्मीर पाकिस्तान के साथ मिलता है तो हमारी क्या स्थिति रहेगी।

बख्शी साहब को भेजा पंडित जी से मिल कर आओ कि यदि जम्मू-काश्मीर भारत के साथ मिलता है तो हमारी क्या स्थिति रहेगी? जिन्ना साहब ने सीधा सादा उत्तर दे दिया कि जिस तरह से सिंध है, पंजाब है, फ्रन्टियर है और दूसरे राज्य हैं, उसी तरह से जम्मू-काश्मीर भी पाकिस्तान का एक अंग बन कर रहेगा। विशेष स्थिति का क्या

सवाल आता है? लेकिन पंडित जी के पास बख्शी जी आये तो उन्होंने कहा कि यदि जम्मू-काश्मीर भारत के अन्दर मिलता है तो निश्चित रूप से उसकी विशेष स्थिति रहेगी। शेख साहब ने सोचा कि पानी यहा भरता हुआ दिखाई देता है, भारत से मिलने में कोई लाभ है, वह कहते हैं कि एक विशेष स्थिति रखी जाएगी। तो जिस शेख अब्दुल्ला को इतना महत्व दिया जा रहा है, उसी शेख अब्दुल्ला के जीवन की पृष्ठभूमि यह है जो मैंने बख्शी साहब की उपस्थिति में लोक सभा में यह प्रकरण रख कर बताई। आज भी लोक सभा की कार्यवाही को देखा जा सकता है—वह मैंने इसलिये रखी कि बाद में चलकर इतिहास के पृष्ठों का कोई झुठला न सके जैसे कि कहा जा रहा है कि उनकी महान भूमिका रही। मैं विशेष रूप से जानना चाहता हूँ, सरदार साहब भी यहां हैं, प्रधान मंत्री भी यहां हैं कि यह आ बैल मुझे मार की नीति मेरी समझ में नहीं कि आज शेख साहब से इस समझौते की क्यों आवश्यकता पड़ी। क्या जम्मू-काश्मीर में कोई बगावत होने जा रही थी कि शेख साहब को सत्ता नहीं दी जाएगी तो राज्य में विद्रोह हो जाएगा? या भारत में यह माग हो रही थी कि शेख अब्दुल्ला को सत्ता सौंपी जाए या फिर विदेशी प्रेक्षक इसके पीछे थे? आखिर किस वजह से यह समझौता हुआ, यह बात मैं आज तक समझ नहीं सका। इस समझौते की पृष्ठ भूमि का आधार क्या था जिस ढंग से समझौता हुआ है उस पर मुझे ज्यादा दुख तथा आपत्तिजनक बात यह दिखाई देती है। क्योंकि जिस समय मैं कहता हूँ कि प्रजातन्त्र के अन्दर सब से बड़ा संविधान है और उसके बाद संसद है। प्रजातन्त्र में कोई भी हो, प्रधान मंत्री हो, विदेश मंत्री हो, रक्षा मंत्री हो, कोई भी उस से ऊपर नहीं माना जा सकता। प्रजातन्त्र में सब से बड़ा संविधान होता है और उस के बाद संसद् होती है। संसद् में कोई भी निर्णय लिया जाए तो जो निर्णय इतिहास के पृष्ठों को बदलने वाले

[श्री प्रकाशवार शास्त्री]

हों, जो काल चक्र को बदलने वाले हों, वह संसद् की सम्मति से लिये जाने चाहियें। दो साल से ये चर्चायें चल रही हैं और दो साल की चर्चाओं में हम बराबर यह प्रश्न उठाते रहे जब भी शुक्रवार को बिजनेस अनाउंस किया जाता था तो हम यह पूछते थे कि समाचार पत्रों में यह बात आ रही है। आप को संसद् को बताना चाहिए कि क्या स्थिति है, क्या होने वाला है। लेकिन सरकार चुप अपने मुंह पर पट्टी बांधे हुए बैठी रही। जिस दिन शेख अब्दुल्ला को गद्दी सौंपी जानी थी, उस के बीच में केवल एक रात रहती थी। संसद् में भी बहस उस पर नहीं हो सकती थी। उस दिन प्रधान मंत्री ने 4 बजे लोक सभा में और 5 बजे राज्य सभा में एक वक्तव्य दे दिया ताकि उस पर किसी प्रकार की चर्चा न हो सके। मुझे सब से बड़ी आपत्ति इस बात की है कि इस संसद् को अंधेरे में रख कर इस प्रकार का समझौता क्यों किया गया? अगर भारत सरकार यह सोचती हो कि प्रचण्ड बहुमत में हम ने कच्चा टीबू का समझौता कर लिया और बाद में जा कर संसद् को बताया, हम ने ब्रेलवाड़ी का समझौता बाहर कर लिया और पार्लियामेंट को खबर दे दी, हम ने कच्छ का समझौता कर लिया और पार्लियामेंट को बाद में खबर दे दी, तो मैं बड़ी नम्रता के साथ प्रधान मंत्री जी से कहना चाहता हूं कि यह आदत स्वस्थ जनतंत्र की परिचायक नहीं है। स्वस्थ जनतंत्र का परिचायक बात तो यह है कि आप को यह करना चाहिए था कि अपनी पार्टी के सदस्यों पर भी ह्विप जारी न करते और जो आप समझौता करने जा रहे थे एक बार उस को लोक सभा और राज्य सभा में खुली चर्चा का विषय बना लेते। आप का इतना प्रचण्ड बहुमत है, उस पर एक दम से भी चाहते तो इस समझौते पर स्वीकृति की मुहर लग सकती थी। लेकिन इस से जनतंत्र की स्वस्थ दिशा का विकास होता कि प्रधान मंत्री ने कोई भी निर्णय लेने से पहले देश

के जो प्रतिनिधि हैं उनके सामने अपना मन खोल कर रखा, उन का मन उस के ऊपर जाना और जानने के बाद कोई निर्णय लिया। इस से लगता है कि डेमोक्रेसी का आदर, प्रजातन्त्र का सम्मान किया जा रहा है। लेकिन इस सरकार ने संसद् को अंधेरे में रख कर जिस दिन शेख को सत्ता सौंपी जानी थी सुबह नौ बजे उस के पहले दिन सायंकाल संसद् को बताया। यह मैं समझता हूं कि संसद् की वरिष्ठता और प्रजातन्त्र के दूसरे नम्बर पर जो संसद् संविधान के पश्चात् मानी जाती है, उस की स्वस्थ परम्पराओं की अवहेलना है।

दूसरी बात मैं विशेष रूप से कहना चाहता हूं कि प्रधान मंत्री जी ने शेख अब्दुल्ला को श्रेय दिया है कि उन्होंने जम्मू-काश्मीर के भारतवर्ष में विलय को अंतिम माना है और यह कहा है कि इस का श्रेय शेख जी को जाता है। लेकिन मैं एक बात कहना चाहता हूं। राजू साहब ने तो जम्मू काश्मीर का संविधान पढ़ा होगा। जम्मू काश्मीर के संविधान की एक धारा है 147; 147 धारा में, सभापति जी, बड़ा स्पष्ट लिखा हुआ है कि जम्मू-काश्मीर की विधान सभा अगर किसी कानून में परिवर्तन करना चाहे, नया विधेयक लाना चाहे तो कर सकती है, उस के लिए स्पष्ट व्यवस्था है। दो तिहाई मेजरिटी चाहिए या इतना बहुमत चाहिए। लेकिन 147 धारा में जम्मू-काश्मीर के संविधान में स्पष्ट लिखा हुआ है कि जम्मू-काश्मीर की विधान सभा को राज्य का जो भारतवर्ष में विलय हुआ है, इस के सम्बन्ध में कोई संशोधन लाने और कोई विधेयक लाने और कोई अमेंडमेंट लाने का किसी प्रकार का अधिकार नहीं होगा। यह वहां की संविधान सभा का मत है जिस के लिए शेख अब्दुल्ला को श्रेय दिया जा रहा है। यह संविधान सभा का निर्णय है और इस के लिये किसी एक व्यक्ति को श्रेय देने की आवश्यकता नहीं है।

दूसरी बात मैं कहना चाहता हूं वह यह कि प्रधान मंत्री का वक्तव्य जो यहां हुआ

उसमें है कि जो जनमत संग्रह मोर्चा है, मिर्जा अफजल बेग ने कहा है कि अब इस की कोई आवश्यकता नहीं रह जाती। एक बात मैं आश्चर्य के साथ सोच रहा हूँ कि यह जो जनमत संग्रह मोर्चा, प्लेबेसाइट फ्रंट था लगता ऐसा है कि यह दो व्यक्तियों के लिए ही बनाया गया है। इन्हीं का नाम जनमत संग्रह है। जब ये कुर्सी पर बैठ जायेंगे तब जनमत संग्रह कम्पलीट हो जायेगा। क्या इन के हाथ में सत्ता सौपने का नाम जनमत है? मैं इस से भी अलग एक बात कहना चाहता हूँ। जनमत संग्रह मोर्चा, जिस की बात आप कर रहे हैं, समाप्त होगा या उस के लिए आप ने भी वक्तव्य में कहा है कि उस के लिए वे अपनी साधारण सभा की बैठक बुलायेंगे और साधारण सभा की बैठक बुलाने के बाद उस को समाप्त करने का निर्णय लेंगे। सभापति जी, आज तक भी साधारण सभा की बैठक नहीं बुलाई गई है। अभी तक तो वह कार्य-कारिणी का ही निश्चय है। मैं बताना चाहता हूँ कि शेख साहब के साहब-जादे जब भारतवर्ष में आए और शेख साहब के साथ जम्मू-काश्मीर गाड़ी में बैठ कर जा रहे थे तो दिल्ली में रुक कर उन्होंने यह कहा हमारे बाप और हमारे दूसरे नेता प्लेबेसाइट फ्रंट को समाप्त कर सकते हैं अभी हमने जनमत संग्रह मोर्चे को समाप्त करने का कोई निर्णय नहीं लिया है। वह भी देख रहे हैं और आप तेल देखो तेल की धार देखो।

दूसरी बात जिसे मैं विशेष रूप से कहना चाहता हूँ वह है राज्य की पृथक संविधान सभा। पृथक संविधान सभा की आवश्यकता क्यों हुई? ब्रिटिश पार्लियामेंट का 1936 का ऐक्ट था उसमें यह व्यवस्था की गई थी कि भारत की जो 580 रियासते हैं चाहे भारत के साथ रहा हो, चाहे पाकिस्तान के साथ रहें और चाहे अपना एक स्वतन्त्र अस्तित्व रखे उनकी संविधान सभा बने। मैं पूछना चाहता हूँ कि 580 रियासतों में से 579 रियासतों में संविधान सभा बनाने की आवश्यकता क्यों

नहीं समझी? पहली बात मैं यह कहना चाहता हूँ कि वह कौन थे हजरत जिन्होंने जम्मू-काश्मीर में संविधान सभा बनाने की आवश्यकता महसूस की? राज साहब 370 की चर्चा कर रहे थे कह रहे थे कि जम्मू काश्मीर के संविधान में इस को समाप्त करने की व्यवस्था नहीं है। राजू साहब मैं एक ही बात निवेदन करना चाहूंगा कि गोपाल स्वामी अय्यंगर के जिस वक्तव्य का आपने उद्धरण दिया अगर आप उसी वक्तव्य को पूरा पढ़ें तो आप को मालूम होगा कि उन्होंने ने उसमें कहा है कि जम्मू काश्मीर राज्य में अभी लड़ाई बन्द नहीं हुई है। अभी कहीं कहीं लड़ाई चल रही है इसलिए हमें संविधान में विशेष उपबन्ध करने पड़ रहे हैं। जब जम्मू-काश्मीर राज्य में सामान्य स्थिति हो जायेगी तब हम यह विशेष उपबन्ध समाप्त कर देंगे। हमें कोई दिक्कत नहीं होगी। इस महान प्रकरण में जो भूपेण गुप्त जी ने सन्देह प्रकट किया है श्री मारिस्वामी की ओर संकेत करते हुए मैं उन से पूछना चाहता हूँ कि क्यों साहब यदि करुणानिधि इस बात को कहते हैं कि अगर शेख अब्दुल्ला को सुविधायें दी जाती हैं तो फिर मद्रास के लोगों को सुविधायें क्यों नहीं दी जाती हैं तो आप करुणानिधि की इस बात पर कैसे आपत्ति प्रकट कर सकते हैं? शिरोमणि गुरुद्वारा प्रबन्धक मेट्टी ने पंजाब में कहना शुरू किया है कि हमें अटो-नोमी क्यों नहीं दी जाती। पंजाब में जो इस प्रकार की मांग शुरू हुई है उस से पीछे क्यों हट रहे हैं? मैं इस बात को ज्यादा आगे नहीं ले जाना चाहता केवल इतना कहना चाहता हूँ कि यह जो साम्यवादी दल के सदस्य हैं उनको मैं समझ सकता हूँ। लेकिन जो हमारे कांग्रेसी मित्र हैं उन को एक बात कहना चाहता हूँ। जो लोक सभा के सदस्य थे उन को अच्छी तरह याद होगा कि मेरा ही एक विधेयक था कि संविधान की धारा 370 को हटा दिया जाए। भारत की लोक सभा में वह एक ऐतिहासिक दिन आया था जिस दिन सत्तावादी दल से ले कर कम्युनिस्ट पार्टी

[श्री प्रकाशचर शास्त्री]

तक ने इस विधेयक का एक स्वर में समर्थन किया था। एक स्वर से समर्थन किया था उस विधेयक के ऊपर जब 370 को समाप्त करने की बात आई थी। मैं पूछना चाहता हूँ कि अब धारा 370 की बात में क्यों परिवर्तन आ रहा है। आज 370 का स्वर बदला जा रहा है; क्योंकि रूस का स्टैंड बदला। रूस का स्टैंड क्यों बदला ? मैं सभापति महोदय से कहना चाहता हूँ कि लोक सभा के पहले अध्यक्ष संजीव रेड्डी ने कहा था कि मैंने रूस के नेताओं से कहा था कि पहले तो आप यह कहते थे कि काश्मीर जो है यह भारत का घरेलू मामला है दूसरी कोई इस में पार्टी नहीं है तो आप आज यह कैसे कहते हैं कि काश्मीर का फैसला भारत और पाकिस्तान के बीच बात-चीत हो कर होना चाहिए ? इसके लिये मैं रूसी नेताओं को दोष नहीं देता। उन्होंने तो अपने खुले हृदय से कहा कि हम क्या करें इतने दिन हो गए कहते-कहते और हमारे गले का तो थूक भी सूख गया और जब तुमने उस को अपने में मिला लिया नहीं तब हमें यह परिवर्तन करना पड़ा।

यह तो रही श्री संजीव रेड्डी और साम्य-वादियों की बात। लेकिन मैं अपने कांग्रेसी मित्रों से यह अनुरोध करना चाहता हूँ कि राष्ट्रीय एकता के नाम पर उन्हें एक चीज जरूर करनी चाहिए। मैं यह नहीं कहता कि जम्मू-काश्मीर केवल हमारा है; आप का नहीं है। जितना यह देश हमें प्यारा है उतना ही आप को भी प्यारा है। लेकिन कल को कोई इस प्रकार की स्थिति न हो जाये कि फिर हमें पश्चाताप करना पड़े। आखिर पंडित जवाहर-लाल नेहरू ने धारा 370 के संबंध में यह क्यों कहा था कि यह धारा घिसते-घिसते कल को और घिस जाएगा। श्री गोविन्द वल्लभ पन्त ने इस संबंध में क्यों घोषणा की थी और श्री गुलजारी लाल नन्दा ने क्यों इस धारा के बारे में ऐसी ही घोषणा की थी। इसका अभिप्राय यह है कि पहले जो

आप का स्टैंड था उस स्टैंड से आप पीछे हट रहे हैं। उस स्टैंड में आपकी ओर से कोई परिवर्तन आ रहा है, मैं उस चीज को नहीं लेना चाहता, लेकिन जो आपत्तिजनक बातें हैं उन की ओर आप का ध्यान आकर्षित करना चाहता हूँ। इस समझौते ने एक तो सब से बड़ी बात यह है, मेरे पास इस का हिन्दी अनुवाद है, मैं नहीं जानता कि यह कहां तक सही है, लेकिन श्री पार्थसारथी और मिर्जा अफजल बेग के बीच में जो समझौता हुआ है। उस के धारा (3) में संविधान की धारा 370 के संबंध में जो कुछ कहा गया है, मैं उन्हीं के शब्दों में उस को पढ़ कर सुनाना चाहता हूँ। "भारत के संविधान में कोई भी प्रावधान, रूपान्तर तथा संशोधन सहित जम्मू-काश्मीर राज्य के लिये लागू किया गया हो, ऐसा रूपान्तर तथा संशोधन अनुच्छेद 370 के अधीन राष्ट्रपति के आदेश द्वारा परिवर्तित अथवा निरस्त किया जा सकता है।" यह आपत्तिजनक चीज है।

दूसरी चीज मैं यह कहना चाहता हूँ कि धारा 370 के रहते हुए संसद जो निर्णय ले चुकी है वह भी हटाया जा सकता है और परिवर्तित किया जा सकता है। यह बात इसमें स्पष्ट रूप से लिखी हुई है, मैं अपनी ओर से नहीं कह रहा हूँ। इसके अलावा दूसरी जो आपत्तिजनक चीज इसमें है वह सुप्रीम कोर्ट के संबंध में है। सुप्रीम कोर्ट का क्षेत्र जिस तरह से पहले जम्मू-काश्मीर में लागू था उसी तरह से वह लागू रहना चाहिए। इसमें किसी तरह की कोई ढील या किसी प्रकार की लचक नहीं रहनी चाहिए।

तीसरी चीज मैं वजीरे आजम और सदरे रियासत के संबंध में कहना चाहता हूँ। प्रधान मंत्री जी ने उस वक्त कहा था कि तमिलनाडु के लोग भी तो वजीरे आजम जैसे शब्दों का प्रयोग करते हैं। मैंने अपने मित्र श्री मारिस्वामी से पूछा कि तमिल भाषा में मुख्य मंत्री को क्या कहते हैं ?

उन्होंने मुझे बताया कि तमिल भाषा में मुख्य मंत्री को "मुदल अमैचर" कहा जाता है । मुदल अमचर शब्द का अर्थ है प्रथम मन्त्री प्रधान मंत्री नहीं । मलयलम, कन्नड़ आदि भाषाओं में तो मुख्य मंत्री को मुख्य मंत्री ही कहा जाता है, लेकिन तमिलनाडु में मुदल अमैचर शब्द का अर्थ होता है प्रथम मंत्री । इसका अर्थ प्रधान मंत्री नहीं होता है । राजू जी, आप तो उर्दू से परिचित हैं और हैदराबाद रियासत के रहने वाले हैं । अगर आप वजीरे आजम शब्द को स्वीकार कर लेंगे तो क्या इस देश में दो प्रधान मंत्री होंगे ? कल को पाकिस्तान का रेडियो कहेगा कि काश्मीर के वजीरे आजम ने यह कहा और हिन्दुस्तान के वजीरे आजम ने यह कहा । वैसे स्थिति में आप क्या करेंगे ? मेरा कहना यह है कि इस प्रकार की हल्की बातों को आपको कदापि स्वीकार नहीं करना चाहिए । सन् 1953 के बाद में बने कानूनों के बारे में यह कहा गया है कि वहां की विधान सभा अगर किसी चीज को स्वीकृति देगी तो उसके बाद उसको राष्ट्रपति की स्वीकृति प्राप्त हो सकती है । इसमें मेरा कहना यह है कि कोई भी परिवर्तन संसद् की स्वीकृति से ही होना चाहिए । केवल राष्ट्रपति तक ही वह चीज आए, यह ठीक नहीं है ।

तीसरी चीज अपने भाषण को समाप्ति की ओर ले जाते हुए मैं यह कहना चाहता हूँ कि डा० श्यामा प्रसाद मुखर्जी ने बहुत दिन पहले एक नारा लगाया था कि एक देश में दो प्रधान मंत्री नहीं रहेंगे, दो विधान नहीं रहेंगे और दो निशान नहीं रहेंगे । यह सौभाग्य की बात थी कि भारत सरकार ने देर सवेर इस बात को माना । लेकिन अब फिर कालचक्र उल्टा चलता हुआ दिखाई दे रहा है । फिर से भारत में दो प्रधान मंत्री बनने जा रहे हैं, फिर से दो विधान माने जा रहे हैं । मैं चाहता हूँ कि यह स्थिति सम्मत की जानी चाहिए । । इस संबंध में मंत्री

सुझाव यह है कि देश के किसी भी अभिन्न भाग का पृथक संविधान नहीं होना चाहिए । जम्मू-काश्मीर राज्य का पृथक संविधान नहीं रहना चाहिए । जिस पृष्ठ भूमि में यह बनाया गया था वह अब समाप्त हो चुकी है, इसलिए इसको समाप्त करना चाहिए । इस राज्य का उसी तरह से विलय किया जाना चाहिए जिस तरह से दूसरे राज्यों का किया गया है । मैं यह भी कहना चाहता हूँ कि भारतीय संविधान की धारा 370 हटा दी जानी चाहिए जो कि अभी तक जम्मू-काश्मीर राज्य की विशेष स्थिति का परिचायक है । राज् साहव ने कहा कि नागालैंड की भी विशेष स्थिति है, मिजोराम की विशेष स्थिति है । लेकिन मैं कहना चाहता हूँ कि इन राज्यों की विधान सभा का सदस्य जब शपथ ग्रहण करता है तो भारत के संविधान की शपथ ग्रहण करता है । लेकिन जम्मू काश्मीर राज्य का सदस्य शपथ ग्रहण करता है तो स्टेट के कांस्टिट्यूशन की शपथ खाता है । क्या इस प्रकार की आप देश में एकता लाना चाहते हैं ? इसलिए मेरा कहना यह है कि जम्मू-काश्मीर का पृथक संविधान समाप्त होना चाहिए और साथ ही धारा 370 भी समाप्त होनी चाहिए ।

अन्त में बात जिसको मैं सुझाव के रूप में कहना चाहता हूँ वह यह कि जम्मू और काश्मीर राज्य के निवासी भारतवर्ष के दूसरे भागों में आकर बसें, जमीन खरीदें, कल-कारखाने खोलें और उसी तरह से भारत-वर्ष के दूसरे भागों के निवासी जम्मू और काश्मीर में आकर बसें, कल-कारखाने खोलें, वहां की आर्थिक स्थिति को सुधारे, एक तादात्म्यक स्थापित करें । 1953 के बाद जो कानून बन या है संसद् की स्वीकृति के बिना वापिस न हो । और आखिरी बात, जम्मू और लद्दाख, जैसा कि गजेन्द्रगडकर जी ने अपनी रिपोर्ट दी है, जम्मू-काश्मीर का दया भाग है । जिसके विषय में लोक

[श्री प्रकाशचोर शास्त्री]

सभा में श्री कुशक बाकुला ने भी संकेत दिया है । अपने भाषण के अन्दर—उन्होंने कहा क्यों केन्द्र के हाथों में लद्दाख रखना चाहते हैं, क्योंकि हमारा उतना विकास अभी तक नहीं हो सका जितना काश्मीर वैली का हुआ है—ता गजेन्द्रगडकर ने अपनी रिपोर्ट के अन्दर लिखा है कि जम्मू और लद्दाख इन दोनों के विकास को काश्मीर वैली के स्तर पर रख कर देखा जाए, उस पर अमल किया जाए ।

अतः मैं अपने स्थान पर बैठते हुए इतना ही निवेदन करना चाहता हूँ कि जो भूल 1947 में सरकार ने के काश्मीर के बारे में की, जो भूल 1965 में काश्मीर की धरती वापस देकर की, जो भूल 1971 में काश्मीर की धरती वापस करके की, मैं चाहता हूँ इस भूल को चौथी बार न दुहराया जाए वरना इतिहास के पृष्ठ अब की बार सरकार को क्षमा नहीं करेंगे ।

SHRI D. P. SINGH (Bihar): Mr. Vice-Chairman, I rise to congratulate the Prime Minister and all those associated in this great endeavour to bring about this historical accord. This accord signifies the strength of the forces of secularism, democracy and progress. It is after a strenuous effort in this country against all the difficulties and against trials and tribulations that we have been able to bring about an atmosphere of amity and an atmosphere of goodwill with the various people of this country with different hues, different religions and different beliefs. It is the culmination of that very process which has helped in bringing about this atmosphere and ultimately this

kind of a happy solution to a knotty problem which plagued the relations between the Centre and the State for such a long time.

I have tried to listen carefully to the speech of the hon. Member to find any grounds why he is not able to really agree with, and rejoice over, this agreement which has brought about so much of change in the atmosphere in this country. All that I have been able to gather is this: That Sheikh Abdullah was bad, that Sheikh Abdullah misbehaved in the past and therefore any accord with the Sheikh will not be of a durable character, that you must not believe him or what he says; sometimes he does not agree with you; sometimes he is bad; sometimes he takes a line which is not necessarily in full agreement with you and therefore he must be an object of suspicion, he must be treated as an untouchable; do not touch him; do not have anything to do with him.

That is not the line that one takes where mature deliberations, where mature thinking and where mature considerations are necessary in the national interest. Many a step has been taken in the past in the history of various other independent nations, where they changed their stand, where they have altered their stand seeing the realities of the situation, and the exigencies have induced them to a more maturer thinking and maturer consideration. And here in this country, we have not only assurances, but we have the conduct of Sheikh Abdullah who has fought with us shoulder to shoulder. He has fought, no less than any body in this House, the battle for the liberation of this country and he has fought the battle along with Pandit Jawaharlal Nehru and he was, as his able lieutenant, in the fight against the vested interests, against the feudal forces and, more than anything else, against the British imperialism. He

has suffered as we have suffered. So, Sir, here is a person who is a signatory to the Constitution in the name of which we take the oath and which we swear to uphold. Now, this is the kind of person we are dealing with. Sir, I could have appreciated if reasons were put forward to decry this Agreement, to show what is wrong basically today. One would feel so reassured that in the very opening lines of the accord it is emphasised that the accession of Jammu and Kashmir is not an issue at all, that it is a matter which has been decided for all times to come and that it is this decision to which we are committed and they are committed and that there is no reopening of that chapter at all. Then, as far as the administration of the State and the Centre-State relations are concerned, one would notice—it is not for me to emphasise this matter—that article 356 of the Constitution has been retained absolutely, in full form and intact, and in that is the power which is given to the President to take over the administration of any State and run the administration of any State in such a manner as any other portion of this country shall be governed. If you read the Agreement, you will notice that nothing has been done to impair the unity of the country and the integrity of the country. Sir, not only this. It has been provided that the existing jurisdiction of the Centre to deal with activities directed towards questioning or disrupting the territorial integrity of India will remain as it is. Therefore, Sir, it is clear that whenever such disruptive activities are indulged in by anybody, whenever even slogans are raised questioning the unity of this country, the powers that are there under the emergency provision for the President or the Parliament to take steps to safeguard the integrity of this nation are preserved. More than anything else, the question of amendment of the State Constitution on important matters has been taken

care of and it has been provided that such an amendment shall not become effective unless the President gives his assent to it.

Sir, what are the forces, what are the institutions, through which we exercise the control, through which we see that the unity of the country is preserved? The doors of the Supreme Court have been kept open and the citizens of the country, of any part of the country, shall continue to enjoy the rights enshrined in the Fundamental Rights Chapter of the Constitution and also in the other provisions of the Constitution.

[The Vice-Chairman (Shri Yogen-dra Sharma) in the Chair].

In spite of activities, in spite of attempts, to the contrary, Sir, it has been provided that the people of the State of Jammu and Kashmir shall have the opportunity to come to the Supreme Court to invoke the provisions for special jurisdiction under article 136 of the Constitution.

Likewise, their right to invoke jurisdiction under Article 32, as the right of any citizen of this country, is preserved. Sir, Article 32 provides that the right of a citizen to invoke the jurisdiction of the Supreme Court for the enforcement of any of his fundamental rights is guaranteed. No part of that guarantee is impaired. Therefore, in the matter of administration, in the matter of laws, and so on, care has been taken that what obtained in the past does not erode. There are no steps taken which might spoil the unity and the closeness of the country that is existing today.

Sir, then one thing more is noticeable in this Agreement which is of particular significance. Care has been taken to see that the jurisdictions of the Election Commission in the matter of adult franchise in the matter of elections and in the matter

[Shri D. P. Singh]

of procedural laws relating to elections are not impaired. Thereby it has been ensured that citizens living in that part of the country—backward people, people of the minorities people neglected economically—shall still have the liberty and still have the freedom to exercise their franchise in the manner they like and in the manner the citizens of the rest of the country enjoy. This supervision and control of the Election Commission are preserved. The accession of Jammu and Kashmir with the Indian Union is not imperilled; in fact it is reaffirmed and reiterated.

Now, the whole wrath seems to be concentrated on the continuance of Article 370 of the Constitution. In spite of the eloquence of the hon. Member, I have not been able to find anything in his speech which might demonstrate that Kashmir was not a matter of special importance, that it did not have a characteristic of its own, that it did not have any special feature. Even before the Constitution came into force, even before Kashmir became an integral part of the Union of India, there were some problems, and that is a matter of history. There were those situations which had to be contended with. And, Sir, one would appreciate that it was in those critical days that we went to defend the integrity of the country and to defend the country from an aggression by Pakistan and by the evil forces that continued to plague our relations and are trying to bedevil our relations even today... (*Time bell rings*). Sir, if there is any party which thinks likewise, which thinks in the same manner about the problem of Kashmir, it is our hon. friends from the Jana Sangh who along with the Pakistanis tried to boycott, who try to take every step possible, so that this happy event that has been brought about was not welcomed by the people.

But, Sir, the people, in spite of what they said and what they did, everybody knows, came out in the largest numbers to welcome this, and from that day onwards the situation is continuing where it has been welcomed and it has been appreciated, and we hope that the clock of history shall not be turned back... (*Time bell rings*)

Sir, I will take only two minutes. I will refer to the comment that everything that has happened after 1953 is liable to be questioned. That is not so. If a person looks at it carefully, it will be noticed that the only provisions which are likely to be examined are those which are in the Concurrent List and not those legislations which have been made in the Centre's List. The provision is that they will ask for the Centre's consent and the Centre will examine the matter sympathetically. What has been done is to strengthen the forces of goodwill. The purpose before us today is to bring about cordiality and an atmosphere of trust so that attention may be paid to the larger problem of alleviating the suffering of the people who have lived all these years in agony and in misery. It is to this thing that our attention is directed and we hope that every person in this House will reconsider and see that steps are taken so that the pace of history moves forward and we are able to wipe every tear from every eye.

SHRI S. S. MARISWAMY (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to welcome the accord reached with Sheikh Abdullah and also I rise to congratulate the Prime Minister on two counts, firstly, for the agreement with Sheikh Abdullah and secondly for successfully converting our great friend, Mr. Bhupesh Gupta. The difficulty with him is that he always absents himself soon after his speech. While speaking, he

makes a number of references to a number of people and immediately after that, he disappears into thin air. That is the difficulty with him. I congratulate the Prime Minister for converting him from a booming gun to a muffled drum. I do not say that he is the drummer boy of the Congress Party. But he has been completely muffled down. Whenever he speaks now, I do not find the fire that he used to spit before when Pandit Jawaharlal Nehru, Shri Lal Bahadur Shastri and others were there. He has become as docile as a dove. I remember the days when the late T. T. Krishnamachari used to call him as the "Gun of the Rajya Sabha". At one time, he said "I shudder to think what will happen to Rajya Sabha when Bhupesh Gupta is not there." Today you find a different Bhupesh Gupta. I congratulate the Prime Minister for that.

This morning when the Prime Minister moved the Motion about this accord with Sheikh Abdullah, she called it as a new chapter being opened. She spoke in Hindi and I got this translation through the ear-phone. I hope I am right. She said that a new chapter has been opened. I may say that some of the old chapters have also been opened. We cannot forget the fact that when Sheikh Sahib was arrested he made a very moving appeal to the powers that be asking for a fair trial. Sir, I quote him;

"Then I begged the President and the Prime Minister to give me a chance to present my case before the legislature and allow me to face the vote of no confidence."

I quote him further:

"I was the Prime Minister of Kashmir. I had the full support of the legislature; but one fine morning when I was on tour. I was led by armed forces' men and over a warrant by my city police officer. I asked his authority on which he

was acting in this way against his Prime Minister. Pointing towards the machine guns, he told me that he was acting on their strength. I had no answer to this. Then I begged the President and the Prime Minister to give me a chance to present my case before the legislature and allow me to face the vote of no confidence. But nothing happened. Do you call that democracy?"

This is what he said.

Again, he has said:

"I was dubbed as a British agent, then as a Communist agent and then as an American agent. And the even protected some of my corrupt colleagues. When I wanted to take action against them and asked Nehruji's permission, instead of giving me such a permission, they dismissed me and detained me."

Again he says, and this is about his meeting Jinnah, while he was taking Jinnah's permission, dismissing Jinnah's suggestion, Jinnah appears to have remarked, "I am in the age of your father and have greyed my hair in politics. One day you will say that Jinnah was right," For that, Sheikh Abdullah said, and I quote:

"You might be correct but my mission is to change the course of the tide of hatred and surrender before it would mean death of humanity."

Such a great man was imprisoned for no fault of his for more than 12 years.

Sir, I very well remember the day when he was released from Kodaikanal. He made a trip to Madras and he met the late Rajaji. I was also present on that occasion and they were closeted for about one hour. And all the time, Sir, I heard him and he never uttered even a single word against either the Indian Government or the Prime Minister Mrs. Indira Gandhi. Very recently, he met my Chief Minis-

[Shri S. S. Mariswamy]

ter, Mr. Karunanidhi in Madras and subsequently, he met the Press correspondents in Madras. There too, Sir, I am told that he had not uttered a single word of rancour or animosity or hatred against anybody. Such a nice man and by a mistaken folly, we lost his best services for about 22 years. And all the 22 years we were under the delusion. Not only under the delusion but we were deluding ourselves and the entire world that everything is normal in Srinagar; it has become a part and parcel of India and the things are moving in a more smooth manner and the Government there is functioning more democratically than what it was before, etc. etc. Everything has been proved to be a shibboleth. The real representative of Kashmir is Sheikh Abdullah. That fact, the Government has now accepted. And a new chapter has been added. But the old chapters remain very much there. We must not forget and we must always bear in mind that the Government is also prone to commit mistake. The Government should have an open mind in matters pertaining to various things which may not be to the liking of the Government.

Sir, our Prime Minister, when she was replying to the debate in the other House the other day said:

"Some Members spoke of autonomy. This seems to have become a catch-word. Our Constitution provides for a strong Centre. Yet, it gives considerable autonomy to States. It is wholly wrong to think that the constitutional arrangements stifle the States in any way."

Sir, this is what our Prime Minister has said. Our Prime Minister said, and I quote: "Our Constitution provides for a strong Centre." Our Constitution provided not only a strong Centre but so many things. And we have also done so many things contrary to what the Constitution has said. As you know very well, Sir,

after the Constitution was adopted and up to this time, we have passed 32 Amendments. Amendments for what? To take away the rights of the people, to stifle the Press and various other things. But at the time when the Constitution was passed, people had never thought that this would happen. I read a small paragraph which would show you to what extent our founding fathers were confident that the Constitution would be kept in tact in the coming years.

Shri Brijeswar Prasad said in the Constituent Assembly on October 10, 1949, and I quote:

"A nation that sacrifices vital principles, that does not stand by its pledged word has no future in politics. I do not know what kind of people will be there in the future Parliament of India. If they are inspired by extremism or some radical ideal, they may like to do away with the provisions which we have made in the Articles of the Constitution. Our leaders have made certain commitments. We stand by them. We are sovereign, and not even the future Parliament can metter the discretion of the executive or the judiciary or the Parliament. It is for this purpose that we are drawing up the Constitution."

This is what he had said. Immediately after him Sardar Vallabhbhai Patel was there. My friend is not here. If I mention the name of Sardar Vallabhbhai, it has become anathema to him. He had said: "Do not take a lathi and say 'who is to give a guarantee? We are a supreme Parliament. Have you supremacy for this kind of a thing? To go back upon your word? If you do that, the supremacy will go down in a few days time!'" This is what he said. Again, Sir, Pandit has also spoken in the same. He too expressed similar sentiments and he has said more err than anybody else that the Constitution must be preserved rights that have been c

the people should be kept in tact. This is what he has said: A fundamental right should be looked upon not from the point of view of any particular difficulty of the moment but as something that you want to make permanent in the Constitution. This is what Panditji had said. Sir, when all the leaders have said so many things, yet we have amended the Constitution 32 times, America too has amended its Constitution. America's Constitution is 200 years old. They have amended it a number of times, What for? To give powers, to give voting power to women, to give voting rights to Negroes and to make the democratic set up more broad-based. For this purpose it has been amended. Whereas, we have passed a number of amendments to take away the rights and powers that the Constitution give to the people. So, Sir, there is nothing wrong if we change the Constitution. What is it that we demand?

So far as Tamil Nadu is concerned, we do not want autonomy in the sense that we want to get away from the Centre. We want more powers and to put it in the usual easily understandable parlance we want provincial autonomy. That expression has become famous since 1935. So, Sir, we want State autonomy and that means that we want more powers, Sir, look at the pitiable conditions to which the States are reduced to, Sir, you may remember Mr. V. P. Naik, the man who had created a record of being in power for 12 years in Maharashtra—a very difficult State—had compared the present State as a 'C' class municipality and for that he had to pay a very heavy price. I was told that he had brought down one document to be given to the M.P.s. of Maharashtra about which they were to speak in Parliament and urge the Central Government to come to the aid of the Maharashtra Government, who was instrumental for his fall. Through that document, The has been...

G. KULKARNI (Maharashtra): Who told you about this?

AN HON. MEMBER: Have you been day-dreaming about it? Is it your own interpretation?

SHRI S. S. MARISWAMY: I got the document, I saw it. Do you want me to disclose from where I got it? The source will never be disclosed. I am a newspaper-man. I know my responsibilities.

My friend, Mr. Bhupesh Gupta, is here. I congratulate the Prime Minister because she has converted him from a booming gun into a muffled drum, (Interruptions)

Sir, the point is this that we have been asking for more powers, that is what we call State autonomy. But, so many twists have been given to our demands. My friend here referred to the speech of Mr. Karunanidhi, our Chief Minister, in the Legislative Council yesterday and asked what does he mean by 'other means'. Let me assure my good friend, Mr. Bhupesh Gupta, that when we say 'other means', we would not like to indulge in subversive activities, we would not indulge in extra-constitutional activities and we would not seek foreign help as my friend does. (Interruptions).

THE VICE-CHAIRMAN (SHRI YOGENDRA SHARMA): Since both of you are so near, don't exchange words with each other.

SHRI S. S. MARISWAMY: Our means would be constitutional.

THE VICE-CHAIRMAN (SHRI YOGENDRA SHARMA): Please do not stretch your hands.

SHRI S. S. MARISWAMY: We will stand by our Constitution, we will be loyal to our Constitution and we will be loyal to our flag. Regarding the National Flag similar news has come out. For the information of the House and the Press I would read this. This is a circular sent out by our Central Government.

[Shri S. S. Mariswamy]

"To

THE CHIEF SECRETARY,
GOVERNMENT OF GOA/PONDICHERRY,

SUB: *Display of National Flag on the
office of the Inspector-General of
Police.*

SIR,

It has been brought to the Ministry of Home Affairs notice that the National Flag is regularly flown on the office of the Inspector-General of Police, Goa and Pondicherry. This practice is not in accordance with the provisions of the Flag Code, India, according to which the National Flag should normally be flown only at important places. As it is the general policy of the Government of India to restrict the display of the National Flag the present practice of display of the National Flag on the office building of the Inspector-General of Police may therefore be discontinued under intimation to this Ministry.

Yours faithfully,

(Sd.) V. P. LUTHRA,

Under Secy. to the Govt. of India.

Sir, what has Madras done? But a circular has been sent from here.

Sir, you know very well that for the last two years we have been clamouring to have a statute of Raja Raja Chola erected inside the big temple at Tanjore which was built by him in the ninth or tenth century. It is a local people's demand. We came a number of times to Delhi and approached the Education Ministry in the Government of India.

THE VICE-CHAIRMAN (SHRI YOGENDRA SHARMA): Mr. Mariswamy, I would request you to turn to the issue.

SHRI S. S. MARISWAMY: I am coming to the point; it is an inter-connected matter; of course it is something different. I am coming to it. Kindly bear with me for a few minutes. So, these are all the powers we have been asking that the State Government should be given.

Madam has said that a new chapter has been opened. If a new chapter has been opened, then some more items can be added to it. And so, Sir, we have been asking for this and we have not received any reply. On the other hand they said that by electing the statue we would be spoiling the beauty of the temple and that this would be an anachronism and would not be in conformity with the plan and structure of the temple. They said so. Therefore we have erected the statue outside the temple. But what have they done, Sir? They are now building a small temple for a deity which did not have a temple before, a deity with the face of a pig—Varahavatar—or something like that. I read it in the papers. But then that is not in conformity with the entire structure of the temple. What is sauce for the goose should be sauce for the gander also. But when we asked you, you refused that at the same time you are building a temple there without caring to consult the State Government. This sort of thing is very bad. Not only that.

There are so many things which we have been demanding. Madam very well knows what those demands are. As a matter of fact we wanted a second mine-cutter at Neyveli. We also wanted the Salem steel plant. (Time-bell rings) And what is being done? They said they would do it. Madam came all the way to Salem and she laid the foundation stone and we have not made any progress. Lack of progress is a reflection on the Government of India and Madam it more so if we talk here at foundation stone. So, Sir, all the things we want. The now been reduced to, in the

Mr. V. P. Naik, a "C" class municipality. Now we want that along with the Kashmir Government some consideration must be shown to the States also. Now that we want the same treatment that is extended to Sheikh Abdullah. I fully agree with Madam when she says that Kashmir has got a special consideration; there can be no two opinions about it. But, at the same time we must not treat the States as our satellites or colonies. That is the feeling that is gaining ground in the country. So, Sir, in all humility I would say that we must do something so that the States have some confidence. The confidence is fast disappearing. So, I want the Union Government to take up the matter very seriously. It may sound a bit harsh but as early as in 1963 when Mr. Choudhary Mohammed Shafi used to go round and round to collect signatures, I was the first man to give signature for the release of Sheikh Mohammad. He was the poor man going round and round to collect signatures. When late Prof. Humayun Kabir released a document containing about 261 signatures at London my signature was appended with that. At that time many people ridiculed the idea of such a memorandum and getting signatures. In the same manner my plea would not go home as effectively as I wanted it to go home but the day is not far off. The people who treat it with scant respect would pay importance to our plea. We not only want more powers for our State but we want more powers for his State also, my friend's State. In the Soviet Union they have got the right to secede but we do not want that. We want more powers, nothing more than 'more powers'. So, I want the hon. Prime Minister to consider this aspect favourably and give her mind her reply.

A. SEYID MUHAMMAD

Mr. Vice-Chairman, Sir, in July, 1952, Pandit Jawahar made a statement in the Assembly while intervening in the Debate. May I read the

relevant passage from his statement? I quote:

"I would beg of you to read Article 370. We go to the Constitution itself to find out how to deal with Kashmir that is what the Constitution says. It is true as has been pointed out that that Article was not final and absolute provision. But it laid down the method of discussion of the future."

Further the statement says:

"There is no other way. There is no question of our issuing some kind of a fiat decree or sending some compulsory order. 'Obey or you will suffer for it. We have either to come to an agreement or we do not come to an agreement and face the consequence. But I submit that we approach them and we shall, I hope, always, approach this matter in a spirit of friendship because we have to remember that there are so many aspects of this question—external and internal. There are so many aspects of the thing that you cannot just look at from your own point of view. It may be that the people of Kashmir have a particular aspect in view and it may be that you have not considered it and if you consider it you may be convinced.'"

Now these are the wise and sound principles which Pandit Jawahar Lal Nehru laid down regarding the approach to the Kashmir problem. It is in that spirit that the present Prime Minister has approached the problem and has come to a settlement.

Sir, many apprehensions have been expressed here. Many complaints have been made here that Kashmir has been treated in a separate and special way. Somebody suggested, I think it is Shri Prakash Vir Shastri who said that the DMK may also

[Dr. V. A. Seyid Muhammad]

demand more autonomy for Tamil Nadu on the lines parallel to the Kashmir settlement.

4.00 P.M. But the DMK representative himself said that they are not going to do that. But the question is how the special treatment came to be incorporated in the Constitution. When this question came up before the Constituent Assembly, Hasrat Mohani in his characteristic way objected very strongly to the special treatment and discrimination in favour of Kashmir to which Shri Gopalaswami Iyengar replied—may I read from the statement which is very relevant—

“Discrimination is due to the special conditions of Kashmir.”

And he enumerated a number of special conditions which were prevailing at that time. I shall state only 3 or 4 of them:

- (1) The terms and conditions of the Instruments of Accession are different from those of the other States;
- (2) There has been a war going on in Kashmir and the conditions there are still abnormal;
- (3) At the present, there is no State Legislature in existence in Kashmir;
- (4) Under the abnormal conditions, no State Legislature or Constituent Assembly can be convoked; and
- (5) Until a Constituent Assembly is convoked an interim arrangement has to be made.”

And Article 306A which corresponds to the present Article 370 of the Constitution is designed to bring about such an arrangement. So when the States enter into an understanding and arrangement, when the Constitution makers provide certain provisions in the Constitution according to

the requirements of the time and the conditions prevailing at that time, nobody can quarrel about it. Without having regard to the presence of those conditions and the compulsions of those conditions, to say that the treatment should be different from what was necessary in those conditions, is not really advisable, or to say that parallel to the present Kashmir agreement, the other States will also demand similar conditions and similar treatment is also not logical. Sir, these are the circumstances under which the present Kashmir agreement had been arrived at. Instead of supporting it, instead of acclaiming it as an act of wisdom and an act of great advantage to the people of this country I am surprised to see that some people have taken objection to that. By and large the entire country is behind this agreement. The entire country is in support of this agreement except possibly one party that is Jana Sangh. There is a French proverb which says: “Tell me whose company you are keeping and I will tell you who you are.” Now, whose company is Jana Sangh keeping? Bhutto, Maulvi Farooq and Peking are the people with whom Jana Sangh keeps company and as the French proverb says, from the company they keep one can definitely say who they are. Why are they keeping that company? The reason is obvious. Even though they have diverse points of view and they come from different countries, they have a uniformity of views regarding Kashmir. The reason is, this settlement establishes the triumph of secularism in this country and those people who want to sabotage and destroy the secular trends in this country are opposed to it, apart from Bhutto's special interest. That is the crux of the matter. They want to keep the Kashmir question simmering so that on issue they can unleash a fight against secularism in this country against a propaganda against sections of the people in and this settlement hinders them of the main plan or are fighting on the basis of and chauvinism. This is

pulled away that plank from under their feet. And that is why they are opposing. There is no other reason for that. Their messiah recently has embraced Sheikh Abdullah the next day he came from South on the eve of the settlement. Thereby he was symbolically putting the seal of approval on this agreement, but that messiah's approval they do not accept. Yet they want that messiah to come to their meeting and give a certificate that they are progressive. The people of this country approve of this agreement. The people of India support this agreement, but they do not. At the same time, they have climbed on to the so-called Janata band wagon of the messiah and they claim that they are representing the voice of the people. In this connection, I recall the saying of Frederick the Great who said very cynically: "My people and myself have entered into a solemn agreement. We have agreed that the people will say what they like and I will do what I like". This is what the representatives of the people say. The people of this country want this agreement, but those people who claim to represent the people want to go against that, following the dictum of Frederick the Great, *viz.* I have agreed with my people. They will say what they like and I will do what I like. It is nothing less than that. Our situation is really that.

Now, about this article 370, which is a sort of red rag to the Jana Sangh. I need not elaborate on that. It has been discussed threadbare by the various speakers on this side and the other side. I want to say one thing. Article 370 came up for discussion and decision before the Supreme Court. Now, since the supersession of the Chief Justice two years ago, they have suddenly become the upholders of the decisions of the Supreme court. Here is a decision of the Supreme Court which gives exactly the same interpretation as the Government of India have given, which Shri N. Gopalaswami Ayyangar gave in the Constituent Assembly, which Pandit Nehru gave and which we have con-

tinuously given. Article 370 defines special relations with Kashmir and unless the Constituent Assembly of Kashmir changes that situation, that continues and that will continue to operate. This is precisely what the Supreme Court has said. I will read out only two sentences from the decision of the Supreme Court since they are supporters of the Supreme Court. I am sure if I read that they will not have anything to say against the agreement. This is in relation to clause (3) of article 370 of the Constitution. It says:

"This clause clearly envisages that the article will continue to be operative and can cease to be operative only if, on the recommendation of the Constituent Assembly of the State, the President makes a direction to that effect. In fact, no such recommendation was made by the Constituent Assembly of the State...."

The whole situation was envisaged and the special circumstances were enumerated in the brilliant speech of Shri Gopalaswami Ayyangar. Under those special circumstances this Article 370 was incorporated in the Constitution. It has been so interpreted by the Supreme Court. In the face of the Supreme Court's decision all this talk about various other interpretations given about article 370, as if the whole framework has been conceded and the Government has given away the correct interpretation, does not hold water.

One point which I want to mention is, it has been consistently and without any foundation said and the agreement has been attacked—as I will show presently—that apart from the concession about article 370, so many other concessions have been made, and that there was considerable surrender to Sheikh Abdullah. But what exactly has happened? The Prime Minister has in her statement detailed what exactly has happened. Now, in the negotiations which had been going

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on—and I must pay a compliment to those persons who took part in them, particularly the present Defence Minister, Sardar Swaran Singh, and Mr. Parthasarathy—the main things which they demanded which would have made fundamental differences in the situation, were not at all conceded. I shall enumerate some of them, which the Prime Minister in her statement has dealt with elaborately. I will only summarise them. One thing which has been established is that Jammu and Kashmir will remain as an integral part of this country. That question is not open at all; that is closed for ever. Secondly, Afzal Beg wanted us to take away to a large extent the jurisdiction of the Supreme Court over the State of Jammu and Kashmir. That was not done. Only article 132(2) was made inapplicable, and Mr. D. P. Singh has dealt with that. In spite of that, article 136 which has been interpreted in innumerable decisions of the Supreme Court is there. Article 136 remains there. Thirdly, Afzal Beg wanted the Fundamental Rights Part in the Constitution to be transferred to Jammu and Kashmir Constitution. That was not agreed. Fourthly, he wanted the jurisdiction and supervision of the Election Commission over Kashmir to be removed. That was not agreed. Fifthly, he wanted the previous concurrence of the State Government before the President imposed President's rule under article 356. That was not agreed. Subsequently, as you know there had been a great demand—one of the fundamental planks of the Plebiscite Front—was that a plebiscite should be conducted in Jammu and Kashmir. Afzal Beg clearly and unequivocally declared that the question of plebiscite was not there, that they were not demanding it.

So, taking the sum total of the situation, the allegation that basic concessions have been given is absolutely unfounded, is without any justification whatsoever. On the other hand, Mr. Pandit Jawaharlal Nehru

foresaw, the method of negotiation for the settlement of the Kashmir issue has been adopted, and a settlement has been arrived at, which is advantageous and beneficial to both the parties. And why should some people get excited about it? I cannot understand it. The Prime Minister in her speech has expressed the hope that this agreement will bring peace and prosperity and strengthen all the democratic and secular forces in this country and it will give a permanent solution to the situation. Let us hope and pray that her hopes will materialise. I hope that in spite of the cimmerian gloom and pessimistic forecast by some of the Members—I was surprised, for example, at the hatred propagated by Mr. Prakash Vir Shastri who is generally very sober and mature in his expression and thought—the hopes of the Prime Minister will be fulfilled and that history will record this glorious achievement in golden letters.

श्री राजनारायण : श्रीमन्, काश्मीर के प्रश्न पर जब हम अपनी बात कहने जा रहे हैं तो प्रधान मंत्री का अभाव मुझे खटक रहा है। मैं चाहता था कि प्रधान मंत्री का आज मैं एक बात समझाऊँ कि वह 'स्व' का प्रधान मंत्री न बनें। अगर प्रधान मंत्री हैं तो देश का प्रधान मंत्री बनें। मगर ऐसा लगता है कि वह 'स्व' का प्रधान मंत्री हैं। मैंने पंडित प्रकाशवीर शास्त्री जी से एक निवेदन किया था कि वह प्रधान मंत्री के बगल में बैठ जायें और जो कुछ मैं कहूँ उनको धीरे धीरे समझाते जायें। वह नहीं हैं तो मैं देवेन्द्रनाथ द्विवेदी जी से कहूँगा कि वह सदार जी के बगल में बैठ जायें.....

श्री बनारसी दास (उत्तर प्रदेश) :
उनको क्यों पसन्द किया आपने ?

श्री राजनारायण : इसलिए कि वह वाराणसी के रहने वाले हैं।

श्री प्रकाशवीर शास्त्री : खबर जानें खबरों की भाषा।

श्री राजनारायण : मैं चाहूंगा कि सदन से सम्मानित सदस्य सिद्धांत की बातों को ठीक से समझें। इस समय मैं श्री जयशंकर प्रसाद जी को ला रहा हूं, उनकी एक पदावली कह रहा हूं—

“अपने में ही सब कुछ भर कैसे व्यक्ति विकास करेगा,

यह एकान्त स्वार्थ भीषण है, सबका नाश करेगा।”

उप-सभाध्यक्ष (श्री मोहन शर्मा) : विषय पर तो आइये।

श्री राजनारायण : श्रीमन, आप तो जानकार है, आज यही विषय है। (Interruptions.) ऐसा लगता है कि—अंधे के आगे रोये, अपना बीबा खाये। मैं यह कह रहा था कि यह जो समझौता हुआ है कि किसी भी जनतंत्रीय पद्धति के आखरण पर, किसी भी कसौटी पर कसकर क्या कोई भी जनतंत्रवादी उसको कह सकता है कि यह समझौता जनतंत्रीय पद्धति पर हुआ? एक प्रश्न है मेरा। मेरा एक यह प्रश्न है, मैं इसको यहीं छोड़ देता हूं। इसको जनतंत्र का विद्यार्थी अच्छी तरह हृदयंगम करे और इसका उत्तर ढूँढे। संसद चल रही है, देश में चर्चा चल रही है कई महीने तक लगातार, पर सरकार गुप, गुप, चुप चुप। अन्ततोगत्वा आते आते एक चीज आई। उस पर तो मैं बाद में आऊंगा। मगर आये बढ़ने के लिए मैं शेख अब्दुला को एक बात के लिए मुबारकबाद जरूर देना चाहता हूं कि उन्होंने अपने वचन का पालन किया। 1964 में शेख अब्दुल्ला साहब जब पाकिस्तान जा रहे थे तो कई घंटे लगातार हम लोगों से बात करके गये थे और डा० राम मनोहर लोहिया द्वारा लिखित हमने कई पुस्तकें उनको दी, ‘कंपडेशन’, ‘महासंघ’। श्री शेख अब्दुल्ला ने महासंघ बनाने की जो बात की, इसके लिए मैं उनकी प्रशंसा करता हूं। एक बात के लिए मैं शेख अब्दुल्ला की प्रशंसा और करता हूं कि उन्होंने प्लेविस्साइट,

रायशुमारी की जो बराबर जिदथी उस ज़िद को छोड़ा। इसके लिए मैं उनकी तारीफ करता हूं। ऐसे बात नहीं है कि मैं केवल इसी सदन में कह रहा हूं, कल साक्षात् उनसे मुलाकात करके भी हमने उनसे यह बात कह दी। मगर हमने उनको एक चेतावनी दी कि हमारी और आपकी मुलाकात और परिचय सन् 1946 से है। सन् 1942 में जो तेरी प्रतिभा थी उसको धूमिल मत होने देना। जबानी में आदर्शवाद-वादी होता है, बचपन में आदर्शवादिता से ओत-प्रोत होता है, मगर बुढ़ीती में आदर्श लोभ और लालच के बन्धन में फंस जाता है।

श्री मोहम्मद उल्लान अरिफ (राजस्थान) : जैसे आप फंसे हुए हैं।

श्री राजनारायण : इसलिए मोह और लालच के बन्धन में फंसकर अपने आदर्श को खोना मत। शेख साहब ने बहुत ही इत्मीनान से कहा कि आप धैर्य रखिये, मैं फंसूंगा नहीं और जिन आदर्शों पर मैं चला हूं उन्हीं आदर्शों पर चलूंगा। मैं सरदार स्वर्ण सिंह से कहना चाहता हूं कि अगर वे जनतंत्र में तनिक भी यकीन करते हैं तो मैं बताना चाहता हूं कि जनतंत्र का पहला गुण है कि जो बात जहाँ जैसी हो उसको वहीं रखकर बात-चीत की जाए। अगर आप फिसलन में चलाए जाएंगे तब तो कोई भी बात ठीक नहीं होगी। किसी नतीजे पर हम पहुँच नहीं पाएंगे। जनतंत्र की खूबी यही है कि जो अपने लिए अरुचिकर हो उस को और ज्यादा ध्यान से सुना जाय। इसलिए हमारे यहाँ कहा गया है :

निन्द : नियरे राखिये, आंगन कुटि छावाए।

मैं काश्मीर की समस्या पर आने से पूर्व यह कहना चाहता हूं कि आज दो चीजें दाब पर लगी हुई हैं। पहली चीज जो दाब पर है वह है राष्ट्र का सिद्धान्त। मैं चाहूंगा कि शेख अब्दुल्ला, जो राष्ट्र का सिद्धान्त आज दाब

[श्री राजनारायण]

पर लगा हुआ है, उसके प्रति वफादार बने रहें। तानिक भी उसमें डील न घाने दें। दूसरा सामान्य हिन्दू के लिए। एक मुसलमान का वचन और उनके विश्वास करना, यह भी दाव पर लगा हुआ है। यह दोनों चीजें दाव पर लगी हुई हैं। संक्षिप्त में बता दूँ कि एक तो राष्ट्र का सिद्धान्त और एक मुस्लिम ने जो वचन दिया है सामान्य हिन्दू के लिए चाहे वह गलत है या सही; ये दोनों दाव पर हैं। मैं इन्दिरा जी को बताना चाहता था क्योंकि उनका फर्स नहीं है इन चीजों को पढ़ने के लिए कि मुस्लिम वह है जो इस्लाम का नम्बरदार हो और हिन्दू वह है जो हिन्दुओं का हनन करे। दोनों का अर्थ एक ही है। इसलिए अन्त में बताऊंगा कि जो संकुचित हिन्दू सम्प्रदाय से प्रेरित हो कर अपने भावों को प्रकट करते हैं उन्हें अपने विचारों में कहां तक तबदीली करनी चाहिए और दूसरे लोगों को कहां तक। मैं इस अवसर पर आगे कहीं भूल न जाऊं इसलिए मैं चाहता हूँ कि थोड़ा खुशचेव साहब की भी तारीफ करूं। क्योंकि काश्मीर अगर इसी रूप में रह गया तो उसका श्रेय रूस का है। भारत सरकार की प्रभुताई नहीं थी अगर रूस अपना वीटो इस्तेमाल नहीं करता तो काश्मीर का स्वरूप आज जिस ढंग का है उस ढंग का नहीं रहता।

मैं बताना चाहता हूँ कि यद्यपि बहुत से लोग ऐसे हैं जो कुछ पढ़े हैं और कुछ कम पढ़े हैं और कुछ ऐसे हैं जो खराब पढ़े हैं मैं तीनों के लिए कहना चाहता हूँ। श्रीमन्, मैंने एक चिट्ठी प्रधान मंत्री जी को 12 जुलाई, 1968 को लिखी थी। प्रधान मंत्री जी का उत्तर भी है। उत्तर केवल इतना ही है कि आपके सुझाव मिले आपने जो बयान दिया उसकी प्रतिलिपि भेजी थी वह भी प्राप्त हुई। मैं उसको थोड़े थोड़े में बतला देता हूँ। पहला यह है कि हम भारत सरकार की नपुंसक विदेश नीति पर जनता का ध्यान आकर्षित करना चाहते हैं। यह बयान मैंने अखबार में तब दिया था जब रूस ने पाकिस्तान

को हथियार देने का फैसला किया था। यह सारा का सारा मसला आता है काश्मीर से सम्बन्धित। रूस ने जब पाकिस्तान को हथियार देने की घोषणा की तो तत्काल मैंने अपना एक बयान अखबारों में भेजा और उसी को प्रधान मंत्री जी की सेवा में प्रेषित किया। हमने भारत सरकार की नपुंसक विदेश नीति पर जनता का ध्यान आकर्षित किया है। भारत सरकार ने कभी भी स्वतन्त्र सूचनात्मक नीति नहीं अपनाई। यही कारण है कि भारत, रूस, अमेरिका और ब्रिटेन के साथ कभी-कभी अलग और कभी-कभी सम्मिलित कूटनीतिक चाल में फंसा रहता है। मैं चाहता हूँ कि श्री स्वर्ण सिंह जी इस स्थिति को अच्छी तरह से समझें। अगर भारत की स्वतन्त्र विदेश नीति होती तो न तो यह रूस के जाल में फंस्ता, न अगर के जाल में फंस्ता न ब्रिटेन के जाल में फंस्ता और न ही अलग-अलग समूहों के जाल में फंस्ता। इस सम्बन्ध में मैं डा० लोहिया का सम्मानित सदस्यों को स्मरण कराना चाहता हूँ। भारत मुल्क का बंटवारा त्रिराष्ट्रों के षडयंत्र का फल है। भारत का बंटवारा रूस, अमेरिका और ब्रिटेन की विदेश नीति का फल है क्योंकि ये देश हिन्दुस्तान को एक कमजोर स्वतन्त्र राष्ट्र देखना चाहते हैं। आज हम यहां पर काश्मीर की चर्चा कर रहे हैं और पूरा दिन इस पर बिता रहे हैं। लेकिन किसी के मुखारविन्द से यह सुनने को नहीं मिला कि आखिर यह बंटवारा क्यों हुआ और इसकी शुरुआत क्यों हुई? इस मूलभूत बुनियादी सवाल पर कोई भी बोलने के लिए तैयार नहीं है। किसी की जवान नहीं खुलती है। इस बारे में हमने एक चिट्ठी लिखी थी और कहा था कि रूस भी उतना ही पापी और दोषी है, अमेरिका भी उतना ही पापी और दोषी है, ब्रिटेन भी उतना ही पापी और दोषी है जितना कोई अन्य। कभी तो अमेरिका पाकिस्तान को हथियार देगा, कभी रूस देगा, यः उनके लिए ऐसा करना अनिवार्य है। क्या हम यह

समझते हैं कि भारत अमेरिका से हथियार नहीं मांगेगा ? भारत भी अमेरिका से हथियार मांगेगा और मांग रहा है, रूस से मांग रहा है । भारत के पास न हथियार हैं और न ही अन्न है । मैं चाहता था कि श्री भूपेश गुप्त यशं पर होते तो मेरी बात को सुनते ! असल में उनको आखिर में बोलने का मौका दिया जाना चाहिए क्योंकि वे अपनी बात तो कह जाते हैं, लेकिन दूसरों की बात सुनते नहीं हैं ।

मैं एक बात यह भी यहां पर पढ़ना चाहता हूं कि भारत का सच्चा मित्र इस विषय में वही है जो एलान कर दे कि हम अन्न और हथियार दोनों से और अपनी सृजनात्मक और स्वतन्त्र विदेश नीति पर चलकर आगे बढ़ेंगे और दुनिया की और एशिया की सभी बड़ी ताकतें एक होकर भी भारत को नष्ट करने का प्रयत्न करेंगे तो हम उसका मुकाबला करेंगे । इस नीति की शुरुआत आप करें और ताशकन्द और कच्छ समझौते के झूठे जालों में न फँसें । यह सन् 1968 की चिट्ठी है ।

श्री माधव (श्री गोमेद शर्मा) : हम यहां पर शेख अब्दुल्ला के साथ हुए समझौते पर चर्चा कर रहे हैं, इसलिये आप उसी पर बोलिये ।

श्री राजनारायण : श्रीमान्, मैं उसी विषय पर आ रहा हूं । आप जानते हैं कि इफ्त आई इश्क है, आगे आगे देखिये होता है क्या । मैं उन मित्रों से कहना चाहता हूं जिन्होंने यह कहा था कि आप प्रधान मंत्री को कुछ सृजनात्मक सुझाव दीजिये । हमारे वे मित्र जो हमारा साथ छोड़ कर आज कांग्रेस में चले गये हैं, मैं सन् 1958 का डा० राम मनोहर लोहिया का एक बयान उनके सामने पढ़ना चाहता हूं और चाहूंगा कि सदन के सम्मानित सदस्य उसको हृदयकम करें । काश्मीर के बारे में क्या बात थी, इस बारे में उन्होंने अपने विचार व्यक्त किये हैं । उन्होंने कहा है कि नेहरू और शेख अब्दुल्ला

इन दोनों ने लोगों को गुमराह किया है । ऐसे कारण हो सकते हैं कि एशिया में शेख अब्दुल्ला को धर्म-निरपेक्षता का दुश्मन मान लिया जाये । उन्होंने लोगों के साथ वायदा फरामोशी की है । ऐसे बहुत से गम्भीर कारण हैं जिनकी बुनियाद पर यकीन किया जा सकता है कि भारत के प्रधान मंत्री श्री नेहरू ने शुरुआत के दिनों में श्री अब्दुल्ला को बढ़ावा दिया । उन्होंने लिखा था, भूटान अथवा नेपाल के ढांचे पर काश्मीर की व्यवस्था करने की भी गुंजाइश हो सकती है । मैं पूछना चाहता हूं यह चलती शुरु किसने की ? हमने की । एक ही पार्टी का नेता डा० राम मनोहर लोहिया थे जो शुरु से कांसिस्टेंट था, कमबद्धता से, समान रूप से सिद्धान्त का पालन करता था । और आज भारतीय लोक दल काश्मीर पर वही नीति लेकर जा रहा है । मैं चाहता हूं हमारे माननीय सदस्य इसको अच्छी तरह से सोचें और समझें ।

श्रीमान्, शेख अब्दुल्ला की एक बात मुझे याद आ रही है; उन्होंने मुझ से पूछा : राजनारायण जी आप हमको बताइए, इतने दिनों तक भारत की सरकार की छतछाया काश्मीर पर है मगर काश्मीरियों के दिमाग में तनिक भी भारत सरकार की नीति नहीं गई है ।

[उप-सभाध्यक्ष श्री बी०बी० राजू पीठासीन हुए]

मैं आज भी पूछना चाहता हूं प्रधान मंत्री से कि हे प्रधान मंत्री, क्या हमें यह बताया जाए कि काश्मीरी लोगों के दिमाग में राष्ट्रीयता की भावना भरने के लिए कौन सा प्रयत्न भारत की सरकार ने नहीं किया ? मैं भारत सरकार को गुनहगार पाता हूं । कैसे ? जहां भारत में चावल विकता था 22 द० मन् 1958 में वहां काश्मीर के अन्दर

[श्री राजनारायण]

वही 9-10 रु० मन बिकता था । यह कश्मीरियों को पराजित सा बना देता है क्योंकि वे इसको एक तरह का घूस समझते हैं । तो भारत सरकार ने अब तक घूस की नीति चलाई, काश्मीरियों को घूस दिया

श्री रणबीर सिंह (हरियाणा) : सहायता बी है ।

श्री राजनारायण : अगर कश्मीरी उसको सहायता समझता तो तुमको प्लेबिसाइट से डरने की बात नहीं थी । ईमानदार बनो । एक ही नेता था डा० लोहिया जिसने कहा काश्मीर हमारा घरेलू मसाला है, इसको संयुक्त राष्ट्र संघ में नहीं भेजो । संयुक्त राष्ट्र संघ में किसने भेजा ? प्लेबिसाइट की बात किसने की है ? पंडित जवाहरलाल नेहरू ने की है । भारत की सरकार आज तक इस मामले को अटकवाए हुई है । इस मामले में शेख सही निकला; शेख ने कहा तुम ही वहां पर जाकर स्टडी सर्कल चलाओ क्या समाजवाद है, क्या सेक्युलरिज्म है, क्या डेमोक्रेसी है, काश्मीर के लोगों को बताया जाए । मैं काश्मीर में उन दिनों गया हूं जब कि वहां तमाम टीके-दार पण्डित हुआ करते थे, वह उस समय जब लड़की काण्ड हुआ है, उसमें जनता में आग लग रही थी, हमने कहा हमको झोंका जाए आग में लेकिन मैं जो बात सही होगी वही बोलूंगा । श्रीमन्, मैं एक बात पर और आना चाहता हूं

श्री डी० डी० पुरी (हरियाणा) : श्री भूपेश गुप्त आ गए ।

श्री राजनारायण : सुनिए, घबड़ाइए नहीं । भारत सरकार का जर्म कुछ कम नहीं है । 6 वर्षों की लम्बी अवधि में भारत सरकार दो जीभों से बोली है—एक काश्मीर को हिन्दुस्तान में मिला देने की और दूसरी जनमत कराने की जीभ । (Interruptions). श्री ओम् मेहता को आप डांटिए श्रीमन्

वे मिनिस्टर हैं, वे हुक्म दे रहे हैं राजनारायण को बन्द कीजिए । मैं एक सत्य बात बोल रहा हूं । दो जीभ सांप की होती हैं; इन्सान की दो जीभ नहीं होती हैं । लीपापोती मत करो कि जनमत गणना मत कराओ और भारत में भी रहो । ईमानदारी से कही, जैसा हमने अपने प्रस्ताव में कहा काश्मीर भारत का है, काश्मीर भारत से जुदा नहीं हो सकता है, रायशुमारी अब नहीं होगी । इन बातों पर सफाई के साथ बोलो । तिकड़म और सखिश्त से कोई राष्ट्र का उद्धार नहीं किया जा सकता । श्रीमन्, मैं श्री भूपेश गुप्त के एक वाक्य का जवाब दे रहा हूं कि क्या यह बात सही नहीं है कि कम्युनिस्ट पार्टी शुरू से ही आजाद काश्मीर की मांग करती आ रही थी ? शुरू से । क्यों ? कम्युनिस्ट पार्टी को मांग थी कि काश्मीर आजाद रहे । क्या ? यह राय तब बदली जब स्टीवेंसन ने शेख अब्दुल्ला को कहा कि हम भी स्वतन्त्र काश्मीर की बात करेंगे । जब अमेरिका ने स्वतः ही काश्मीर की बात चला दी, तो स्टीवेंसन के प्रभाव में आकर अमेरिका ने अपना दूत भेजा और इसके बाद रु० ने भी अपना पलड़ा बदल दिया । आप लोग इस बात को नहीं जानते हैं कि रूस ने अपनी नीति क्यों बदली ? अगर अमेरिका काश्मीर को पूरे तरीके से और आवश्यकता से ज्यादा हथियार और अन्न की मदद देने लगे, तो फिर खतरा आ सकता है ।

(Interruptions).

एक माननीय सदस्य : क्या पाकिस्तान को ?

श्री राजनारायण : काश्मीर और पाकिस्तान दोनों । अगर इस तरह की बात होती है तो फिर खतरा आ सकता है । तो मैं यह जानना चाहता हूं कि जो लोग यह समझते हैं काश्मीर की तरक्की नहीं हुई और काश्मीर हमारा अंग नहीं बना है, वे इसके बारे में क्यों चुप हैं ? क्या यह भारत सरकार की चरित्र की दुर्बलता नहीं है । जब कम्युनिस्ट पार्टी कोई बात कहती है तो मुझे बड़ा खतरा लगता है क्योंकि अभी तक उनको मुल्क के

प्रति वफादार नहीं पाया गया है। उनका जन्म 1924 को हुआ था भारत में और तब से लेकर अब तक भारत की कम्युनिस्ट पार्टी को हम मुल्क के लिए वफादार नहीं मानते हैं (Interruptions)। मैं यह बात यहां पर कह रहा हूं, कई बार कहंगा और डंके की चोट पर कहूं कि जब जब जंगे आजादी छिड़ी, तब तब कम्युनिस्ट पार्टी ने भारत के पीठ पर छुरी भोंकी।

उपसभाध्यक्ष (श्री बी० बी० राजू) :
अब आप जल्दी समाप्त कीजिये।

श्री राजनारायण : श्रीमन्, आप जानते हैं कि हम सारे नोट नहीं पढ़ रहे हैं। हम जल्दी अपना भाषण समाप्त कर देगे।

श्रीमन्, हम शेख अब्दुल्ला को दो कसौटियों पर कसंगे। आज शेख अब्दुल्ला में जो बड़ा परिवर्तन आया है, उसके दो कारण हैं। एक कारण यह हो सकता है कि ईमान-दाराना चिढ़ है और दूसरी चतुर कूटनीति है। पंडित जवाहरलाल नेहरू शेख अब्दुल्ला से ज्यादा खराब नहीं हैं। जब किसी व्यक्ति की परिवर्तनशील सनक राज्य की नीति की धुरी बन जाती है... (Interruptions)। उसी तरह से आज भारत सरकार की परिवर्तनशील सनके राज्य की नीति की धुरी बन गई हैं और इसका नतीजा यह हो रहा है कि जो नीति है वह विनाशकारक नीति बन गई है... (Interruptions)। श्रीमन्, मैं चाहता हूं कि मुझे बोलने का मौका दिया जाय। श्रीमन्, हम चाहते हैं कि भारत के लोग इस मौके पर क्या करें? मैं आपके जरिये भारत के नौजवानों से, विद्यार्थियों से, देशप्रेमियों से, जनतंत्र प्रेमियों से, सबसे एक अपील कर रहा हूं। हिन्दू, सिख, मुसलमान, इन सब से अपील कर रहा हूं।

एक माननीय सदस्य : ईसाई कहां बने ?

श्री राजनारायण : श्रीमन्, मैं सब धर्मों के लोगों से अपील कर रहा हूं और विशेष रूप से हिन्दुओं से अपील करना चाहता हूं क्योंकि उनका यहां पर बहुमत है। ऐ हिन्दुओं, अगर तुम सच्चे हिन्दू हो, अगर किसी मुसलमान की जान बचाने के लिये जरूरत पड़े तो हिन्दू की जान लेने के बाद भी या अपनी जान देने के बाद भी मुसलमान की जान बचाना चाहिये। (Interruptions)। अगर इस तरह से चलेगा तो कल इन्दिरा जी नहीं बोल पायेगी।

सभाओं और अन्य प्रदर्शनों के द्वारा निरन्तर भारत की जनता को ऐसी नीति का निर्माण करना चाहिये और उसके निर्माण की घोषणा करनी चाहिये। पहला। रूसियों और अमरीकियों, काश्मीर से अपना हाथ खींच लो। काश्मीर के साथ भारत की जनता बोले, ऐ रूसियों, ऐ अमरीकियों, काश्मीर से हाथ खींचो।

श्री प्रकाशवीर शास्त्रा : चीनिया से भी।

श्री राजनारायण : कोई भी हो। दूसरे साम्प्रदायिक हिन्दुओं से कि सन '52 के दिल्ली समझौते के आगे कुछ नहीं। अब हमारे मित्र समय देंगे तो बोलूंगा। सन् '52 में जो नेहरू-लियाकत समझौता हुआ वह आगे जाता है या नहीं। मैं उनके की चोट पर साम्प्रदायिक हिन्दुओं से कहता हूं कि तुम इस बात को समझ लो, इसके आगे की बात मत करना। काश्मीरी मुसलमानों से, एक-राष्ट्र-प्रतिज्ञा का पालन करें और समिति-नेतृत्व स्थापित करें। खुद से, यानी सारे भारत से, अपनी पूरी शक्ति लगा कर एक-राष्ट्र आदर्श प्राप्त करो और एक-व्यक्ति-नेतृत्व की पूजा करना छोड़ दो। आखीर में भारत सरकार से, जब भारत सरकार का नाश होगा तभी काश्मीर के सम्पूर्ण राज्य में मुसलमानों के साथ समान व्यवहार हो सकेगा। वरना वहां अलगाव, फरेब, तिकड़म रहेगी। इन शब्दों के साथ मैं शेख की तारीफ करता हूं शेख ने जो उदारता

(श्री राजनारायण)

दिखाई उसके लिये और भारत की सरकार ने अब तक जो नंगई दिखाई उसके लिए भारत सरकार की निन्दा करता हूँ ।

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I request the hon. Members to co-operate with the Chair and take only 15 minutes and not more than 15 minutes. Otherwise, the House may have to sit till a late hour .

SHRI NAND KISHORE BHATT (Madhya Pradesh): Mr. Vice-Chairman, Sir, Kashmir accord will go down in our history as act of statesmanship and political far-sightedness of its two architects, Prime Minister, Shrimati Indira Gandhi and Sheikh Abdullah, now the Chief Minister of Jammu and Kashmir. India has always refuted the two-nation theory. The myth of this theory has been completely exploded and falsified, particularly after the emergence of Bangladesh, as a Sovereign Democratic Republic. Kashmir is a symbol of our secular philosophy where communalism today operates the least in spite of gravest of provocations from the other side of the border. Mr. Vice-Chairman, Pakistan fought hard, an exercise in futility, the last three wars. From all angles, the question of plebiscite was dead long ago and with the accord which the Prime Minister and Sheikh Abdullah have reached, it has completely gone and today there is no Plebiscite Front.

The leaders of the Front have shown political foresight and wisdom in the best interest of the people of Jammu and Kashmir in particular and of India in general.

Mr. Vice-Chairman, Sir, the basis of creation of a State is always the trust of the people. India, under the leadership of Mahatma Gandhi and Jawaharlal Nehru, among other things, stood for mutual trust and communal harmony. Sir, Pakistan is a creation of discard, hatred and communalism. The happenings of 19th August, 1946 cannot be forgotten by any Indian. In 1945, there was a communal riot in

Bengal when Suhrawardy was the Chief Minister. The horror of that riot was never forgotten by anybody. And the people of Kashmir, like any other Indian citizen, have always remembered the horrors of communal politics. Sir, a strongly communal-minded Hindu can trust a secular-minded Muslim. And similarly a strongly communal-minded Muslim can trust a secular-minded Hindu. Kashmir, under the leadership of Sheikh Abdullah can be a bastion of secularism. Sir, Sheikh Abdullah is known to the people of this country, may be in a different way. But, Sir, to those who come from the former princely States, he is known as a spokesman and a champion of all those people who were under double suppression, the suppression by the Britishers and also the princely order. Sir, our friend, Shri Prakash Vir Shastri made a mention about the accession document. Sir, the accession document for all the States, including Jammu and Kashmir was the same. So far as Article 370 is concerned, the position of Kashmir irrespective of what has been mentioned in Article 370, is not something new. It was there even before, even during the days of Britishers. So, Sir, there is nothing special about Kashmir. It is simply surprising that in the name of Article 370, new demands are being placed.

Sir, a reference has also been made to Maharaja Hari Singh. Sir, there is no wonder that Shri Prakash Vir Shastri has forgotten what Maharaja Hari Singh was like. He was the same person who got Pandit Nehru arrested in Kashmir. Sir, Sheikh Abdullah came to glory in 1948 when the invaders were thrown out of the State. Liberation of Kashmir was not like rest of the country. People of Jammu and Kashmir had to pay its price by great sacrifices.

Sir, the suspicion was started from the critics of Sheikh Abdullah in India. It was not from the other side. The mutual distrust was there in spite of the recognition of the uniqueness of the State of Jammu and Kashmir

in Article 370. Legal and political assaults of Pakistan were also to a certain extent responsible for that sort of a situation. And, Sir, that gave no chance to Sheikh Abdullah to maintain the balance. Today, Sir, after this accord, a vote for Sheikh Abdullah is a vote for India. There is no problem of plebiscite today. If the people of Kashmir and the people of India come to an agreement, then there is no question of plebiscite. It is true that a reference to the Security Council was made by us but context and conditions have since altogether changed over the years, there was no relevance to any outside reference. This is purely a domestic matter—and it was in that spirit this accord has been reached.

Sir, we learn from the Press that on the day when Sheikh Abdullah took the oath of Chief Ministership there was a Government sponsored strike in Pakistan. I do not know how it can be called a strike. By the Government decree, the offices were closed, the transport system was stopped the shops and banks were closed and the schools and colleges were closed. How can this be called a strike? It was shown on the T.V. in Amritsar that some sort of a demonstration was held but, Sir, the appearance was that it was a gathering of young students only where some placards were raised with anti India slogans, as was directed by Mr. Bhutto, the Prime Minister of Pakistan. There could be two objectives behind this sort of a move: firstly, new activist policy towards Kashmir with attendant repercussions on further progress of our efforts towards normalisation between the two countries; and, secondly, the impact of any steps Pakistan might take on the internal situation on this side of the line of control.

Sir, Sheikh Abdullah is the people's man and that position has not been disputed. Now, that he has taken over as the Chief Minister of the State, we are sure that the question of liberation of occupied so called Azad Kashmir will also be taken in hand in due course of time.

Sir, whatever solution or accord has been reached with Sheikh Abdullah, has been reached within the framework of the Indian Constitution. Our sovereignty is there. The State of Jammu and Kashmir continues to be the integral part of our country and there is no change whatsoever in the legal and constitutional position of the State vis-a-vis this country. What is more important, are the major political adjustments on which the accord is based. No doubt, Sir, Sheikh Abdullah today, after his return to power, is in a disadvantageous position. In view of the difficult economic situation in the country will not be able to divert as much funds to the State as it may need. But, we are sure, Sir, that the projects which Sheikh Abdullah has announced after assumption of Chief Ministership, particularly the Lower Jehlum project which, will be completed in another 18 months and that will generate 105 M.W. of power, synthetic detergent plant, fruit processing plant, cement factory and a number of other industries are shortly to come. Entrepreneurs are coming forward to start new industries in the State. With the opening of these industries new employment opportunities will be generated in the State which will make people happier and also, at the same time, help in the economic development of the State.

Sir, people cannot be fed on slogans. What is required is a positive programme of all round economic development. All our efforts on the part of the State, the Centre and also the people so that progress can be made and the State of Jammu and Kashmir may, in course of time, be brought on par with other developed parts of the country.

Sir, recent unfortunate decision of the American Government to give arms aid to Pakistan is naturally disturbing. But, Sir, it is not an important factor. So long as the people are determined to live a particular way of life, no outside pressure, maybe in the form of arms or in any

[Shri Nand Kishore Bhatt]

other way, is going to be of importance. What matters is men and not weapons. We have seen this in the successive wars forced on us by Pakistan. The victory that we achieved was because of the determination and conviction of our Armed Forces and the people of India in the course of defending our territorial integrity. It was for these reasons that Pakistan had to suffer crushing defeats.

Sir, we are conscious of the utterances that the Prime Minister of Pakistan is making in season and out of season but the people of this country and particularly the people of Jammu and Kashmir are not in the least deterred. God forbid if we are going to have that sort of a situation again, the people of this country will teach them such a lesson that nobody in future will dare to put an eye on India.

Sir, it is a political agreement, no doubt. This agreement has been reached between the Prime Minister, who is the head of the country, and Sheikh Abdullah, who is the spokesman of the people of Jammu and Kashmir. There might have been differences in but, Sir, we are quite sure that with the warmth and trust generated among the people of Jammu and Kashmir and with the natural sympathy and warmth that India has all along been displaying to the people of Jammu and Kashmir like States in the country, now a climate will be created for a new era of economic prosperity and better living conditions for the people of Kashmir.

Sir, in this connection it will be only too proper to recall the services rendered by Kumari Mridula Sarabhai, because she gave her life in her mission to bring accord between Sheikh Abdullah and the leaders of India. The lady is no more but this accord is really the fulfilment of her dream and a lasting memorial for her to the services she rendered to the country.

Sir, I would also like to take advantage on this occasion to extend our sincere felicitations and congratulations to our Prime Minister but for whose farsightedness, political acumen and statesmanship this accord would not have come so soon. We also appreciate the political wisdom of Sheikh Abdullah, Mirza Afzal Beg and other friends who saw the writing on the wall and believed in coming closer to the people of India, who have dedicated themselves to standing side by side with the people of India for the prosperity and progress of this country.

Sir, I sincerely welcome this accord.

श्री बनारसी दास : अधिष्ठाता महोदय, शेख अब्दुल्ला से सम्बन्धित फैसले या कश्मीर से सम्बन्धित किसी भी प्रश्न पर विचार करने के लिये केवल एक ही कसौटी हो सकती है और वह है पाकिस्तान से हमारे सम्बन्ध कैसे होंगे। पाकिस्तान से ढील करने में हमको समझौते से हानि होगी या उससे हमको कुछ लाभ भी होगा ? इस प्रश्न पर गौर करने से एक पहलू और भी मालूम पड़ता है जो मैं सरदार साहब से जानना चाहूंगा। वह यह है कि कश्मीर का शासन शांत में चल रहा था मीर कासिम के नेतृत्व में और वहां किसी भी प्रकार का विवाद नहीं था तो वहां पर नेतृत्व में परिवर्तन की क्या आवश्यकता थी ? कश्मीर के नेतृत्व में परिवर्तन करने के लिये शेख अब्दुल्ला के साथ समझौता करने का सुझाव किसने दिया था ? कश्मीर की कांग्रेस पार्टी ने दिया था या वहां की जनता ने इस प्रश्न को सामने रखा था ?

दूसरा प्रश्न यह पैदा होता है कि जो मौजूदा समझौते से नेतृत्व में परिवर्तन किया है उससे प्रगट है कि मीर कासिम पाकिस्तान से ढील करने में उतने सक्षम नहीं होते जितने शेख अब्दुल्ला से हो सकते हैं तो इससे एक प्रश्न यह पैदा होता है कि सन् 1953 में शेख अब्दुल्ला को क्यों गिरफ्तार किया गया

था और अब फिर से उन्हें क्या सत्त में लिया गया है ? क्या हमारी कोई भूल रही है ? यह भी एक प्रश्न पैदा होता है कि पंडित जवाहर लाल जी ने सेक्योरिटी कौंसिल में इस प्रश्न को भेज कर क्या कोई भूल की थी ? आखिर हमारे देश की मूल नीति क्या थी ? एक प्रश्न यह भी पैदा होता है कि क्या शेख अब्दुल्ला पर अब विश्वास किया जा सकता है ? क्या शेख अब्दुल्ला के आने से विलीनीकरण और एकीकरण की जो प्रक्रिया थी उसमें सहायता मिलेगी ?

एक प्रश्न जो हमारे डी०एम०के० के भाई और दूसरे लोगों ने भी पूछा है कि कश्मीर के इस समझौते से, जो पृथकीकरण की प्रवृत्तियाँ हैं या विशृंखलता की और जो देश के अन्दर विघटन करना चाहते हैं इनको दूर करने में क्या किसी प्रकार का बल मिलेगा ? सबसे बड़ा प्रश्न हमारे सामने यह रहा है
5 P. M. कि आखिर पाकिस्तान के सम्बन्धमें

हमारा क्या दृष्टिकोण रहा है ? आज कुछ हमारे मित्रों ने यह कहा कि प्ले. साइट का इस अब समाप्त हो चुका है और यह पंडित नेहरू की भूल थी । मैं यह समझता हूँ कि ऐसा कहना इतिहास को झुठलाना है । अगर काश्मीर हिन्दुस्तान का भू-भाग पहले होता तो भारत का विभाजन होते समय जिस प्रकार बंगाल के दो टुकड़े हुये, पंजाब के दो टुकड़े हुए और जहाँ पर मुस्लिम आबादी अधिक थी उसके दो टुकड़े कर दिये गये । काश्मीर भी दो नेशन की थ्योरी के अनुसार पाकिस्तान का अंग बन गया होता क्योंकि वहाँ पर मुसलमानों का बहुमत है । आज हमारे मित्र कहते हैं कि प्लेबिसाइट के सम्बन्ध में पंडित नेहरू ने भूल की । नेहरू और गांधी जी की जो कांग्रेस थी उसका एक ही मूलभूत सिद्धान्त था कि जनता की भावनाओं के अनुसार ही कोई रियात भारत या पाकिस्तान में मिल सकती है । अंग्रेज चाहते थे कि देशी राजा आजाद हो

वे चाहें तो पाकिस्तान के साथ एक्सीड कर लें और इस सम्बन्ध में वे स्वयं निर्णय करें । लेकिन गांधी जी और श्री जवाहर लाल जी ने अंग्रेजों को इस अधिकार को चुनौती दी । उन्होंने कहा कि महाराज या नवाब लोग नहीं वहाँ की जनता इस बात का निर्णय करे कि वह राज्य किस मुल्क के साथ मिल सकता है । अगर काश्मीर के सम्बन्ध में उस समय प्लेबिसाइट की आवश्यकता नहीं थी तो फिर क्या हैदराबाद, भ.पा.प्र., रामपुर और जूनागढ़ के नवाब या महाराजा जनता की भावनाओं की अवहेलना करके पाकिस्तान के साथ विलय करने का निर्णय नहीं करते ? कांग्रेस की नीति गांधी जी के नेतृत्व में कुछ सिद्धान्तों पर आधारित थी । इसलिये जब पाकिस्तान ने आक्रमण किया तो पंडित जवाहर लाल नेहरू ने 2 नवम्बर को इस बात की घोषणा की अन्तर्राष्ट्रीय तत्वावधान में काश्मीर की जनता इस बात का फैसला करेगी कि काश्मीर किधर जाये । लेकिन तत्कालीन गृह मंत्री श्री अब्दुल कय्यूम ने कहा कि प्ले. साइट का ओफर पाकिस्तान की सुरक्षा के लिए खतरा है और पाकिस्तान को इस बात का अधिकार है कि अपने अस्तित्व और अपनी सुरक्षा के लिये काश्मीर में प्रवेश करे और तत्कालीन पाकिस्तानी प्रधान मंत्री नवाबजादा लियाकत अली खान ने भी पंडित जवाहर लाल नेहरू की प्ले. साइट की ओफर को रिजेक्ट किया था क्योंकि उन का ख्याल था कि इस से महाराजा को बल मिलेगा । जिस वक्त भारत आजाद हुआ उस वक्त काश्मीर के महाराजा ने भारत के साथ उसका विलय नहीं किया और पाकिस्तान के साथ स्टेण्ड-स्टिल एग्री-मेंट साइन किया । लेकिन जब इस सम्बन्ध में हिन्दुस्तान से पेशकश की गई तो सरदार पटेल ने अपने पत्र के अन्दर ये शब्द कहे —

"If you accede to Pakistan I shall not treat it as an unfriendly act but I shall not tolerate even for a minute the state of suspense. If you want to accede to India do it now and here."

(श्री बनारस दान)

ये सरदार पटेल के शब्द हैं। लेकिन 20 अक्टूबर को पाकिस्तान ने बेचैनी में आकर हमला कर दिया और उस वक्त 26 अक्टूबर को काश्मीर के महाराजा ने भारत के साथ मिल का प्रस्ताव रखा। इसलिये आज यह कहने में कोई औचित्य नहीं है कि काश्मीर के साथ जो फैसला हुआ है उस से डी०एम०के० को कुछ प्रोसाहन मिल जायेगा या दूसरे राज्यों को मिल जाएगा। मैं पूछना चाहता हूँ कि क्या सन् 1946 से पहले काश्मीर के अन्दर किसी को जमीन खरीदने का अधिकार था? आज भी वहाँ पर इंटरनेशनल बार्डर है, आज भी वहाँ पर इंटरनेशनल कमीशन है। तीन मरतबा काश्मीर की भूमि पर रक्त बह चुका है। मैं पूछना चाहता हूँ कि क्या किसी पार्टी ने अन्य राज्य में प्लेबिसाइट की मांग की है और क्या किसी पार्टी ने मत-संग्रह की बात कही है? कांस्टीट्यूएंट असेम्बली ने जब काश्मीर को स्पेशल स्टेटस दिया तो यह कहा गया कि वहाँ पर विशेष स्थिति है। आज जो समझौता किया गया है उससे उस स्थिति के अन्दर फर्क नहीं पड़ता, लेकिन आपके द्वारा मैं सदन का ध्यान इस बात की ओर आकर्षित करना चाहूँगा कि 17 अक्टूबर, 1949 को सरकारी पक्ष से यह कहा गया था और कांस्टीट्यूएंट असेम्बली को आश्चर्य किया गया था कि—

That in due course JK would be ripe for the same sort of integration as has taken place in other States.

तो इसलिये हमने काश्मीर में एक विशेष स्थिति की स्वीकार किया कांस्टीट्यूएंट असेम्बली की। लेकिन अब मुख्य प्रश्न यह है, जहाँ तक इस वक्त समझौते का सवाल है, आर्टिकल 370 पहले भी था अब भी है; जहाँ तक यूनियन लिस्ट का सवाल है उसके 97 आइटम्स में से 91 आज भी काश्मीर पर लागू होंगे और जहाँ तक अन्य विषय थे, अन्य विषयों में काश्मीर की असेम्बली सिफारिश कर सकती है लेकिन सब्जेक्ट टु

दा अप्रूवल आफ द प्रेसीडेंट। तो यह एक आटोनामी का हिस्सा है, इसमें हमको आपत्ति नहीं हो सकती है, लेकिन जहाँ तक इलेक्शन कमीशन, सुप्रीम कोर्ट, यूनियन कमीशन का ज्युरिस्टिक्शन है, जो शेख अब्दुल्ला या अफजल बेग चाहते थे, क्या उसको हमने माना; हमें प्रसन्नता है भारत सरकार ने स्वीकार नहीं किया है लेकिन साथ ही हमको इस बात पर गौर करना होगा कि अब शेख अब्दुल्ला ने कहा है कि प्लेबिसाइट हैज विकम इरिविलेंट, यह असंगत हो गया है, इसके मानी हैं कि उसको कोल्ड स्टोरेज में रख रहे हैं, उसको छः महीने, साल भर बाद फिर ला सकते हैं, किसी समय भी, लाइव्ह इश्यू बन सकता है। तो हमें सतर्कता के साथ इसमें सावधान होना चाहिये। प्लेबिसाइट का इश्यू कभी उठता ही नहीं खास तौर से जब कि पाकिस्तान के तत्कालीन प्रधान मंत्री ने प्लेबिसाइड की मांग को नहीं माना जब कि सेवयोरिटी कौंसिल ने सन् 1948 में सीज फायर के समय पाकिस्तान को अग्रेसर डिक्लेयर किया, हमारी 35,000 स्क्वायर माइल भूमि पाकिस्तान के कब्जे में हो गई थी। लेकिन प्रश्न पैदा होता है : आखिर क्या संगति है सन् 1953 में गिरफ्तार करने के बाद आज फिर शेख अब्दुल्ला को लाने में। इसमें कोई सन्देह नहीं है कि आज भी काश्मीर को लेकर पाकिस्तान के साथ हमारे सम्बन्ध नार्मल नहीं हैं, 3 मर्तबे युद्ध हो चुका है। आज शिमला पैक्ट अवश्य है और कोशिश इस बात की होनी चाहिये कि मत-परिवर्तन से, सद्भावना से, उदारता के साथ पाकिस्तान को हम अपने दृष्टिकोण को समझा सकें क्योंकि पाकिस्तान का टू नेशन थियरी का सिद्धान्त कि जहाँ मुसलमानों का बहुमत है वह स्थान पाकिस्तान के साथ होगा इसको आज इतिहास ने झूठा साबित कर दिया— बंगला देश में, पाकिस्तान में, पख्तूनस्तान में, ईरान में, ईराक में, बल्कि हिन्दुस्तान की सांस्कृतिक एकता के लिये बड़ा आवश्यक है

कि काश्मीर के अन्दर धर्म-निरपेक्षता की नीति सफल हो और अगर शेख अब्दुल्ला वहां पर जनमत को अधिक जागृत करके विकसित कर सके तब मैं समझता हूं कि इस समझौते का कोई औचित्य है लेकिन एक बात मैं अवश्य सरदार जी से मालूम करना चाहूंगा, क्योंकि इस सम्बन्ध में अभी एक पहली है, अभी तक इसका कोई औचित्य मालूम नहीं हुआ : क्या मीर कासिम का नेतृत्व विफल हो रहा था, क्या मीर कासिम के नेतृत्व के अन्दर पाकिस्तान से हम डील नहीं कर सकते थे ? इतना बड़ा जो काश्मीर में उनका बहुमत था, और जैसा काश्मीर के सम्बन्ध में आरोप लगाया गया था कि वहां रिग्ड इलेक्शन हुये थे—उससे अन्तर्राष्ट्रीय जगत में हमारी प्रतिष्ठा को भी बट्टा लगा होगा—तो क्या आज शेख अब्दुल्ला के सम्बन्ध में आप आश्वस्त कर सकते हैं कि शेख अब्दुल्ला 1953 की तरह व्यवहार नहीं करेंगे ? पण्डित जवाहर लाल नेहरू ने शेख अब्दुल्ला का बड़ा साथ दिया, स्वयं कांग्रेस प्रेसीडेंट की उपेक्षा करके वे काश्मीर के अन्दर गये और गिरफ्तारी तक का भी खतरा मोल लिया, लेकिन जब सन् 1952 में पण्डित जवाहर लाल नेहरू ने शेख अब्दुल्ला को मिलने के लिये कहा तब शेख अब्दुल्ला ने कहा कि अगर आपको जरूरत है तो मुझसे आकर मिलिये, मेरे पास समय नहीं है—उसका मुख्य कारण था कि सत्ता में रह कर एक मद हो गया, उनकी दृष्टि अहंकार से भर गयी थी ; वे समझते थे कि उनका दर्जा विशिष्ट है, तो उनके अन्दर एक दंभ पैदा हो गया था । तो इस के लिए जरूरी है कि उनका थोड़ा सा नार्मल दिमाग हो । सत्ता एक हेवी वाइन की तरह है जिसका मद उतर नहीं सकता है और इस मदके लिए यह जरूरी है कि इसके लिए चैंक और बैलेंस हो । यह चैंक और बैलेंस शेख अब्दुल्ला को 1953 में प्राप्त नहीं था और यह वजह थी कि उनकी महत्वाकांक्षा बढ़ गई थी । मैं यह बात कभी नहीं कहता कि शेख अब्दुल्ला एक अलग से सत्तनत बनाना चाहते थे क्योंकि जब

पाकिस्तान ने 20 अक्टूबर 1947 को हमला किया था, तो उस समय अगर शेख अब्दुल्ला चाहते तो पाकिस्तान का साथ दे सकते थे । उस वक़्त उनके स्वयंसेवकों ने बहादुरी के साथ बलिदान किया काश्मीर की सुरक्षा के लिए । यही कारण है कि जब इस लड़ाई में काश्मीर के लोगों ने अपना रक्त बहाया था तो काश्मीर के साथ भारत का एक समझौता हो गया जिसकी वजह से काश्मीर को एक विशेष दर्जा मिला । अगर भारत का विभाजन नहीं होता और पाकिस्तान नहीं बनता, फारेन अफयर्स, डिफेन्स और कम्युनिकेशन तथा करेंसी ही केन्द्रीय विषय होते । उसी तरह की बात क्रिप्स मिशन ने कही थी और अन्य स्टेटों के साथ भी इसी तरह का फैसला हो सकता था । लेकिन 1953 के बाद ऐसा महसूस किया गया कि भारत में कुछ ऐसे डिसरपटिव फोसेज हैं जो केन्द्र को कमजोर करना चाहते थे और उस समय यह महसूस किया गया कि केन्द्र को मजबूत होना चाहिए क्योंकि उस समय देश के अन्दर कुछ ऐसी ताकतें पैदा हो गई थी जो कि हिन्दुस्तान की एकता और सोवरनिटी को चुनौती देने लगी थी । इसलिए 1953 के बाद भारत सरकार ने और प्लानिंग कमिशन ने कौनकरेंट लिस्ट में अधिक से अधिक अधिकार लेने की बात की । इसलिए भारत सरकार को इस बारे में सतर्क रहना पड़ेगा कि अन्य स्टेटों में भी इस तरह की प्रतिक्रियाएं होने पाय और वे यह महसूस न करे कि उनसे स्टेट इन्सिस्टिव छीना जा रहा है । हमने स्टेटों को फाइनैस असिस्टेंट देकर, फाइनैस कमिशन द्वारा सहायता देकर और प्लानिंग कमिशन की एजेंसी द्वारा स्टेटों को सहायता देकर उनको सव सरविपेंट बनाया है और उनके आत्म सम्मान को धक्का दिया है, जो कि भारत के एकीकरण के लिए उचित नहीं है । भारत के अन्दर जैसा राजू जी ने कहा कि युनिटी आउट आफ डाइवर्सिटी है, भारत वर्ष का जो कल्चर है वह एक मल्टी कल्चर है । यहां पर बहुत सी भाषाएं हैं । तो यह प्रश्न पैदा होता है कि यह समझौता क्यों किया गया है ?

[श्री बनारसी दास]

शेख अब्दुल्ला 21-22 साल के बाद फिर भी एक नेता के रूप में है और मैं समझता हूँ कि 1965-66 में उन्होंने डेसपरेशन में आकर यह वक्तव्य दे दिया था कि काश्मीर में पाकिस्तान और हिन्दुस्तान दोनों ने ही कब्जा किया हुआ है लेकिन मैं समझता हूँ कि समय परिवर्तन के साथ बुद्धि आने के बाद वे यह बात कहने के लिए प्रेरित हुए और अब वे यह मानते हैं कि काश्मीर भारत का एक अभिन्न अंग बन गया है। वे यह भी मानते हैं कि अब प्लेबिसाइट फ्रंट की कोई आवश्यकता नहीं रह गई है। लेकिन फिर भी हमें सतर्कता रखनी ही चाहिए और काश्मीर की जनता को इसके बारे में प्रशिक्षित किया जाना चाहिए ताकि वहाँ का असेम्बली आर्टिकल 370 को रिवोक कर सके और काश्मीर अन्य राज्यों की तरह भारत का अभिन्न अंग बना रह सके। इसलिए यह एक प्रश्न है जिसको हमें राष्ट्रीय दृष्टिकोण से गौर करना होगा और दलीय दृष्टि से नहीं। मैं समझता हूँ कि जब मौलाना फारूक और भुट्टो प्लेबिसाइट की बात करते हैं और जब भुट्टो यह कहता है कि हिन्दुस्तान और शेख अब्दुल्ला के बीच मैं जो समझौता हुआ है वह पाकिस्तान के लिए एक खेद है, तो इसका एक लाजमी नतीजा यह निकलता है कि हमने एक कदम आगे बढ़ाया है। लेकिन एक ही प्रश्न में आप से यह अर्ज करना चाहता हूँ और जैसा श्री राजू जी ने भी कहा कि यह बलिदान वहाँ के कांग्रेस दल ने किया कि वहाँ पर एक नौन पार्टी गवर्नमेंट बन गई है लेकिन फिर भी एक मार्क आफ इंट्रोगेशन रह जाता है। यह बात साफ होनी चाहिये कि शेख अब्दुल्ला और भारत सरकार के बीच मैं समझौता क्या हुआ है, हमें अंजाने में भुट्टो साहब की भाषा में नहीं बोलना चाहिए। भुट्टो जो कहते हैं उनका अर्थ वह नहीं होता। हम कनजम्पशन के लिये उनके शब्द अलग है बाह्य जगत के लिये भिन्न हैं। काश्मीर के प्रश्न पर हमें राष्ट्रीय हित को ध्यान में रखकर मत

प्रकट करना चाहिए। हमें इस बारे में साम्प्रदायिक दृष्टिकोण से काम नहीं लेना चाहिये और न ही प्लेबिसाइट की बात माननी चाहिये क्योंकि इस चीज से हमारे देश की सुरक्षा बंधी हुई है और आज उसकी बिल्कुल भी जरूरत नहीं है। वहाँ पर स्टेट असेम्बली है जिसने इस बात की घोषणा कर दी है कि काश्मीर की जनता भारत के साथ है। और पाकिस्तान को काश्मीर के सम्बन्ध में कहने का कोई अधिकार नहीं है। पाकिस्तान जो वहाँ पर प्लेबिसाइट की बात करता है, तो काश्मीर में चुनाव हो चुके हैं और वहाँ की जनता ने अपनी राय भारत के साथ रहने के लिए दे दी है। अब पाकिस्तान के लिए कोई औचित्य नहीं रह जाता है कि वह काश्मीर के बारे में कोई बात कहे क्योंकि हमने वहाँ की जनता को जो वचन दिया था कि वे अपनी राय देकर अपनी सरकार चुन सकते हैं, वह हमने पूरा कर दिया है। जो लोग वहाँ पर जनमत संग्रह की बात करते थे, वे भी इस बात से सहमत हो गये हैं। मुझे आशा है कि यह जो समझौता हुआ है, उससे वास्तव में वहाँ की जनता का मनोबल बढ़ेगा। अगर पाकिस्तान ने समझौता से काम न लेकर फिर काश्मीर और भारत में शस्त्रों द्वारा हमला किया तो काश्मीर की जनता उसी प्रकार उसका मुकाबला करेगी जैसा कि उसने 1947 में किया था।

THE MINISTER OF DEFENCE
(SARDAR SWARAN SINGH):

Mr. Vice-Chairman, Sir, this is an occasion which gives a great deal of satisfaction because the accord which facilitated the changes in the governmental set-up of Jammu and Kashmir has been very widely welcomed throughout the country. In the other House and in this House, the leaders of the various political parties have pledged support to this and have also recorded their appreciation of the manner in which this accord has been arrived at. But I am conscious of the fact that there is one political party which still does not appear to be reconciled and is not prepared to admit in a straightforward manner that this

agreement is a good agreement. I, however, do have the feeling that their original extreme reactions will have been considerably mellowed down by the passage of time and I would not like to enter into any argument with them. And I would again reiterate the appeal that on an occasion like this, it is in the best interests of the country—and may be, perhaps, in the best interests of that party itself—for them to fall in line with the broad consensus that has emerged in the country; and that consensus is that this is a good agreement, and everyone has appreciated it and has extended support to it.

The speech of the spokesman of the Jana Sangh, my esteemed friend, Shri Prakash Vir Shastri, was, if I may say so, a laboured speech, and he did want to put across his case in as plausible a manner as possible, particularly when a weak case is argued. And he did try to urge certain points. I carefully listened to his speech and I also wanted to understand as to what his approach was. If we analyse the arguments put across—and this is the only discordant speech—it amounts to this. Sheikh Abdullah, in his words, has a history which does not inspire confidence in him that he will really change as a result of this accord. This, if I may say so, is the main burden of his speech. And there is a history behind this whole episode in Kashmir which is well known to the country. There is no doubt that there was an estrangement between Sheikh Abdullah and the national leadership and also that there was an estrangement between Sheikh Saheb and certain important influential political elements in the State. And there was a long period that elapsed after he was in a position when he was out of power. There is no use citing his speeches of that period, quoting his speeches or statements made after he was released. Obviously, those speeches and those statements were made in a different context and under different circumstances. No efforts, perhaps, were necessary to undertake discussions or to bring about an accord if there were

no differences. Let us face the problem squarely and frankly and the essence of this is that Sheikh Saheb had a particular viewpoint, had a particular approach. Here was in Parliament and amongst the political parties another approach. The whole object of this dialogue was to explore the possibility of finding a common ground which could be the basis of both understanding of the basic issues, constitutional or legal and also which could be the basis of fruitful, co-operative functioning so that the bitterness of that period may be forgotten. Unless we view the problem in proper perspective it is possible to cite quotations to highlight any particular aspect that might be in the mind of any objector or any community. This is an occasion where the temptation to make points, temptation to dig out the unsavoury past has to be given up and we have to examine the accord both from the legal, constitutional angle and also from the political angle. I have no doubt in my mind that any examination of the accord and the subsequent events in a dispassionate manner will convince any person that this was a good agreement from every point of view in the interest of the people of Kashmir, in the interest of India and in the best traditions of the way that the Congress has from time to time been tackling difficult and complicated matters and taking the responsibility of taking decisions which might solve some pending problems, some pending controversies and disputes. And this is further proof of the virility and the vitality of our system which enables us to resolve these matters in a mutually satisfactory manner.

Having said that, like all accords if we try to project that all that we wanted to achieve has been achieved, it will perhaps not be correct.

SHRI SUBRAMANIAN SWAMY:
What did you want to achieve?

SARDAR SWARAN SINGH: I will let you know. I am glad that now you are in a constructive mood. If you listen to me you might find the answer.

SHRI SUBRAMANIAN SWAMY:
The more I listen to you the more I get confused.

SARDAR SWARAN SINGH: We wanted to achieve goodwill and understanding which is probably foreign to Jana Sangh. Similarly Sheikh Saheb in the initial stages had a particular stand. I have not said something new. It is mentioned in the various agreements that have been signed, it is mentioned in the various clauses of the agreement that has been signed, it is mentioned there that he took the position that what happened after 1953 should be reviewed, that he is bound only by the position as it stood in 1953 when he had to leave his position. This was his position. So, like all agreements it was an agreement where there was an element of give and take and we, as responsible Parliament, should accept that position. Having entered into an arrangement, every effort should be made to make that arrangement a success. Now, we should seriously ponder that any highlighting of our viewpoint and ignoring entirely the viewpoint of Sheikh Abdullah and his colleagues will create a definite disadvantage and might retard the progress towards stabilisation of the situation which is the main objective before us. We should, therefore, view this agreement in that spirit.

Now, I will make my comment in two parts. About the legal and constitutional part, there is this element of give and take, and I will say that frankly because I have been associated with this agreement and it is my duty to explain the position clearly so that there may not be any doubt or any score. Basically the accord is meant to pave the way for lasting co-operation among those who are dedicated to common objectives, ideals and values, namely, democracy, secularism and socialism. Has the Jana Sangh leader any objection to any of these words? Perhaps you do not believe in secularism. If you do, then, I have no objection. Silence sometimes is consent and I presume

that. The accord is based on recognition and reaffirmation by both sides of two fundamental points: (a) the accession of Jammu and Kashmir to the Indian Union, in which Sheikh Abdullah himself played the leading role, is final and irrevocable and not subject to any kind of a plebiscite; (b) the special position of the State of Jammu and Kashmir, recognised in article 370 of the Constitution of India, will continue to govern the Centre-State relationships. Sheikh Saheb was keen for a complete reversion to the position obtaining in 1953, but he accepted the position that this was not possible. But what has been agreed to is that all the Central laws relating to the Concurrent List which have been extended to the State since 1953 can be reviewed by the State Assembly and, if in the interest of the people of the State, the Legislature makes any changes or modifications in them, and the State Government makes a request for assent to the President, he will give his sympathetic consideration to the matter.

Now, in regard to the provisions of the Indian Constitution which have already been applied to Jammu and Kashmir *in toto*, there will be no changes or modifications. I would however, like to add that in respect of such provisions as have been applied to Jammu and Kashmir with adaptations and modifications, the adaptations and modifications, can the amended or repealed by an order under article 370, each case being considered on merits. The State has a Constitution of its own in regard to some of those items considered essential for the proper functioning of the Union, it has been agreed that no constitutional changes will be made. In a sense, those provisions will become entrenched provisions. Now, I would like to say that the accord covers not merely those constitutional and legal features to which I have made a reference but on the political plane, too, the accord symbolises the same desire for mutual understanding, and there is also a give and take. As Sheikh Saheb

rightly and the other day, what is more important is the accession of hearts and minds. One major outcome of the dialogue has been, as indicated by Mr. Beg as the President of the Plebiscite Front, that plebiscite has been rendered irrelevant. The organisation is soon expected to decide what new name it should bear and what consequential changes it should make in its objectives and character.

Now, another question has been put as to what was the necessity of this change. Did the former Chief Minister, Syed Mir Quasim and his colleagues and the Congress Party find any difficulty in dealing with Pakistan so far as this question of Jammu and Kashmir is concerned? I would like to clarify that the authority to deal with Pakistan in this matter is the Central Government. Let us understand that correct Constitutional position. So far as the relationship between the State of Jammu and Kashmir and the Central Government is concerned, that is a matter which is governed by Constitutional provisions. Some of these more important aspects, I have already mentioned in the earlier part of my statement. There is no question of Syed Mir Quasim not being able to deal with this question in relation to Pakistan. In fact there was complete co-operation between Central Government and Syed Mir Quasim as Chief Minister in all the approaches that we had with regard to the question of Jammu and Kashmir. Our firm position throughout has been that Jammu and Kashmir is an integral part of India and no amount of argument, no amount of shouting or no amount of any different voice raised by Pakistan can alter this fact and we firmly adhere to that position. This is clearly India's attitude and in this respect there was no differences of opinion between us and Syed Mir Quasim. In fact.....

SHRI BANARSI DAS: Then why was this change of leadership made in Kashmir? Did you find any

difference there in carrying on administration?

SARDAR SWARAN SINGH: I have jotted down your question. This was one of the questions you have raised. Syed Mir Quasim was in the Indian Delegation from time to time when the question of Kashmir was agitated in one form or another in the General Assembly of the UN and sometimes in the Security Council also. He was of the same view as the Government of India and on several occasions he made very useful interventions and made sound contribution. This was very helpful. But the broader question is one which we have to deal in the Centre and there should be no dilution of our authority and our responsibility in this respect. Of course, in this matter we can ask for help from the Government or the leadership in Jammu and Kashmir, whatever may be the political parties, whether the leader may be in the Government or out of Government. Then it is asked generally as to what was the need of the change. If I might say, the need for the change was that there was an influential section of public opinion in Jammu and Kashmir which still was not in the mainstream of Indian Nationalism and which from time to time raised slogans which were inconsistent with the position that Jammu and Kashmir had in the context of India. For instance, the very concept 'Plebiscite Front' is something which is totally unacceptable to us. If an organisation with plebiscite as its objective gives up that objective and is prepared to co-operate with the other secular and democratic elements in the best interests of the State and the country, this is something....

SHRI MAHAVIR TYAGI (Uttar Pradesh): Are you sure that Mr. Sheikh Abdullah will not support the plebiscite?

SARDAR SWARAN SINGH: There is absolutely no question now of plebiscite and we are convinced that Sheikh Abdullah has himself

[Sardar Swaran Singh]

made statements to this effect that plebiscite is now irrelevant and there is no question of plebiscite. If a statement is made that accession is final, then what is plebiscite for? The answer should be known to a very distinguished Parliamentarian like Shri Mahavir Tyagiji. If accession is final, then what is plebiscite for? That is why according to the statements made by Mirza Afzal Beg who was the President of the Plebiscite Front, the concept of plebiscite has now become irrelevant. That has been the statement made by both Sheikh Saheb as well as Mirza Afzal Beg. In consonance with our general approach we try to persuade all freedom-loving, secular and democratic elements to work and co-operate together, if we succeed in winning over certain other sections or giving opportunities of co-operation to the other sections which were keeping themselves away, then, this should certainly be the objective which is worth-while pursuing politically and which is in the best interests of the country and this was precisely what was done.

Now, I may say that even in his political arrangement, there is again a give-and-take and this explains another query that was raised: Why had the Congress to step down? The Congress as a Party has, from time to time, at crucial moments in our history, risen to the occasion and we have been able to demonstrate that, contrary to what many of our critics say, in broad national interests we have got the capacity to chuck off office if we have felt that it is in the best interests of the country to do so. Therefore, I would like to pay a tribute to Mr. Mir Qasim and his colleagues....

SHRI SUBRAMANIAN SWAMY:
I do not think so.

SARDAR SWARAN SINGH: Perhaps this is something which you cannot understand.

SHRI SUBRAMANIAN SWAMY:
Let me see whether you are able to do that in 1976.

SARDAR SWARAN SINGH: Well, even in a small municipal committee like the Delhi Municipal Corporation, you had to wriggle out and very reluctantly you left office when you had lost the support.

But, here, we the Congress people are having an overwhelming majority in Jammu and Kashmir and there was no dissension and the entire party, by a unanimous resolution, has pledged its unstinted support to Sheikh Abdullah.

SHRI SUBRAMANIAN SWAMY:
It is a surrender.

SARDAR SWARAN SINGH:
Although they have gone out but they have pledged themselves to support this present Government which consists of eminent persons, these are the traditions which, I think, only a party like the Congress can establish, that they can bow out, that they can make room for others, if that is in the best interests of the country.

SHRI SUBRAMANIAN SWAMY:
It is in the best interests of the country if it is all over the country.

SARDAR SWARAN SINGH: If there are men like Sheikh Abdullah in other parts and in the other States of the country facing a similar situation, we would like to do the same thing. But we cannot go out in favour of the Jana Sangh.

SHRI SUBRAMANIAN SWAMY:
Why not?

SARDAR SWARAN SINGH:
Because we also know that the surest way to take this country to ruin and disintegration is to adopt the Jana Sangh ideology.

SHRI MOHAMMAD YUNUS SALEEM (Andhra Pradesh): He himself does not believe in that.

SARDAR SWARAN SINGH: Sometimes he forgets what he has learnt in the USA.

SHRI SUBRAMANIAN SWAMY: Well, you are here to teach me.

SARDAR SWARAN SINGH: What can I teach you?

Now, Sir, as I have said, what the Jammu and Kashmir Legislature is doing is an experiment, unique in the annals of parliamentary history. A new Government has been ushered in under one of the stalwarts of the freedom struggle of this country composed, besides himself, of three other distinguished individuals. Only one of them is associated with any political party and that too is not yet represented in the State Legislature. I refer to Mirza Afzal Beg. And, yet, Sir, the new Council of Ministers has been ushered in, not only following the voluntary exit of the former Government, but also with its full support and co-operation and that of the Congress Legislature Party which commands an absolute majority in the Legislature. So, there is a balance in this accord as well and it is this which we should not miss. There is a give-and-take and there is an appreciation of each other's point of view and difficulties.

A point was raised as to whether any step has been taken to alter the constitution of the Plebiscite Front. I think the House should know that Mr. Beg has already said that the organisation is soon expected to decide what new name it should bear and what consequential changes it should make in its objectives and character. This has already been stated publicly by Mirza Afzal Beg.

The accord is only an extension of the wider unity and understanding which it symbolises. As Sheikh Sahib

put it very aptly the other day, it is an act of faith which has brought both sides together. What is aimed at is that all secular and democratic elements should combine their forces together to fight the many challenges faced by this nation. There is re-union of old friends, a re-establishment of the trust and confidence of the glorious days before and immediately after Independence, and a decision to forget the bitterness and estrangement of the past.

Sheikh Sahib's decision to join the mainstream of national life brings to the public affairs of this country—at a critical stage of our history—an outstanding leader whose dedication to certain basic ideals and principles is beyond question. We, therefore, look forward to the benefit of his enlightened leadership not only for the State but the whole country.

Mirza Mohammad Afzal Beg's own personal contribution to this accord has also been enormous. He not only brought to bear upon it his rare legal acumen and political realism, but even risked his frail health in the process of this long and difficult dialogue. He never allowed narrow Party considerations to come in the way of the larger cause. I am sure the House will join me in complimenting both him and Shri G. Parthasarathy for their commendable labours.

May I also pay my tribute to the sense of dedication, sacrifice and political wisdom with which Syed Mir Qasim has played his part in this dialogue. Under his leadership, the Congress in Jammu and Kashmir has a new opportunity, to give itself a new life and a renewed dedication in support of the larger causes which this accord seeks to advance

[The Vice-Chairman (Shrimati Purabi Mukhopadhyay) in the Chair.]

Sir, I would like to end.... (Interrupts).

AN HON. MEMBER: Sir or Madam?

SARDAR SWARAN SINGH: Chair, I think, is Chair.

But I would like to say that small objections raised on Article 370, jurisdiction of the Supreme Court—these are, if I may say, matters which do not even merit any reply. I would...

SHRI SUBRAMANIAN SWAMY: Even national integration does not merit much concern.

SARDAR SWARAN SINGH: I think 'accession' means 'national integration', unless there is, in the Jana Sangh dictionary, a different meaning for it.

I would like to say that sometimes Jana Sangh party does not listen to voice of reason when it comes from us. But I would like them to ponder very seriously over the reactions that have been evoked in Pakistan. Do they realise that the call for strike which was given by Jana Sangh in Jammu was quoted by the Pakistan Radio as a protest against the agreement? However...

SHRI RANBIR SINGH (Haryana): Birds of the same feather flock together.

SARDAR SWARAN SINGH: However, if I may say, if people say that we have two great leaders, both originating from Sind—Prime Minister Bhutto and Shri Advani, President of the Jana Sangh—who somehow or other unwittingly speak the same language, this is because perhaps all communal and reactionary forces sometimes move in the same direction and both of them adopt an attitude which leads to the same result, whatever may be the motive. I do not attribute any motives. But in political life, motives are important. However the results of the

concrete actions that are taken are even more important. So...

SHRI SUBRAMANIAN SWAMY: It is like saying that there are two Prime Ministers in India, both from Kashmir.

SARDAR SWARAN SINGH: This simply is un-professorlike. Why is there strong reaction in Pakistan? It is because Pakistan does realise that this is a great change that has come about in the whole political set-up of Jammu and Kashmir. The Pakistani elements which are trying to create trouble here try to induct these outside elements in the hope that there are considerably powerful sections in Jammu and Kashmir whose antipathy to the Central Government or to the general political life can be exploited. This was the whole *modus operandi* of creating trouble in Jammu and Kashmir. As that capacity to create trouble in Jammu and Kashmir has been completely wiped out by this accord between Sheikh Abdullah and the Centre, Prime Minister Bhutto is so much upset. If our voice of reason does not appeal, please do take note of this reaction that is caused in Pakistan and if your philosophy generally is correct, then anything that is disliked by Pakistan should at any rate, be liked by Jana Sangh because sometimes they act in a negative manner. But so far as Pakistan is concerned, I want to make one thing absolutely clear. This agreement between us and Sheikh Abdullah and other political leaders of Jammu and Kashmir is an internal matter and Pakistan has got no business to make any comment or to indulge in the type of slogans that Prime Minister Bhutto did by calling upon the observance of hartal. He had no business to do it and he should not have done it even though our Jana Sangh was asking for hartal. Shri Bhutto should have desisted from giving a call for strike. Jana Sangh is our own internal party. We may have differences. But Pakis-

tan leadership could not take advantage even of the wrong move that was made by Jana Sangh in calling for a hartal. Pakistan should not have fished in troubled waters.

SHRI SUBRAMANIAN SWAMY: Although we were isolated at the time of Simla Accord, it has been proved today that we were right. Today we are isolated in this. But within one year, we will be proved right.

SARDAR SWARAN SINGH: I think this isolation must be particularly painful at the present moment when a facade is being worked out that all the anti-Congress forces can be brought under one umbrella. Therefore, it must be very uncomfortable for Jana Sangh to have been isolated to that extent again, I offer my condolences and sympathy to them.

SHRI SALIL KUMAR GANGULI (West Bengal): Madam, I welcome this agreement between the Government of India on the one hand and Sheikh Abdullah and Mirza Afzal Beg, the two great patriotic leaders of the people of Kashmir who are well known for their secular views, on the other hand. This was always a domestic problem of India and it has been solved in a satisfactory manner for the time being. The Prime Minister correctly stated in her statement dated the 24th February, 1975, that:

"Sheikh Abdullah had played a notable part in the freedom struggle and in the accession of the State of Jammu and Kashmir to the Indian Union. He formed and headed the Government of the State for a number of years after Independence. Despite the differences which led to the subsequent estrangement, it seemed clear from the public statements made by Sheikh Abdullah as well as personal talks with him that his commitment to basic national ideals and objectives had remained unchanged. He reaffirmed that the

accession of the State to the Indian Union was final and irrevocable. His main area of concern was about the legal and constitutional changes made after August, 1953."

Madam, the difficulties and differences which arose were largely due to the mistaken obsession from which the Government of this country suffers from the date of independence, that is to have over-centralization of power in the hands of the Central Government. They want a strong Centre without knowing what to do with it and how to achieve the objective. The Central Government in a multi-lingual multinational federal state can be strong only by having strong autonomous constituent States with residuary powers and not by over-centralizing all the powers and authorities and consequent responsibilities in the federal capital. People's participation is a very important thing which cannot be obtained by the bureaucrats sitting in Delhi in a country with 60 crores of population. This fact is forgotten by this Government. This is being conveniently forgotten from year to year. A strong Centre can be brought about into existence only by decentralization of authority so that the Central Government may concentrate on the powers transferred to it, leaving the States to marshal and organise the people in their effort to improve the economy. However, Madam, the Indian Constitution, unfortunately, as every school boy knows, is federal in form but unitary in content. This has led to the dispute between Sheikh Abdullah and the Government of India. In trying to preserve the federal character of the relationship between the State of Jammu and Kashmir and the Union of India, these leaders of Kashmir, Shaikh Abdullah, Beg and their associates had to suffer for long at the hands of power-loving autocrats to whom unity means merger. However, I do not want to go further into these details now. In order to have a really popular Government in

[Shri Salil Kumar Ganguli]

Jammu and Kashmir which might effectively strive to put an end to unemployment, starvation and misery of the people, the leaders of Kashmir have agreed to this settlement for effecting economic changes and development of Kashmir with people's participation although in the process of hard bargaining they had to abide by the provisions of the Indian Constitution relating to the imposition of the President's Rule unilaterally by the Centre, provisions relating to the Fundamental Rights embodied in the Constitution which include the right of going to jail without trial. It is very extraordinary under the circumstances. In no democratic country such a provision ever existed or exists now. And the provision relating to the Election Commission of India. So far as the Election Commission of India is concerned, Madam, it has become a scandal. It has become a complete tool in the hands of the ruling party. That is the experience everywhere. We have the recent experience in Trivandrum when the bye election date was announced but to suit the convenience of the ruling clique the election was indefinitely postponed recently.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): What has it got to do now?

SHRI SALIL KUMAR GANGULI: It has got connection. It shows what kind of hard bargaining Sheikh Abdullah and his associates had to go through when they had to agree to the supervision by the Election Commission of India which is a mere stooge in the hands of the ruling party. That is why I say that in order to retain the federal structure between the people of Jammu and Kashmir and the people of India, they had to give up much of their claims and climb down which, of course, I should say, is a wise thing in the greater interest of the people of

Jammu and Kashmir for their economic development. Now, however, it goes to the credit of these leaders of Kashmir and the forces of secularism that the policy of repression has failed and has been defeated. And Kashmir has not been reduced to the same position of mere administrative units like the other Indian States which are called States merely by nomenclature and courtesy and can be made and unmade at the whims of the Central Government. It has still retained a little part of this federal character. I hope, Madam, that with the active participation of the people of Kashmir which the earlier Governments, the stooges of the Central Government, could not obtain and which these leaders, these respected patriotic leaders can certainly obtain, they will be able to build a new Kashmir as promised by them.

Thank you, Madam.

SHRIMATI MARGARET ALVA (Karnataka): Madam, Vice-Chairman, the Kashmir accord arrived at after two years of patient negotiations, I believe, marks a turning point in the history of independent India.

SHRI N. G. GORAY (Maharashtra): Madam, would you not like to postpone the discussion till tomorrow?

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): You are going to speak next.

SHRIMATI MARGARET ALVA: Mr. Goray, having started, may I finish?

SHRI N. G. GORAY: There is nobody to listen.

SHRIMATI MARGARET ALVA: Is there any objection to my finishing when I have started?

SHRI N. G. GORAY: There is no harm if you continue tomorrow.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): She has to go tomorrow. Let her finish.

SHRI N. G. GORAY: Madam, I ask you very seriously when there is almost nobody in the House and after the Minister has intervened, there must be some time given to us also. It is not that at the fag-end you call us and ask us to finish.

SHRI OM MEHTA: We are not going to finish today.

SHRI N. G. GORAY: I am sitting till the end. But, there is nobody in the House.

THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): If you want you can speak tomorrow.

SHRI N. G. GORAY: She is a good speaker. Let her also speak tomorrow when there will be Members

THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): She said she won't be here tomorrow and that is why I have given her the chance today.

SHRIMATI MARGARET ALVA: I am sorry for the inconvenience but I hope that since I have started I will be permitted to finish.

Madam, the domestic problem that had defied solution for two decades has now been solved in a spirit of understanding and forgiveness closing the chapter of discord, distrust and discontent. And, what does this accord achieve. It achieves two basic things. On the one hand, it brings back into the mainstream of our national life a patriot, a statesman and a political leader of the people, namely, Sheikh Abdullah. And, secondly, and more important perhaps, it settles sets once and for all the question of accession of Jammu and Kashmir to the Union of India.

At this stage, Madam, I would like to emphasise what has been said so many times today that it is not the legal niceties or the constitutional details that matter. It is the substance of the achievement, the re-establishment of mutual trust and confidence that matters. Madam, the accord itself is simple and straight. The hon. Minister before me has set out in detail the various aspects of the agreement which has been arrived at but I would like to point out that it is an agreement to which really shows the spirit of give and take.

On the part of the Indian Government, they have agreed to five basic points:

(1) That article 370 will continue to determine Kashmir's legal links with the Union of India.

(2) That the Government of Jammu and Kashmir would be free to review the laws coming under the Concurrent List and extended to Jammu and Kashmir after 1953.

(3) That the jurisdiction of the Supreme Court as far as the Special Leave to Appeal is concerned, would be curtailed as far as article 132(2) of the Constitution is concerned.

(4) That as far as questions relating to the role of the State Governor, questions dealing with elections and the role of the State Legislative Council were concerned, any laws which would in any way change the rules and laws governing these three subjects would require the special consent of the President.

(5) That the State Assembly would have the right to re-designate its Chief Minister as Wazir-e-Azam if it so thought fit by bringing forth an amendment to the State Constitution.

In return, Sheikh Abdullah has agreed to six points:

(1) That the accession to India is an irrevocable fact of history.

[Shrimati Margaret Alva]

(2) That Parliament has powers to make applicable to Kashmir all laws for safeguarding the integrity of the Indian Union, its flag and so on.

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(3) that the fundamental rights enshrined in the Constitution apply to Kashmir;

(4) that article 356 providing for the extension of President's rule to the States would apply to Kashmir whether or not the State Assembly consented;

(5) that the powers of the Election Commission will be unaltered; and last but not the least; and,

(6) that the demand for a plebiscite is dropped and that this question is settled once and for all.

(Interruption)

And what has been the reaction to this accord? The whole nation—with very few exceptions—has acclaimed the accord as a victory for the forces of democracy, secularism and socialism. The exceptions have been the Jana Sangh on the one hand—and my friend there has been specially active today—and a small section of the House and some elements in Jammu and Kashmir themselves on the other. Their motives and intentions are well known and I do not wish to take up more time by trying to explain them.

What has been the reaction of Pakistan? Pakistan just watched with dismay its sphere of influence shrink gradually in the last few years and finds again that another subject seems to have been removed out of the pale of negotiations in the international forums. It looks as if the goose that laid golden eggs for Pakistan has ceased to exist because to Pakistan Kashmir was all these years a bait. Whether it was a question of arms supply, whether it was a question of debate in the United Nations, anywhere and everywhere it was this question of Kashmir that was used

by Pakistan to build up opinion against India. And this has today ceased to exist. As far as China is concerned, they have their own interpretation and naturally it coincides with Pakistan's reaction. As far as the United States is concerned, we have seen the reaction: it has again tried to pamper its spoiled child in Asia—Pakistan—by giving it a generous supply of arms to compensate for what it has lost in the years and in this accord which we have arrived at with Kashmir. But as far as the world is concerned, I think we have given a lesson, a lesson that understanding is something which cannot be precluded at any time in this country. We have shown the maturity of our democracy; we have shown the spirit which India alone could give to the world and I believe that this accord is surely a green leaf in the fading pages of history.

There have been many criticisms levelled by various Members of the Opposition—at least various points have been made by them and I would like to briefly answer some of them. First of all there has been the charge that the Opposition was not consulted at every stage of these negotiations. I would like to ask whether it is possible to come here every day with a statement and say "Today Sheikh Abdullah agreed to this, yesterday we agreed to that and tomorrow we will do this?" This has been a process of negotiations which has been going on for the last two years. As we said, at different stages all of us had to make an even dialogue, negotiations had to be held in a spirit of understanding, in a spirit of compromise and naturally at every stage this House could not have been consulted or taken into confidence.

As far as article 370 is concerned, this has again been of much debate today. I do not think it is article 370 which really gives a special status to Kashmir. On the other hand I believe that it is article 370 which recognises the special status which it already

had and brings it into the purview of the Constitution. In other words, article 370 serves as a link between the special status which Kashmir already enjoyed and brings it into closer ties with us and makes it possible for us really to extend many spheres of influence through article 370 to Jammu and Kashmir. And, therefore, we feel we have got to consider Article 370 as a positive step and not a negative one.

Then there has come this charge that this agreement has made Article 370 a permanent feature. I stoutly deny this charge. It has been stated by the Prime Minister that since the Constituent Assembly of Jammu and Kashmir which completed its work in 1956, has not asked for any change in this Article 370 it means that it continues to maintain the relationship of Jammu and Kashmir and India and this has been the judgment of the Supreme Court in 1970. It is quite possible that we may reach a stage when Jammu and Kashmir may ask that this Article be amended or be completely deleted. Now in spite of all that I would like to point out that the integration has taken place over the last two decades in various fields. As far as the emotional integration is concerned I think three wars that we have fought to safeguard the integrity of the nation and protect Jammu and Kashmir have really achieved this and during the course of this we have really been able to build up bonds of affection between the people of Kashmir and India. And then there has been constitutional and legal integration as well. The laws covering 92 out of the 97 subjects of the Union List have already been extended to Jammu and Kashmir and 26 of the 47 subjects covered in the Concurrent List have also been extended to Jammu and Kashmir. Then, whether it is on the economic front or the administrative front integration has definitely been very much in evidence. Today it is not possible, as the Sheikh himself

has admitted, to turn the clock of history backwards and say that we are going to reverse what has already been done over all these years. In this context, Madam Vice-Chairman, I would like to speak about the question of State autonomy. Especially, our friends from Tamil Nadu wanted to know whether, in the same way as this State has been given the status, they would also have a right to demand similar status. I would first of all like to point out that the question of giving similar status to other States does not arise at this point for the simple reason that Kashmir had the status as it is and which Tamil Nadu did not have. Even then I would like to say that whatever your demands, I am sure the Prime Minister would have some way of finding a solution even to your tricky problems as she has been able to find to this problem which defied solution for so many years. (*Interruptions*). At this stage, I would like to submit that we have to appreciate and approve of the role played by the Congress Party in Jammu and Kashmir and its leadership in permitting the smooth change-over in the larger interests of the State and of the nation.

Then, there has been the question of jurisdiction of the Supreme Court. It has been stated that we have made special provisions by not permitting the Supreme Court to have jurisdiction over Jammu and Kashmir. This is not so at all. It is only Article 132(2) which would be deleted as far as the jurisdiction of the Supreme Court over Jammu and Kashmir is concerned but I would like to point out that as long as Article 136 stands, the Supreme Court can override the State High Court in this matter and see that justice is done to the citizens of the State.

Then comes the question of the title. I would like to know what difference there is. If the State decides to call its Chief Minister by a different name,

[Shrimati Margaret Alva]

as the Prime Minister has stated over and over again, it can call him by any name but as far as the Indian Constitution is concerned, as far as the Union Government is concerned, he will be the Chief Minister of Jammu and Kashmir, his powers will be those of the Chief Minister and by whatever name he is called, he will still continue to work and operate as the Chief Minister of Jammu and Kashmir.

Therefore, I see no reason why they are trying to make mountain out of a mole.

Then comes the final question: Can we trust Sheikh Abdullah? This has been the point and the trend of the speech of the Jana Sangh leader. I would like to say that this is an inspired argument. There is no denying the fact that, Sheikh Abdullah has been a patriot; he fought shoulder to shoulder with our national leaders in the freedom struggle. He was the man who opposed the two-nation theory and stood for secular concept of the Indian Union and this was the man who played a very important part in the accession of Jammu and Kashmir to India. If a misunderstanding did creep at a later stage and if it did create a wrong impression, perhaps something went wrong somewhere and, perhaps, I would admit, we were as much to be blamed as he was if this misunderstanding was allowed to develop into a real controversy. But he has today risen beyond a narrow outlook; he has risen above personal pride and has extended the hand of friendship or rather accepted the hand of friendship which was extended to him. We are proud that this misunderstanding has been cleared. It was Pandit Jawaharlal Nehru who had started the dialogue to head the wounds of this misunderstanding and it is a proud moment for us to see the final chapter of this dialogue reached in a spirit of secularism under the leadership of his own daughter. And I would like to say, in the words of the Prime Minister, that we have every confidence that he....

Sheikh Abdullah will make his own distinctive contribution to the task of strengthening the nation and sustaining its ideals.

I would like to say, in conclusion, Madam Vice-Chairman, that Kashmir is not only a military battle-field, it has also been an ideological battle-field. It is here that the secular concept of our nation was challenged at various times and it looked as if everything was lost. But this democracy, this mighty nation of ours has stood the challenge and we have been able to restore the faith of our people in the secular ideas of our nation. And it is in this context that we should accept this as a moment of pride not only for the Congress Party and its leadership whether in Jammu and Kashmir or in the rest of India, but this is a moment of national pride and I think that this is an achievement which deserves a national ovation and I hope that sections which have stood apart from these national feelings of pride and contentment, would rise about narrow party purposes and be true, nationalist and joint in this national rejoicing. Thank you.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Mr. Goray, you do not want to speak?

SHRI N. G. GORAY: Tomorrow.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Mr. Tirath Ram Amla would speak now.

SHRI TIRATH RAM AMLA: I will speak tomorrow.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): Then we adjourn till 11 A.M. tomorrow.

The House then adjourned at fourteen minutes past six of the clock till eleven of the clock on Thursday, the 13th March, 1970