

श्री इन्द्रवीर सिंह]

ऐसी घटनाओं के बारे में आप क्या कहते हैं ? क्या इसकी आप सार्वजनिक भर्त्सना करेंगे क्या आप खुली घोषणा करेंगे कि आप किस वर्ग के साथ हैं ?

उत्तर की प्रतीक्षा में,

आपका

उपेन्द्र शास्त्री

Sir, in this connection, I only wish to draw your attention to the fact that the people who injured Naresh Mandal have not yet been arrested and the revolver from which the shots were fired has not yet been seized. I would also request my friends on this side, particularly Mr. Rajnarain, to speak on this incident where their people are involved...

(Interruption)

MR. DEPUTY CHAIRMAN : We will now proceed with the Motion—Shri N. G. Goray. I think, we will have to restrict the time to 10 minutes for each speaker.

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

SHRI N. G. GORAY (Maharashtra) : Sir, it is rather late in the day to discuss this accord on Kashmir because events have moved fast and the accord has already been implemented. But, Sir, without beating about the bush, I would like to say in a straightforward manner that I welcome this accord.

Sir, during the last four or five years, dramatic events have taken place on this sub-continent. We have seen that a leader like Mujibur Rahman almost emerged out of the grave and became the first President of the liberated Bangladesh. We have also seen, Sir, a mass leader of the stature of Jayaprakash Narayan emerging during this period from his self-imposed isolation. Sir, we have also seen our Prime Minister, who

was so hesitant and shy a political worker, emerging on the horizon as one of the dominating figures in this world. So, these four or five years have been years of high drama and, therefore, Sir, I was not surprised at Sheikh Abdullah, after 22 years, is coming back to Kashmir as the Chief Minister once again and taking his place alongside the other leaders of this country.

Sir, I do not look at this accord from a narrow legalistic point of view. I look at it as an event, a remarkable event in the flow of history.

Sir, I was rather disappointed to hear Sardar Swaran Singh's reply to the points that were raised by my friend, Mr. Prakash Vih Shastri. I feel a stronger case could have been made by the Government, and the points that he had raised could have been replied to in a better manner. Sir, I am not suggesting even for a moment that the points that he had raised were irrelevant. They were relevant. But Sir, we must take into account the broad sweep of history. It is no use only saying that Sheikh Abdullah is a great patriot, it was he who was instrumental in bringing about the accession of Kashmir to India. All that is granted. But, Sir, if we find fault with those people who refer to the history that has intervened between 1953 and 1974 or 1975, we shall be condemning the two Prime Ministers who ruled over the destiny of this country during that period. Who can contradict the statement that it was Shri Jawaharlal Nehru himself who had to arrest him ? Sir, one of those who took part, active part, in the events of those times was Shri Mahavir Tyagi, who is sitting here. Sir, does it mean that the entire leadership of our country, so respected throughout, had become suddenly allergic to Sheikh Abdullah ? No, Sir, if we want to be fair, let us admit that there was some distortion in Kashmir and, therefore, India had to deal with that distortion in Kashmir and straighten it out. Let us not try to hide facts. Let us not try to sweep things, that have already happened under the carpet. I know, Sir, that nothing will be gained by raking up

old history. The main fault that I find with the arguments that were put forth by the Jan Sangh leader is that he is too much occupied, he is too much in the fetters of history. History should not become a fetter around our hands and feet. We should not forget it, but we must be able to get rid of history if it is preventing us from progress and taking right decisions. So, I would congratulate both the Government as well as Sheikh Abdullah for having read correctly the signs of the time.

Sir, 1974 Sheikh Abdullah is not the Sheikh Abdullah of 1953 and India is not the India of 1953 either. We have become a strong nation; may be our growth rate is only 2 per cent or 3 per cent, but we have grown. Industrially we have grown, in the agricultural sector we have grown and our Army has become strong and tested and all these things should make us more confident in dealing with problems like that of Kashmir. I know that these developments have been duly taken note of by Sheikh Abdullah also. He is vigilant. He is a man who has a feeling of a mission and I know that people who think that they are the instruments of history can become dangerous also. But, he has his feet firmly on the ground and he must have seen that the Kashmir of 1953 is not the Kashmir of today. The people of Kashmir have changed; in between, Pakistan tried to attack Kashmir twice, tried to infiltrate and there was no response except perhaps by a few people here and there. He must have drawn his own conclusions, his own lessons. He must have seen that after 1971 India has emerged stronger, more confident. We have expanded our industrial base, we are manufacturing all sorts of machines and we are fast becoming self-sufficient so far as our military hardware is concerned. We have been withstanding the pressure of China. We are withstanding the pressure from America. We are not afraid of Pakistan. So, when all these things were taken note of by a man of his calibre, he must have come to the conclusion that this question of plebiscite, this question of

accession and all that, has become irrelevant to the situation. This is what he must have concluded and it must have induced our Government to come to terms or to strike an attitude of friendship towards Sheikh Abdullah?

Sir, again and again this question was raised: Does it mean that Mir Qasim could not be relied upon to defend Kashmir? I think it is a wrong way of putting a question. It is not a question of choosing between Mir Qasim and Sheikh Abdullah. It is a question of having both Mir Qasim as well as Sheikh Abdullah on the right side of the fence. If we have got Mir Qasim on this side, all the better. So it is not as if we have eliminated Mir Qasim and hugged Sheikh Abdullah to our bosom. But we have removed an unnecessary irritant.

Kashmir with Mir Qasim and Sheikh Abdullah is stronger than Kashmir with Mir Qasim alone holding the front and Sheikh Abdullah sulking in his tent. So it is a matter of common understanding, a practical way out, that the more friends we get in Kashmir the better. This is how we have been able to isolate Farooqi and those people who are still harping on that slogan of plebiscite. Therefore, Sir, I think that if we make a clean breast of it instead of accusing the Jana Sangh of being chauvanistic or being communal, it is quite possible that we can convince them to modify their attitude that it is not the old Sheikh Abdullah with whom we are dealing. It is a new situation and we are dealing with Sheikh Abdullah from a position of strength and not from a position of weakness.

The entire geographical configuration of Kashmir has changed. We are stronger. We have friends in the world. We are more self-dependent and therefore I think there is nothing wrong if we make friends with Sheikh Abdullah and try to get him on our side and depend upon him to take care of the hostile elements in Kashmir and outside. Just imagine Bhutto and Sheikh Abdullah in confrontation instead of we and Bhutto in confrontation because again and again Bhutto is pointing out

[Shri N. G. Goray]

at Kashmir. Now we can say "All right, you do your worst." Kashmir is strong. With all these forces combined, Kashmir can look after itself. Is it not a gain? It is not a gain that Sheikh Abdullah has conceded this point that there is no question of Kashmir having a separate identity apart from India and it is part and parcel of India? It is a gain.

Now the point that is again and again coming up is article 370. Sir, in my opinion, whether that remains there or not, if the people of Kashmir are not with us and if a man like Sheikh Abdullah is not with us, to say that this article is going to be eroded as time passes is a fallacious argument. After all, articles of the Constitution do not change facts. If it remains there and the people of Kashmir accept us and become friendly to us, it does not matter whether that article is there or not. (*Time-bell rings*). So this article need not exercise our minds at all. As friendship grows, as we become stronger in the hinterland, on the periphery, I think, the Kashmiri people are shrewd enough to understand on which side their welfare and benefits lie. I have no doubt in my mind, Sir, that even if this article remained there, if the mental integration and cultural integration takes place, this article, in spite of its remaining there, will get eroded.

Sir, here I would like to say that a good deal of responsibility rests on Sheikh Abdullah also. I do agree with those people like Shri Bhupesh Gupta who said that it is our responsibility but I would also say that it is his responsibility also because there are many problems in Kashmir itself. When I say that Kashmir is not the Kashmir of 1953 I mean to say that people in Jammu, people in Ladakh have become more conscious than what they were in 1953. We were often committing mistakes and India always commits mistakes of equating Kashmir with the valley. The valley of Kashmir is not the entire Kashmir. There are other people also, and now they are more conscious; they must also feel that it is not enough for Sheikh Abdullah to say that he

is going to treat all of them equally. They must be made to feel, they must feel that they are being given their proper share in the Government of Kashmir by the Government of Kashmir and that they have a sense of participation and involvement. So, these are some of the things which Sheikh Abdullah will have to do. It is not only that he should ask India to be fair to him. He must create a sense of fairness, a feeling of fairness and a fair deal being given to the people of Ladakh and Jammu.

Therefore, Sir, I would only say that this accord is full of hope. Somebody quoted the Prime Minister saying that this is an experiment. It is not a good word and if you want to use that word 'experiment' it does not mean that it is some tentative arrangement. Even when we are making an experiment we must take care to see that it becomes permanent. So, we must see to it that this experiment is carried out in all sincerity from both sides and this experiment really leads to a solution of the Kashmir issue. Once for all it has been decided that Pakistan has no *locus standi* so far as Kashmir is concerned. That is a great gain. I remember, many times Sheikh Abdullah had said that this Kashmir issue must be solved to the satisfaction not only of Kashmir and India but of Pakistan also. I think now he has given up that idea. Pakistan has nothing to do absolutely with this problem. It is an internal problem and in maintaining this attitude this posture, Sheikh Abdullah must also help us. So, Sir, all of us shall be watching with great interest what is going on in Kashmir under the leadership of Sheikh Abdullah. It will not only be with interest that we shall watch the developments but we shall also cooperate as far as possible and I can say that the entire House will be very happy to know that this accord has been a success.

SHRI KALI MUKHERJEE (West Bengal): Except your friend Jana Sangh.

SHRI N. G. GORAY : No I am sorry to say that the Jana Sangh will not be unhappy if you succeed. They have got their own doubts and I suppose it is for us to prove that these doubts are not well-founded. I think they will be happy to find that their doubts are unfounded and their prophecies have gone wrong. I suppose we have to work to achieve that.

DR. M. R. VYAS (Maharashtra) : Mr. Deputy Chairman, Sir, I was very happy to hear Shri Goray appreciate the underlying spirit behind the statement of the Prime Minister and the accord we have reached with Sheikh Abdullah. He mentioned that Sardar Swaran Singhji, speaking yesterday, had not sufficiently replied to the points raised by Shri Prakash Vir Shastri. I very much differ because I think he has amply illustrated the spirit and the tone of our approach to the question of Kashmir. He underlined in his reply that Government of India, as the statement presented by the Prime Minister shows, is fully aware of what happened between 1953 and 1964, and it is only in the light of this that talks had taken place and the present accord was arrived at. Shri Goray also mentioned the importance of dialogue. I am aware of the background of which he was thinking, but I would also like to underline here that a dialogue requires two parties and if one party demonstrates and only opposes you cannot see any reason or have any platform where dialogue can take place. Here, in the case of Sheikh Saheb you had seen that for several years he had maintained a kind of silence; at least he did not demonstrate a spirit of confrontation before the dialogue took place and while the dialogue took place. So it is very essential that for a dialogue there is an atmosphere which is conducive to good results, and the accord that the Prime Minister has presented before the House shows that Government of India will not stand on any prestige or past prejudices not to have any dialogue with any party with a view to achieve greater integration and greater progress of the country.

Now, as far as the matter is concerned—and it refers to Sheikh Abdullah—Shri Prakash Vir Shastri had mentioned at length as to what happened after 1953. Now it is wrong to say that when we judge Sheikh Abdullah and when we talk of the necessity of this understanding with him, we should completely forget the past. This is very much relevant for the reason that Shri Prakash Vir Shastri mentioned that when Sheikh Abdullah was to be nominated as the first Chief Minister of Jammu and Kashmir, Maharaja Hari Singh had opposed his nomination and he was totally against it that Sheikh Abdullah should take over the reins of the Government. Now, what is the record of this Maharaja himself? This Maharaja, while India tried to persuade him to accede to the Indian Union, was negotiating with Pakistan. He was carrying on secret negotiations against India. Even Pandit Ram Chandra Kak, who was his Chief Adviser, had gone on record to say that he would not mind acceding to Pakistan under certain conditions. Are we going to quote this Maharaja for opposing Sheikh Abdullah? I think it is a travesty of truth if we are to condemn Sheikh Abdullah today on the basis of what the Maharaja said. We cannot accept it.

Shri Goray mentioned that we need not go on repeating what happened in 1947. I think the time is ripe that when people try to project Sheikh Abdullah only in the light of what happened after 1953, we put the record correct and also stress what he had done prior to 1953. Particularly in those critical days of 1947, his record was one of magnanimity, of great service to our country. I say 'of great service to our country' because we should remember that in the breakthrough at that time of the pernicious two-nation theory it was Sheikh Abdullah who broke it first, because Kashmir was an issue at point and it was on this issue that we had the breakthrough against the British imperialist imposition of a two-nation theory by which this country was sought to be divided not only in two or three parts but also within ourselves.

[Shri M. R. Vyas]

Referring to the same point again, Shri Prakash Vir Shastriji mentioned that

हमें देश प्यारा है और आपको भी देश प्यारा है।

But there is one difference between his approach and our approach.

When we say we love our country, we mean each and every Indian. We do not think that there are some Indians who are more Indian than the others. We think every Indian is the same and has as much love for the country as anybody else. So we do not seek to interpret that there is anybody here who has less love for this country and this theory of distinction we will never accept and we cannot tolerate. The present understanding on Kashmir underlines a spirit of understanding between the broad masses and the leadership of this country with the aspirations of the people of Kashmir.

Somebody has said that already there was a strong Government in existence. That is true but as Shri Gorayji also just now pointed out that after all Sheikh Abdullah represents some powerful opinions in the State and in the country as well. I would not consider and think of Sheikh Abdullah only as a leader in Kashmir. I think he is a name all over India and his association with the State and the administration of Kashmir will not only be an asset to Kashmir but to the integration throughout India and to greater progress of the country as a whole. So, just to underline all the time that he did this in 1953 and he did that in 1954, leads us nowhere. If we want to progress and if we want our country to go ahead, we must find all possible avenues to seek a greater understanding not only on the Kashmir issue but on any issue wherever there is a dialogue possible. And it is in the light of this that the Government of India and particularly the Prime Minister and her advisers are to be congratulated for having come to an understanding on an issue like this, especially with the difficulties which had arisen, about which neither Sheikh Abdullah nor the Prime

Minister has made any secret. The statement of the Prime Minister as well as the letter of Sheikh Abdullah clearly point out these difficulties and estrangements and if there had been no difficulties and estrangements, there should have been no requirement of a dialogue. But having had a dialogue, it underlines the strength of both Sheikh Abdullah and our Government.

Mr. Mariswamy yesterday mentioned that there is no spirit of rancour in the behaviour of Sheikh Abdullah. Let me also put the records straight on the other side. The Government of India has never taken an attitude of not having the best of wishes towards the aspirations of Sheikh Abdullah as far as the growth and progress of Kashmir is concerned. There has never been a hesitation on the part of the Government of India to put the fullest trust in him so that the country as a whole can march forward. So, here again, the Government of India has not acted in any kind of huff or any kind of a spirit of vengeance. The Government of India cannot think in terms of the people of India with any kind of partiality. Anyone who can contribute to the progress of the country and who can strengthen the forces of a progressive nature in this country, is welcome. And if there is any indication needed, the present accord on Kashmir is a great proof that we do not look upon things with a kind of vengeance because somebody opposed us at some particular date. There was a Congress Government, a stable Congress Government; four elections had taken place and in all the four elections we had democratic successes and the people participated in a large way. Yet, nobody can deny and it is a historical fact that in Kashmir we have broad problems which require a broad vision. We had to meet the challenges in the past one and a half decades. We fought three wars on the frontiers of Kashmir. Now, if this part cannot be looked after with a thorough incisiveness and attention, naturally we may have more difficulties than we have anticipated and it was in this light that the Congress Government however

stable and strong it was, felt that if we can have the co-operation of a man like Sheikh Abdullah and his colleagues, we are prepared to step down. Here is another pointed instance that here is a Congress majority, absolute majority and yet where national interests demanded, we have not hesitated to step down and support anybody who can deliver the goods and lead to greater co-operation with the people of the valley and India as a whole 1.00 P.M.

Now, this is also a point which the opponents and critics of Congress should take note of that Congress does not seek power for the sake of power. Wherever we find co-operation it is always sought and there can be no greater proof of it. Now, about the accord that we have reached and its impact, I do not wish to say anything. This has been referred to very often and that is why the Jana Sangh called for a strike. I have no grudge with the Jana Sangh that it called for a strike. It has its own policies which will meet its own doom because of those policies. We are not here to advise them how to save themselves from the doom, but I am certainly concerned about the call for strike given by Pakistan. What *locus standi* has Pakistan over Kashmir? Actually if anybody has a right to give a call for a strike, it is for us to call for a strike in the so-called Azad Kashmir, but we have not done it. We believe in the Simla Spirit and we do not want to ruin the spirit by calling for a strike in Pakistan. As far as Pakistan is concerned, look at the other neighbour of Pakistan, Afghanistan. Now, the President of Afghanistan has visited us and he has stated that Pakistan wants a dialogue only on its own terms. It is reasonable for Pakistan if you do what Pakistan wants, but if you take a right step, naturally it gets agitated. It is in this context we must welcome and support this particular step of the Government. By strengthening our hands in Kashmir we are strengthening our hands internationally. I say it is an excuse and a pretext by which Pakistan has been time and again attacking us and also blackmailing India in the international field. Here the support and co-

operation of men like Sheikh Abdullah will stand us in good stead.

Now, there is only one point that I would like to refer to before I conclude. Shri Prakash Vir Shastri and earlier some other Members—not in this Session but in the previous Session—said that the Government was making some backhand deal with Sheikh Abdullah and that some agreement would be reached when Parliament was not in session and that they would be taken by surprise. What sort of imagination people have I cannot say? Now, when finally the accord was reached, the Prime Minister made it a point to present it to the House before announcing it to the public. If you look at it from the legal point of view, there was no necessity for the Prime Minister to make any announcement. The Congress Party was in majority and it was for the majority party in Kashmir to decide what sort of leader they should have or who should govern the State of Jammu and Kashmir. Yet the Prime Minister, in fairness to the House, in fairness to the opposition and in fairness to every right-thinking person decided to announce the accord here in the House. When it was made and when this old prophesy that the Prime Minister would come to an understanding when the House was not in Session was belied, what argument was put forward? They said that it was announced at five o'clock or six o'clock in the evening, but the same Prime Minister has subsequently agreed to a discussion on this accord. I am sure if this House rejects the motion that is presented by the Prime Minister, she will take the consequences. Only some lone voice which believes that any accord that strengthens the anti-communal forces is a wrong step will strike this discordant note. These people even do not like to follow their new-found leader. Their new-found leader has welcomed Sheikh Abdullah, but his followers are not following him. They refuse to follow their so-called leader. Shri Goray said that Sardarji has not been able to persuade Shri Prakash Vir Shastri to understand the implications and the rightness of this accord. I hope Mr. Goray has at least suc-

[Shri M. R. Vyas]

ceeded in persuading him to come to the right path.

Thank you.

SHRI TIRATH RAM AMLA (Jammu and Kashmir) : Mr. Deputy Chairman. Sir, if the accord reached with Sheikh Mohammad Abdullah is of historic significance, it is a striking reaffirmation of the basic soundness of our political system and a visible demonstration of our ability to find solutions even to difficult and complex problems through reasoning, through mutual understanding and through refusal to adopt extreme postures. It is also a triumph for our Constitution and a vindication of our repeated claim that the provisions of the Constitution governing Centre-State relations are adequate for the purpose of meeting any situation or resolving any problems that may arise in this field. It is also a confirmation of the strength of the basic values of democracy, secularism and socialism which inspired our national freedom struggle in the country and which was vividly exemplified in the heroic struggle of Kashmir to liberate itself from autocratic, feudalist and communalist forces. It is a matter of history that these two powerful streams merged into a mighty river symbolising the emergence and progress of modern India. This historic accord would ensure that the current flows in the correct direction.

In my view, Sir, the vindication of the soundness of our political system, of the flexibility and resilience of the Constitution and of the validity of our dominant political tradition constitutes the three fundamental aspects of the accord. Not to recognise these aspects would be to miss the wood for the trees. One may debate endlessly on the constitutional and legal details, one can also dwell into arid deserts of past misunderstandings to score a debating point but such an approach would lead us nowhere because it would fail to take note of the historical realities.

I deem it a great privilege that I was in Jammu when Sheikh Saheb assumed office. I witnessed the spontaneous welcome which the people of Jammu and

Kashmir without exception gave him. Their welcome should dispel misgivings, if any existed in anyone's mind. It is not, in my view, of any significance that Kashmir rejected Bhutto's call of hartal. It is also not a matter of any significance that there has been no violence of lawlessness and that peace was completely maintained. At best these would be negative indications. What was really significant was the spontaneous rejoicing, the rekindling of hope and the mighty welcome which the people of Jammu and Kashmir gave to the accord.

We owe this historic accord to the statesmanship, vision and wisdom of the Prime Minister and Sheikh Saheb. We are all aware that the Prime Minister has been striving hard during the last several years to promote a spirit of understanding and to strengthen the progressive forces in the political and economic field. The greatest achievement of the Prime Minister has been her ability to remove the misunderstanding on the Kashmir issue. I have known and admired Sheikh Saheb for a number of years. However, the crowning glory of his political career will be found in his present supreme act of patriotism and political courage. Sheikh Saheb has risen above bitterness and has again added strength to our idealism and values. The Prime Minister has already referred to Sardar Swaran Singh's persuasive role, enabling a clearer understanding of the issues involved. We owe a deep debt of gratitude to Beg Saheb and to Shri Parthasarathy for their total devoted commitment to the path of constructive statesmanship. It is also a tribute to Qasim Saheb, his colleagues and the Congress Party as a whole in Kashmir that they recognised in time the value of burying the hatchet. Qasim Saheb and the Congress Party had cleared the ground, Beg Saheb and Mr. Parthasarathy have prepared the ground and the Prime Minister and Sheikh Saheb have planted the sapling of understanding. I would take this opportunity of paying my humble tributes to all those who have opened a new page in our history.

I have no doubt in my mind that this accord would strengthen the relations between Kashmir and the rest of the country. Those who complain—I am addressing to my Jana Sangh friends—that the process of integration has been reversed—do not know what they are talking about? I may submit respectfully that integration is basically a human process, a human relationship that is, no doubt, influenced by political, economic and other forces. Integration is not merely a matter of law and constitutional phraseology. Where there is no integration of minds, laws and constitutional arrangements have never been of any avail, nor would they be of any avail. This accord would remove the cobweb of misunderstandings in the minds of the people of Kashmir. Whereas perpetuation of misunderstandings would inevitably distort the process of integration, the removal of such misunderstandings will, on the other hand, strengthen the forces of harmony and co-operation. It is thus that the accord will promote in due course fuller integration in the real sense.

It would be wrong to look at the accord in terms of what one has gained and what the other has lost. The accord is a gain to the people of India. Those who have lost are the enemies of India, who only believe in the Pakistani spirit of separation and misunderstanding. No one has lost anything. I do not consider it significant that the accession of the State to India or the unity of the country has been reaffirmed. It is not even significant that the importance of Article 370 has been reaffirmed. What is significant in my view is that these matters have been appreciated in the larger perspective of the requirements of the people of the country. Political controversies based on constitutional niceties tend to divert the attention of the people, of its elected representatives and of its statesmen from the more compelling problems of poverty, unemployment, corruption and stagnation. By relegating the constitutional and legal details to the background, the authors of the accord have demonstrated to the people of the country

that what should concern us is indeed the immediate problems of day-to-day living of the common man. It is to these problems that Sheikh Saheb will now address himself, and let us from all sides of the House extend him the hand of support, the voice of appreciation and the promise of co-operation. Our support would accelerate the momentum of social and economic changes whose significance will not be limited only to Jammu and Kashmir. Our support would constitute an important element in the consolidation of all patriotic, secular and democratic forces. Thank you.

MR. DEPUTY CHAIRMAN : After lunch, Mr. Om Mehta will intervene. Now we adjourn for lunch till 2 p.m.

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

The House reassembled after lunch at two minutes past two of the clock, **Mr. Deputy Chairman** in the Chair.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : Mr. Deputy Chairman, Sir, I am happy that this House has given the widest measure of support to the accord reached between our Prime Minister and the Sheikh Saheb. All people of goodwill and all those who have abiding faith in the inherent strength of our democratic system have welcomed this as a step forward towards strengthening the unity and integrity of our nation. It is also proof, if at all such proof was needed, of the unfaltering confidence in the leadership of the country and its ability to view national questions dispassionately and in their proper perspective.

What is the genesis of the negotiation with Sheikh Saheb which was undertaken first on the initiative of Panditji and later

[Shri Om Mehta]
by our present Prime Minister. The developments of 1953 had left a trail of bitterness and misunderstanding which introduced an element of uncertainty in the political life of Jammu and Kashmir. It must be said to the credit of Sheikh Sahéb that throughout all this period, he remained unshaken in his faith in the basic values on which Indian democracy is built. He recognised that the Indian Constitution had set before the country the goal of secular democracy based upon justice, liberty and equality for all without distinction and that the national movement in the State had naturally gravitated towards these principles of secular democracy. The national movement in the State of Jammu and Kashmir, I am proud to say, had always firmly believed in these principles.

We have, therefore, every reason to be happy that Sheikh Saheb, who was the prime architect in moulding the destiny of the people of the State alongwith that of India, has again come into the mainstream of national life.

Sir, I still remember the days of 1947 when I was an ordinary member of the National Conference and when the invaders and the marauders, let loose by Pakistan, had attacked the State of Jammu and Kashmir and reached near Srinagar airport and in most of the Jammu province and other parts of the State there were communal troubles and all hopes of communal amity and saving the valley from these invaders were lost and we were seeing the future only in a void. At that time, Sir, a voice, which was raised from the valley, came to us and that voice was the voice of Sheikh Saheb and his voice was:

“हमलावर खबरदार हम कश्मीरी है तैयार”

At that time, Sir, even the Army which was there had left and there was no police force and if Sheikh Saheb and his comrades like Master Abdul Aziz and Maqbool Sherwani, who were killed by the raiders, had not way laid those raiders and delayed their coming to Srinagar, today, Sir, Srinagar would not have been a part of Kashmir and Kashmir would not have been a part of India. There were a number of

comrades of Sheikh Saheb who listened to his voice :

“हमलावर, खबरदार । हम कश्मीरी है तैयार”

They were ill-clad, ill-equipped and had no arms at their disposal and only with lathis and other things, whatever best they could do they did at that time and stopped the invaders from reaching Srinagar. When there were communal troubles, again his voice came to us :

शेरे कश्मीर का क्या इशार्द

हिन्दू मुसलिम सिख इतिहाद ।

This is the voice which gave us courage and we the young people who were in the National Conference at that time also joined the voluntary corps of Sheikh Saheb and defended the country.

Sir, some of my friends have said that Sheikh Saheb sent his emissaries to Mr. Jinnah and Panditji here in India. I must tell them that the greatest rebuff which was given to the two-nation theory of Mr. Jinnah was in Srinagar. In the pre-partition days, when Mr. Jinnah went to Srinagar, it was there that he was not allowed to address a meeting and it was only there that he was told that his two-nation theory had no relevance to Jammu and Kashmir. Sir, some of my friends sitting opposite have said that when the Maharaja had acceded to the Indian Union, it was not necessary to say that the will of the people would be there, that the people's mandate would be there and so on. I must remind them that at that time the National Conference and Panditji had said always that they would go by the people's will only and it was due to that only when the Junagadh question came up, we depended upon the people's will. If we had depended upon the Nawab's will or on the Nawab's signing of the Instrument of Accession, it would have gone to Pakistan. It was because of the people's revolt that something happened there in Kashmir. Sir, when the elections were fought and the people's representatives met in the Constituent Assembly, it was the clear mandate of the people that Kash-

mir would be a part of the Indian Union and in the Jammu and Kashmir Constitution, which was passed by the Constituent Assembly, there is an article, namely, article 3—"Relationship of the State with the Union of India"—which says:

"The State of Jammu and Kashmir is and shall be an integral part of the Union of India."

So, Sir, I must tell them that from the very beginning we had been depending on the people's participation and people's will. It was the people of Jammu and Kashmir and Ladakh who agreed to be a part of India and this they did not only in the elections which were held before the Constituent Assembly met, but in subsequent elections also. The overwhelming majority which the National Conference got is proof of the fact that the people wanted that Jammu and Kashmir should be a part of India and the Indian Union. Sir, some friends sitting opposite have again said that in Kashmir there would be

दो निशान, दो प्रधान, दो विधान

I still remember that before 1953 when Praja Parishad which now calls itself the Jana Sangh, was in Jammu, they had a very big agitation there. What were their slogans? Their slogans were that दो निशान

दो प्रधान, दो विधान, will not be in one country. Nobody changed it after 1953. I must tell my friend, Shri Shastri Ji that his party conveniently forgot this slogan from 1953 to 1965 when the two Chief Ministers of Jammu and Kashmir were the Prime Ministers. Bakshi Gulam Mohammad was calling himself as the Prime Minister and Mr. Shamsuddin, who was there for a short time, was calling himself also the Prime Minister. There were two constitutions. But they conveniently forgot that. Today, again when Sheikh Saheb is there, they are raising this. Only yesterday, while speaking in the Assembly, Sheikh Saheb said, "No one has more personal reasons for a bitter scrutiny of the past than myself and yet I have made

it my business for the remaining years of my life to forget the past and work for the future of the people of this State and the country". These are the only words which he uttered yesterday while replying to the Governor's Address in the Assembly of Jammu and Kashmir. So, Sir, I will again request my friends there that they should forget the bitter past and its memories.

SHRI SUBRAMANIAN SWAMY : Bitter future also.

SHRI OM MEHTA : That you will know. It is an irony of politics that the Jana Sangh in our country and Mr. Bhutto in Pakistan should both be opposing this accord. But whatever may be the grounds of their opposition, I would only like to request our Jana Sangh friends to view matters of national importance and more particularly matters concerning the integrity and unity of the nation, in their true perspective. The hartal that their party called in Jammu on the day Sheikh Saheb returned to take over the reigns of government was, to put it mildly, a most thoughtless act. It goes to the credit of the people of the State that the response to the hartal was poor. The confusion that this attitude caused among a section of the rank and file of their party showed itself up in their annual session in Delhi where they got many discordant voices and where much was said about this. Let us not create misunderstandings where there is no room for them. Even now I would request them to co-operate with the State Government in the enormous task that awaits them of building up the economy of the State so that progressive measures which they may take for the welfare of the people may be carried out without obstruction.

The State of Jammu and Kashmir has been the scene of three wars. The State itself took birth in its present form out of the turmoil and sufferings of a brutal aggression by Pakistan in 1947. Mr. Bhutto has never been tired of claiming Jammu and Kashmir as a disputed territory. He conveniently omits to mention that two-fifths of the State is in the illegal occupation

[Shri Om Mehta]
of Pakistan. This suits the style of his politics and helps him to keep up tensions. When you fail to put your house in order, you blame your neighbour and say, he is disturbing. Mr. Bhutto continues to protest and is naturally unhappy when we take steps to find lasting solutions to what are essentially matters of our domestic concern.

In this context, we have particular reason to be thankful to Beg Sheb for his decision to wind up the Plebiscite Front. Again, Sir, here, I will refer to the statement which was made by the hon. Prime Minister in this House: She said:

"Hon. Members will have seen the statement made by Mirza Afzal Beg on February 6, 1975 to the effect that in the changed circumstances plebiscite has become irrelevant and that the name and objectives of the Plebiscite Front have to be changed accordingly. We have been informed that this statement was endorsed at the recent meeting of the Executive Committee of the Party and that Mirza Afzal Beg has been entrusted with the task of calling a meeting of the General Body of the Front for taking the necessary follow up action in this regard."

Sir, some Members sitting opposite raised this doubt that it is only Beg Saheb who has said this and that he did not call the meeting. For this very reason, I wanted to point out that it was not Beg Saheb but the Executive Committee of the Plebiscite Front which endorsed this decision of Beg Saheb. This removes, I hope, the last vestiges of any doubt in the minds of anyone, whether inside or outside India, regarding the status of Jammu and Kashmir. Our primary concern has been to strengthen the hands of the Government of the State in their effort to reconstruct and move towards rapid development of all its three regions, namely, Jammu and Kashmir and Ladakh. The successive governments there with generous assistance from the Centre, we must acknowledge, have directed their efforts towards this. With Sheikh Saheb at the helm of affairs, the people's hopes

will now be further heightened and there will be an air of expectation of quickening the pace of progress.

Sir, Article 370 of the Constitution which made a special provision in respect of Jammu and Kashmir different from the provisions for other States acceding to the Indian Union, reflects a fact of history. It is unnecessary to go into its details here, because they are sufficiently well-known. But, as much has been made by our friends of the Jana Sangh—who incidentally have the singular distinction of being the only political party to oppose this accord—about this article remaining a permanent part of the Constitution, I shall merely remind the House of what Shri N. Gopalaswami Ayyangar, who piloted this provision, said in the Constituent Assembly on October 17, 1947.

He stated:

"When the Constituent Assembly of the State of Jammu and Kashmir has met and taken its decision both on the Constitution for the State and on the range of federal jurisdiction over the State, the President may on the recommendation of that Constituent Assembly issue an order that this Article (Article 370) shall either cease to be operative, or shall operative only subject to such exceptions and modification as may be specified by him. But before he issues any order of that kind, the recommendation of the Constituent Assembly will be a condition precedent."

In fact, this is what clause (3) of Article 370 states in clear language.

It may be recalled, Sir, that while all the other Indian States had completed the necessary preliminary steps for the adoption of the Constitution of India before its final adoption by the Constituent Assembly, Jammu and Kashmir could not do so, in view of the special situation that prevailed and of the fact that a Constituent Assembly had to be convoked to determine, *inter alia*, the extent of Central jurisdiction.

The Constituent Assembly of Jammu and Kashmir adopted their Constitution in November, 1956 and brought it formally into force on January 26, 1957. The Assembly did not recommend the abrogation of Article 370. The State's Constitution provided;

"The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India."

Parliament's powers are governed by Article 370 and orders issued thereunder. These are incontrovertible facts and it is no use trying to overlook them and create misunderstanding or confusion. The accord is entirely in consonance with the constitutional position. It is completely in conformity with historical facts. The Centre's jurisdiction over the State will continue to be as provided in the Constitution and the accord does not in any way alter that position. A number of Central laws enacted pertaining to matters relating to the Concurrent List have been made applicable to Jammu & Kashmir. The accord has taken into account the situation that the State might desire to enact its own legislation to suit the special conditions of its people on matters such as social welfare and social security, cultural matters, procedural law and personal law. It has accordingly been agreed that the Government of the State can review Central laws extended to the State after 1953 on any matter in the Concurrent List and decide which of them, in its opinion, need amendment or repeal. There is, I would submit, nothing unusual in this having regard to the special socio-economic position and other features of the State.

Sir, our friends of the D. M. K. while welcoming this accord, it seems, have suggested that Tamil Nadu should also be given the kind of special status given to Kashmir. Sir, the special position of Jammu and Kashmir came about as a result of certain historical and political considerations which obtained in respect of that

State at the time of framing of the Constitution. These conditions do not apply to any other State. The question of having provisions similar to article 370 in respect of other States has, therefore, no relevance. Our Constitution has established a federation in which the States, including Jammu and Kashmir, and the Centre function in complete harmony with each other. The basic factor that binds the States and the Centre together is the indestructible character of our Union and that, I would submit, is also our main strength.

Sir, I do not consider it necessary to go into other constitutional or legal points raised. These have been sufficiently explained already. I would only say, Sir, let us not get involved too much in constitutional or legal niceties. It is the spirit in which we work an instrument that leads to purposeful action. Where there is mutual trust and goodwill, nothing else matters. Even a most perfectly drawn up instrument may fail to produce the desired results if those who work it lack faith in their own good sense.

Sir, I will be failing in my duty if I do not mention here the most constructive role played by Mir Qasim, the ex-Chief Minister, and my party in the State in bringing about the present happy situation. They have shown remarkable understanding and co-operation.

Sir, I would like to conclude this brief intervention of mine on a personal note. I was just out of college when we got independence. As a student, I had been drawn along with so many others like me, towards the National Conference. When the Constituent Assembly in that State met to frame its own Constitution, Sheikh Saheb in his inaugural address referred to "the classical Kashmiri genius for synthesis born of toleration and mutual respect". He said and I quote

"Throughout the long tale of our history the highest pinnacles of our achievement have been scaled when religious bigotry and intolerance ceased to

[Shri Om Mehta]

cramp us, and we have breathed the wider air of brotherhood and mutual understanding."

These words still ring in my ears. I consider this as the finest exposition of the unfailing strength of our faith in a secular society.

Sir, before I conclude I must draw.....

SHRI BHUPESH GUPTA : Let the Kashmiri eloquence flow on undisturbed.

SHRI OM MEHTA : ...the attention of the House to an editorial in *The Times of India* which appeared on 26-2-1975 when the Prime Minister made her statement in this House, Sir, the editorial says:

"Sheikh Abdullah's return to power in Jammu and Kashmir marks the end of an unhappy chapter in the history of this sensitive State and the beginning of a promising new one."

"The accord between him and Mrs. Gandhi is not only unexceptionable but also perhaps the best that could have been devised under the circumstances. It is inspired by the spirit of give and take indispensable in a democracy, but its overriding merit is that while giving the Sheikh enough to satisfy him,...."

SHRI BHUPESH GUPTA : What are you quoting?

SHRI OM MEHTA : Times of India.

SHRI BHUPESH GUPTA : But you have other papers also.

SHRI OM MEHTA : Yes, other papers also.

THE PRIME MINISTER (SHRIMATI INDIRA GANDHI) : You want him to quote the *New Age*?

SHRI OM MEHTA : "...It does not in any way compromise the substance of the existing constitutional relationship between the Centre and Kashmir."

There are many papers which have praised this accord but I do not want to waste the time of the House in reading all those quotations. Sir, almost all the papers have praised the accord and have good words for it. Sir, with these words I commend this to all those who may still entertain doubts about this accord. Thank you.

SHRI BHUPESH GUPTA : After many years Mr. OM Mehta has made a political speech, a good speech. The accord has released, as I said, Kashmir eloquence and we hail it.

SHRI S. S. MARISWAMY (Tamil Nadu): For the first time I really congratulate him. But he should not have committed that mistaken. I did not say that Tamil Nadu should be given a special status like Kashmir; I made it very clear yesterday. I fully agree with the Prime Minister when she says that Kashmir has got a special consideration. There cannot be two opinions about it.

This is what I said.

SHRI OM MEHTA : Mr. Mariswamy..

SHRI BHUPESH GUPTA : Very good. I am very happy. The only thing is, All-India Radio should broadcast that the DMK leader says he does not want any special status.

SHRI S. S. MARISWAMY : I do not want any special status but the same thing given to West Bengal also. I told yesterday.

SHRI BHUPESH GUPTA : It is a very good thing. You have it done. I congratulate you.

श्री मुहम्मद युनुस सलीम (आन्ध्र प्रदेश) :
जनाब डिप्टी चैयरमैन साहब, सबसे पहले मैं आपसे गुजारिश करूंगा कि आपको मालूम है कि मैं उन लोगों में नहीं हूँ जो गोजाना इस हाउस में कुछ न कुछ डिबेट में और सवालान में हिस्सा ले रहे हैं। मैं कभी कभी, जब दिलचस्पी की चीज हो तो बोलता हूँ, इसलिये मुझे उम्मीद है कि आप मुझे इतना वक्त देंगे....

श्री उप-सभापति : 10 मिनट ।

श्री मोहम्मद युनुस सलीम : आप कहिये तो मैं बोलू, लेकिन 10 मिनट में पूरा नहीं हो सकता ।

SHRI SUBRAMANIAN SWAMY : I support this.

MR. DEPUTY CHAIRMAN : Nobody needs your support or your running commentary.

श्री मोहम्मद युनुस सलीम : जनाब डिप्टी चैयरमैन साहब, कल से इस हाउस में इस रिकार्ड, इस समझौते के ऊपर जो शेख अब्दुल्ला से किया गया है, लोगों ने अपने ख्यालान ज़ाहिर किये हैं कानूनी और दस्तूरी पहलुओं पर भी और मियासी नुकतेनजर से भी इन्हारे ख़यान किया गया है ।

जहां तक कि दस्तूरी कानूनी नुकते नजर है, मैं सिर्फ दो मिनट में जनाब के गामने एक बात अर्ज करूंगा कि लोग गौर करें कि कितनी बात आगे बढ़ी है और इस समझौते में हम ने क्या शामिल किया है जो हमें शामिल नहीं था । जिस वक़्त डीड आप ऐक्सेशन माइन किया गया । उस वक़्त ऐक्सेशन डीड की जो दस्तावेज़ थी उसके फ़िकरे 7 में यह क्लॉज था -

"Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future Constitution of India or to fritter my discretion to enter into arrangement with the Government of India under any such further Constitution."

इन शरायन से यह डीड साइन किया गया और उसके बाद 1950 में जब प्रेजिडेंटियल आर्डर निकाला गया जिसमें सैल्यूट सर्विज़ को जम्मू कश्मीर की रियासत पर लागू किया गया उसमें जो एक नई चीज़ थी वह यह थी कि आइटम 97 बाज़ ओमिटेड और शेड्यूल 2 में इस आर्डर के साथ जो लिखा गया था उसमें था, आर्टिकल 248 बाज़ एक्ज़ेम्पटेड । यानी रेज़िड्यूरी

पावर जो लेज़िमेन्शन की थी उस को ना सिर्फ यही कि दस्तूर में उसमें डीड आफ एक्सेशन का मवाल था बल्कि 1950 का जो प्रेजिडेंटियल आर्डर था उसमें भी इसको जगह शामिल नहीं हुई । बाद में समझौता हुआ और चन्द ख़ाम बातों के लिये एक दूसरी पावर लेज़िमेन्शन को तसलीम की गई । मैं अपने दांस्तों का ध्यान इस बात की तरफ़ दिलाना चाहता हूँ कि यह जो एग्ज़ीमेन्ट हुआ जो साइन किया पार्थसारथी और मिर्ज़ा अफज़ल बेग ने उसके फ़िकरे दो में है -

"The residuary powers of legislation shall remain with the States; however Parliament will continue to have power to make laws relating to prevention of activities directed towards disclaiming, questioning or disturbing the sovereignty and territorial integrity of India or bringing about secession of a part of territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian national flag, the Indian national anthem and the Constitution."

तो जनाब, इस समझौते में, इस अक्काई में जो फैसला हुआ उसमें कहा गया कि इस को शामिल किया जाए । लोगों को यह समझना चाहिये कि डीड आफ एक्सेशन के जरिये से जो चीज़ें हम लोगों को शामिल नहीं थी और 1950 आर्डर में भी और उसके बाद 1969 में जो चीज़ें ली गईं उन को खास तौर से इस एग्ज़ीमेन्ट में जगह दी गई है ताकि लोगों को यह ख़याल न हो कि जिस तरह चाहा गया उसी तरह से एग्ज़ीमेन्ट कर लिया गया और हिन्दुस्तान के कन्स्टीट्यूशन का कोई एतराफ नहीं किया गया यह ख़याल जो जाहिर किया गया है यह बिल्कुल ग़लत है ।

अब जनाब, एक दूसरी बात मैं अर्ज करना चाहता हूँ वह यह कि मेरे दोस्त प्रकाशवीर शास्त्री साहब ने और दूसरे भाइयों ने कुछ यह ब्यान करने की कोशिश की कि शेख अब्दुल्ला का ग़वैया शुरु से ही ऐसा नहीं था जैसा कि एक पैटिओटिक

[श्री मुहम्मद यूनुस सलीम]

का होता है। यह भी ध्यान जाहिर करने की कोशिश की गई कि उनका रवैया पहले से ही बेरूनी मुआवतन की तरफ लगा हुआ था। वे दूसरे मुल्क का सहारा ढूँढ़ रहे थे में इस एवान के मामले में पूर्ण जिम्मेदारी के साथ, अहम नाम के साथ एक ऐसा वाक्या ध्यान करना चाहता हूँ जो अभी तक के रिकार्ड में नहीं आया है। वह मिर्फ एक्सटर्नल अफेयर्स मिनिस्ट्री के एक रिकार्ड में होगा। मैं आप लोगों के सामने अर्ज करूँगा कि आप को मालूम होगा कि यह वाक्या है उस वक्त का जब कि शेख अब्दुला की मुलाकात चाऊ-एन-लाई में हुई थी और हमारे मुल्क में बेइतमिनानी और परेशानी का इजहार किया गया था और अखबारों में ये बातें आनी शुरू हो गई थी कि श्री शेख अब्दुला का पामपोट वापस लिया जाए और फौरन उनको हिन्दुस्तान वापस बुलाया जाय। यह जनाब 1965 का जमाना था जब कि मक्का में एक इस्लामी कांफ्रेंस हो रही थी और हिन्दुस्तान का एक डेलिगेशन यहां से गया था जिसका एक शब्द मैं भी था और बेरिस्टर नुरुद्दीन माहब भी थे। जब हम वहां पहुंचे तो हमने यह देखा कि पाकिस्तान डेलिगेशन के लीडर डा० फजुलरहमान की यह कोशिश थी कि हिन्दुस्तान के डेलिगेशन को इस्लामी कांफ्रेंस में बैठने का मौका न दिया जाए। और क्योंकि उनकी दलील यह थी कि हिन्दुस्तान एक मुस्लिम कंट्री नहीं है, यहाँ पर गैर मुस्लिम ज्यादा रहते हैं, इसलिए हिन्दुस्तान को इस कांफ्रेंस में शामिल नहीं किया जाना चाहिए। आखिर हम लोगों ने कहा कि हम लोगों को बुलाया गया है। उन्होंने कहा कि आपको बुलाया गया है, इसलिए जगह देते और जगह दी गई। इसके बाद डिसकशन शुरू हुआ। पाकिस्तान ने बाज अरब सुमालिक को हम-नवा और हम-ख्याली बनाकर हिन्दुस्तान के खिलाफ एक बहुत ही डेमॉजग रिजोल्यूशन पेश किया जिसमें खास तौर पर दो बातों का जिक्र किया गया था। एक बात का ताल्लुक काश्मीर के मामले में था। उसमें कहा गया था कि जहाँ तक काश्मीर का ताल्लुक है, इस बारे में हिन्दुस्तान का रवैया बहुत ही गलत है। हिन्दुस्तान प्लेबिसाइट करने के अपने वायदे में हट गया है। उस रिजोल्यूशन का जो दूसरा पैरा ग्राफ था उसमें यह कहा गया था कि हिन्दुस्तान में मुसलमानों के साथ बहुत बुरा बर्ताव किया जा रहा

है। उनको अमानतों पर कब्जा किया जा रहा है, दंगे कराये जा रहे हैं और फसाद कराये जा रहे हैं और मुसलमान वहाँ पर इत्मीनान की जिन्दगी बमर नहीं कर पा रहे हैं। इस तरह का रिजोल्यूशन वहाँ पर कांफ्रेंस के मामले आया और उस पर गरमागरम बहस हुई। बहुत से अरब मुल्कों ने उस रिजोल्यूशन की तारीफ की। उस वक्त बेरिस्टर नुरुद्दीन तकरीर करने के लिए खड़े हुए। मंदर ने कहा कि प्रायः जल्दी अपनी तकरीर खत्म कीजिए। उनके बाद हमारी आपस में बात हुई। शेख माहब भी उस कांफ्रेंस में मौजूद थे। बेरिस्टर नुरुद्दीन ने कहा कि यहाँ पर काश्मीर के बारे में गुफतगू की गई है हिन्दुस्तान के मुसलमानों के बारे में गुफतगू की गई है और यह कहा गया है कि जो लोग यहाँ पर नुमायन्दे बनकर आए हैं वे हिन्दुस्तान के खरीदे हुए लोग हैं जो हिन्दुस्तान की हाँ में हाँ मिलाने हैं। इसके बाद शेख अब्दुला से बात पूछी गई। शेख अब्दुला अपनी तकरीर करने के लिये खड़े हुए। अपनी तकरीर में उन्होंने कहा कि मैं पूरी ताकत के साथ इस बात का एलान करता हूँ कि मैं हिन्दुस्तानी हूँ और जिन लोगों ने इस बात की पेशवाश की है कि अगर हिन्दुस्तान ने पामपोट वापस ले लिया तो हमारे दिल के दरवाजे आपके लिये खुले हुए हैं, मैं उन सब का शुक्रिया अदा करता हूँ। मैं हिन्दुस्तानी हूँ और काश्मीर और हिन्दुस्तान का मामला हमारा निजी मामला है। हम इसको निबट लेंगे। आप लोग इसमें दखल न करें और इसको पेचीदा न बनायें। हम इस बारे में हिन्दुस्तान की गवर्नमेंट से गुफतगू कर रहे हैं। जहाँ तक हिन्दुस्तान के मुसलमानों का ताल्लुक है, मैं पूरी तरह से दियानतदारों के साथ कह सकता हूँ कि हिन्दुस्तान में मुसलमानों को पूरी तरह से आजादी है और पूरी आजादी के साथ वे वहाँ पर अपनी जिन्दगी बमर कर रहे हैं। उनको अपने मजहब पर चलने की वहाँ पर पूरी तरह से आजादी है। वहाँ पर जो फसाद होते हैं वे उन लोगों के जरिये कराये जाते हैं जो हिन्दुस्तान की एकजहती को देखना नहीं चाहते हैं। हिन्दुस्तान की गवर्नमेंट उनका मुकाबला कर रही है। इसका नतीजा यह हुआ कि वहाँ पर एक खलबली मच गई और पाकिस्तान डेलिगेशन के लीडर

को मजबूर किया गया कि वह अपने रिजोल्यूशन को वापस ले। इसका नतीजा यह हुआ कि वह रिजोल्यूशन वापस किया गया और यह कहा गया कि दूसरे दिन जो रिजोल्यूशन पेश हो वह डा० फजल रहमान और शेख अब्दुल्ला की राय में पेश किया जाये और एक एग्रीड रिजोल्यूशन हो। एवान ने कहा कि जो रिजोल्यूशन शेख अब्दुल्ला पेश करने का फैसला करेंगे उसको हम तमलीम करेंगे। दूसरे दिन जो रिजोल्यूशन पेश किया गया वह ऐसा था जिसमें कोई खाम बात नहीं थी या जो कबिले एतराज हो। इस तरह से शेख अब्दुल्ला ने उस मिचुएशन को बचा दिया। डिप्टी चैयरमैन साहब, मुझे मिडिल ईस्ट के मुल्को में जाने का इन्फाक हुआ है। आप इस बात पर गौर करें कि आज भुट्टों साहब को शेख अब्दुल्ला, कांग्रेसी हुकूमत और प्राइम मिनिस्टर के दरमियान जो समझौता हुआ है, उसके बारे में बेकगरी है। इसका राज मैं आपको बताना चाहता हूँ। जितने भी अरब मुमालिक हैं उनका रवैया यह है कि पाकिस्तान हिन्दुस्तान के खिलाफ सिर्फ काश्मीर के मामले पर यह कह कर कि वहां पर शेख अब्दुल्ला जैसे लीडर का हिन्दुस्तान की जेलों में रखा हुआ है और किसी वक्त भी शेख अब्दुल्ला किसी तरह से भी कबूल करने को तैयार नहीं है, यह हिन्दुस्तान की गवर्नमेंट की कितनी बेइसाफी की बात है। इस तरह से शेख अब्दुल्ला के साथ हमदर्दी दिखाकर और काश्मीर के इन्हीं को वाग्दार् अरब और मुसलिम मुल्को में इस्तेमाल करके यहां तक कि उनमें कर्ज शामिल करने की भी कोशिश करता रहा है और यह भी कोशिश करता रहा है कि उनसे अमलाह भी शामिल किया जाय।

आज जब शेख अब्दुल्ला में यह समझौता हो गया है तो उनकी उम्मीदों पर पानी फिर गया है। वोह यह जानते हैं, वोह यह खूब समझते हैं कि अब हम काश्मीर के हरबा को शेख अब्दुल्ला के नाम को, शेख अब्दुल्ला की हरदिल-अजीबी को एक्स्प्लाइट नहीं कर सकेंगे और हमारे हाथ से एक बहुत बड़ा हरबा निकल गया

है अरब मुमालिक और हमारे मुस्लिम मुल्को की तरफ से हिन्दुस्तान की मुखातिफ करने का। इसलिये अब वे बैचेनी महसूस कर रहे हैं। और, जनाब, क्या हो रहा है पाकिस्तान में? पाकिस्तान में जो कुछ हो रहा है वह बहुत हद तक हम लोगों के सामने बेनकाब हो चुका है। पाकिस्तान में किसी किस्म की शहरी आजादी हासिल हो लोगों को या किसी किस्म का कोई इख्तिलाफ जाहिर करने की कोई इजाजत हो, ऐसी कोई बात नहीं रही है। अभी हाल में जो कल्ल हुए हैं मोराना कसूरी साहब के वालिद का जो कल्ल हुआ और हमारे जो कल्ल किये गये, जिस तरह से जल्म किये गये, जिस तरह से खान अब्दुल सफ्फार खान पर पावदिया आयद की गई, जैसा उनके साथ सलूक हुआ, और जिस तरह से खान अब्दुल वली खान की पार्टी के ऊपर बैन लगाया, ये सब इस बात की गवाही कर रही है कि उनके घर में फिमाद है और भुट्टों साहब को अब यह हरबा नहीं मिलेगा कि वोह हिन्दुस्तान के खिलाफ पाकिस्तान के मुसलमानों में मुनाफरत पैदा करे और मुनाफरत पैदा करके हिन्दुस्तान को बदनाम करने का मौका मिले, जिसमें पूरी दुनिया में, खास कर मुसलिम मुमालिक में, हिन्दुस्तान को बदनाम करने की कोशिश हो।

इसलिए मैं अर्ज करता हूँ, जो लोग शेख अब्दुल्ला की दुबलवतनी पर हिन्दुस्तान की जानिब में उनके जवान पर, उनके सेकुलरिज्म पर, उनके सोशलिज्म और डेमोक्रेसी के अकीदे पर शुबहा करते हैं, वे अपने दिमाग की इस्लाह कर लें। शेख अब्दुल्ला अगर नहीं होते तो इस वक्त हिन्दुस्तान की तबारीख में कश्मीर का नक्शा हमरा होता। हम सब जानते हैं हिन्दुस्तान की तकसीम कित बुनियादों पर हुई? हिन्दुस्तान की तकसीम की जनाब, बुनियाद यह थी कि जहां मुसलमान अकमरियत में हों वे पाकिस्तान में रहे और जहां हिन्दू अकमरियत में हों वे हिन्दुस्तान में रहे। कश्मीर ऐसी गियायत थी जहां मुसलमान अकमरियत में थे। हमको यह मालूम है कि हमारी क्लिंग पार्टी में बड़े-बड़े लोगों का ख्याल था कि हैदराबाद

[श्री मुहम्मद युनुस मन्नीम]

को हिन्दुस्तान में शामिल होना चाहिए और अगर काश्मीर पाकिस्तान में शामिल हो तो हम उसको अन्फेडली ऐक्ट नहीं समझे लेकिन इसके बावजूद शेख अब्दुल्ला कमिटेड थे सेक्यूलरिज्म के लिए, उन्होंने जने आजादी में जवाहरलाल नेहरू, महात्मा गांधी, मौलाना अबुल कलाम आजाद, रफी अहमद क़िदवाई के साथ हिस्सा लिया था और वह किसी कीमत पर तैयार नहीं थे कि किसी किस्म के बवाल में काश्मीर को रियामन को मुबनिला किया जाये। इसलिए उन्होंने इकदाम किया; उन्होंने मजबूर किया काश्मीर के वाशिशों को कि वे पाकिस्तान की टूनेशन के फरेब में न आएँ और उनकी लीडरशिप में यह चीज हुई कि काश्मीर के महाराजा ने इस्टैमेंट आफ एक्सेशन साइन किया। अगरचे वह वक्त मजबूत था, हमलावर आ रहे थे और पाकिस्तान प्रोपेगेंडा करने के लिए मुसलिम मुसलिक के दिमाग में जहर धोल रहा था लेकिन इसके बावजूद शेख ने पूरी ताकत से काश्मीर का इल्हाक कराया।

(Time bell rings)

श्री ओम मेहता ने मारे का मारा हवाला दिया है कि कैसा-कैसा हुआ कैसी-कैसी मृत आई जिनका उस वक्त उन्होंने सामना किया। मैं प्राइममिनिस्टर साहब को और शेख अब्दुल्ला साहब को खाम तौर से मुबारकबाद देता हूँ और यह जो समझौता हुआ है यह उन लोगों को ददाशिकन जवाब है जो यह कहते हैं कि कांग्रेस पार्टी और प्राइममिनिस्टर समझौते की बातें नहीं करना चाहती हैं, वह अपनी मनमानी करना चाहती हैं। आपको मालूम है, शेख अब्दुल्ला से हमारे बाज बुनियादी इख्तिलाफात थे बाज भामलात में लेकिन जब तक उन्होंने प्लेबिसाइट के दाव में दस्त-बंदारी नहीं की, जब तक मिरजा अफजल बेग ने यह बयान नहीं दिया कि लोगों की राय मालूम करने के लिये रायशुमारी के अलावा और तरीका भी इस्तेमाल किया जा सकता है, मसलन चुनाव के जरिये में हम राय मालूम करने हैं, उस वक्त तक कोई समझौता आगे नहीं बढ़ा। इसलिये बुनियादी अमूलों पर हमने अपने समझौता नहीं किया लेकिन बाज ऐसी बातें हैं, 1953 के बाद जो हालात पैदा हुए हैं, उन पर समझौते की जरूरत थी, तब हमने समझौता किया। हमने पाकिस्तान से समझौता

किया। अभी मेरे दोस्त ने शिमला अग्रीमेंट की बात की। शिमला अग्रीमेंट हमारी उस पॉलिसी का मजहर है कि हम अपने तमाम इख्तिलाफात को, चाहे अंदरूनी मसले हो चाहे मुल्क के बाहर के हो, समझौते के जरिए तय करना चाहते हैं। हमने समझौते के रास्ते को हमेशा बेहतर समझा है। हम चाहते हैं कोई दूसरी पावर हमारे दरमयान में न आए, एक मेज में बैठकर हम अपने मसाल तय करें।

आज भी समझौते का दरवाजा हम उम शख्स के लिये खुला है जो सेहतमन्द डीमॉन्स्टो, मिक्चलरिज्म और मोशलरिज्म को तमलीम करने हुए किसी इख्तिलाफी मसले पर बात करना चाहता हो तो कोई उसको रोकने के लिये तैयार नहीं है। इसलिये जनाब डिप्टी चैयरमैन साहब, मैं आप से यह अद्वन-अर्ज करूंगा कि इस मसले में जो गलतफहमी पैदा करने की कोशिश करेंगे, मैं समझता हूँ कि मेरी इस गुजारिश के बाद उन लोगों के जेहन में यह बात साफ हो गई होगी।

मैं इस मामले में ज्यादा बक्त लेना नहीं चाहता हूँ। मैं सिर्फ यह अर्ज करना चाहता हूँ कि भूटो साहब जो कुछ भी पाकिस्तान में कह रहे हैं और जो कुछ भी पाकिस्तान में कर रहे हैं, उनके बारे में मैं कुछ कहना नहीं चाहता हूँ, लेकिन मैं उन्हें सिर्फ एक शेर मुताना चाहता हूँ अगर वहाँ तक पहुँच सकें वह शेर इस तरह से है :—

रिन्दे खराब हाल को जाहिद न छेड तू,
तुअ को पराई क्या पड़ी, अपने नभेड तू।

आप अपने घर को मुआरिये, अपने हाल को दुस्त कीजिये आपके वहा क्या हो रहा है, वह सब लोग जानते हैं। आप किसी किस्म का अपोजीशन वर्दाश करने के लिये तैयार नहीं हैं। काश्मीर का जो आक्यूपाइड हिस्सा है उसमें लोग घुटन महसूस कर रहे हैं और उनको हशक हो रहा है कि हमारे पड़ोसी काश्मीर में चार इलेक्शन हो चुके हैं और पांचवें इलेक्शन की तैयारी हो रही है और उनके महबूब लीडर शेख अब्दुल्ला अब वहाँ बजारे आला की हैसियत में आ गये हैं।

कई मेंबर : बजारे आजम कहिए।

श्री मुहम्मद युनुस सलीम : चाहे वजीरे आजम कहिये, चाहे वजीरे आला कहिये, आपकी जो नबियत आयी और जिसमें आप खुश होने हो, वह कहिये। इस लिये जनाब आला, मैं यह अर्ज करना चाहता हूँ कि मुझे इस बात का बहुत दुःख है कि भूटो साहब खम्बे जजबान को उभार जिन लोगों का दिल टटोलना चाहते हैं उनसे कुछ मिलने वाला नहीं है। मैं उन लोगों में से हूँ जो शहर-शहर, कस्बे कस्बे और स्टेट-स्टेट घूमना रहता हूँ और आपके सामने पूरी जिम्मेदारी के साथ कहना चाहता हूँ कि हिन्दुस्तान के सारे मुसलमान इस मामले में बिल्कुल प्राइम मिनिस्टर के पीछे हैं और उनकी पूरी मदद करने के लिये तैयार हैं चाहे भूटो साहब कितना ही इस बारे में शोर मचायें, इसका कोई अरार होने वाला नहीं है। जिन लोगों को हरबा मिल गया है वे यह समझते हैं कि अरार यह समझौता हो गया, इस तरह के इसकानान पैदा हो गये कि हिन्दुस्तान और पाकिस्तान में हालत खुशगवार हो गये, तो फिर जनसंघ वालों के पास क्या रह जायेगा ? जनसंघ के पास हिन्दुस्तान और पाकिस्तान ही का एक समस्या है और जब तक पाकिस्तान और हिन्दुस्तान की हालत खराब रहेगी तब तक जनसंघ पनपना रहेगा और जनसंघ का मफाद हिन्दुस्तान और पाकिस्तान के बीच फसाद कराने और मुताफरन फैलाने में ही है। यही वजह है कि आज उसे बेआरामी और बेचैनी महसूस हो रही है।

मैं इन अलफाज के साथ आपका शुक्रिया अदा करता हूँ।

DR. VIDYA PRAKASH DUTT (Nominated) : Mr. Deputy Chairman, Sir, it often falls to my lot to be called upon to speak at a time when we have already taxed your patience a great deal.

MR. DEPUTY CHAIRMAN : I hope you will take less time.

DR. VIDYA PRAKASH DUTT : The Prime Minister has also been listening for many hours yesterday and today and I would ask for the indulgence of the House to expound my viewpoint for a few minutes. If you will forgive me, I would like to take the House back to 22nd October,

1947 when the armed tribesmen of Pakistan crossed into the valley of Kashmir and knocked at the gates of Srinagar. Sir, it was then that the people's representatives of Kashmir asked for assistance from India and it was under the pressure of the people's representatives of Kashmir that Kashmir acceded to India, to this country, on the 26th October, 1947. It was accepted on the 27th October. Sir, in the face of that aggression, in the face of all the marauding that took place in Kashmir we went to the Security Council and complained that we had been aggressed against, that aggression had been committed against India. But, unfortunately, the Kashmir issue got lost in the power politics of the United Nations Security Council, and I think unless the House recalls the history of the Kashmir problem in the last two decades, and unless we keep that context in view, the struggle of the last 27 years we will not be able to appreciate the full magnitude of what has happened in the last few days.

Sir, Kashmir has symbolised something; it has stood for something. The struggle of the people of India and the people of Kashmir has represented something. What is that ? It is the principle that religion is not the basis of State, that all are equal citizens before the State, that this country is firmly committed to a policy of equality of all religions, of language groups, of minorities and that there shall not be any discrimination on the ground of race, creed or colour or caste. Sir, this is what Kashmir has represented, what the struggle in Kashmir has symbolised, and I think this accord vindicates the stand that India has taken in the last thirty years. I do feel surprised, Mr. Deputy Chairman, at the attitude of some people who are on the one hand all the time spreading distrust and suspicion about certain communities in the country and yet in the loudest voice of loyalty are asking for standards of expression of speech and words which they do not ask others.

Also Kashmir represents the basic vitality of our political life. This was one

[Dr. Vidya Prakash Dutt]
 principle that we fought for in the last three decades. The second principle that we have been fighting for has also been borne out of our own experience. In the infancy of our independence we learnt that whenever you had given chance to foreign powers to interfere they came with their own objects and aims in mind and, therefore, foreign intervention and foreign interference must be kept out of the sub-continent, must be kept out of India, must be kept out of Kashmir. Yet at the same time I need not remind the House that for the last 27 years there have been persistent efforts to interfere from outside. The effort of all of them was to upset all that has happened since 26th October, 1947, to sidetrack the issue, to reopen the entire issue, to detach Kashmir from India and to make a gift of it to Pakistan. From Graham and Dixon to all those who came here under one banner or another the effort of all these was the same, namely, to confuse the right and the wrong, principle and politics, aggression and the aggressor. Sir, I submit that through these acts the internationalisation of the Kashmir issue was virtually ended. By this accord a body blow has been dealt to all those forces whose wish only was to help Pakistan and hurt India. To-day Mr. Bhutto is the most embarrassed, the most discomfited person. And to-day it is all his friends who are upset.

Sir, what has really been given up, or what is there which was not there before and which has created a certain measure of doubt and uncertainty in the minds of some friends? Article 370, review of the laws passed, by the Kashmir Assembly dependent upon Presidential assent and the *Khitab* of Wazir-e-Azam or whatever you call it. Now, perpetuation of article 370 is an act of faith by us, by the people of India, towards the people of Kashmir. It is an act of faith that we will not do anything to change it so that they feel secure. The world is never static. It is for the people of Kashmir to decide how they want to use article 370 and when they would like to bring about any change. We have left it to the people of Kashmir to decide.

So far as the review of the laws by the Kashmir Assembly is concerned, I think it is quite obvious that no law can be revised without the assent of the President, which means, without the assent of the Government of India; which means the Central Government will continue to be responsible for all this. Now, I do not know how much difference is made by calling somebody Wazir-e-Azam or Wazir-e-Ala. All I would like to say is :

गुलाब की खुशबू तो बैसी ही रहती है, चाहे उसको कोई भी नाम दिया जाये ।

But, Sir, in return for these concessions, an influential body of opinion within the State of Jammu and Kashmir, a person of the stature of Sheikh Abdullah and other persons who have represented the character of that State have come back into the national mainstream, have come back to help cement the unity of this country. We have to see whether this gain is offset by any so-called concessions that have been made. I had listened with great attention to my esteemed colleague, Mr. Prakash Vir Shastri whose normal sweet reasonableness is often blunted by the rigidity of his party. He quoted from earlier statements of Sheikh Saheb. He quoted from some of the statements that the Government of India had made at that period. He quoted the fact of Sheikh Saheb meeting Chou En-lai, Sheikh Saheb meeting Pakistani leaders and some of the statements that were made at that time. Sir, I would like to submit that if you compare those statements with the magnitude of change that has taken place today, you can understand the implication, the welcome implication, of the accord. I say, it is precisely for this tremendous shift of opinion that has taken place, this tremendous change in the outlook of the people that has taken place, that we should welcome this accord.

Sir, he also said that Maharaja Hari Singh did not trust Sheikh Abdullah. Now, Maharaja Hari Singh did not exactly cover himself with glory in this whole issue, if I may put it very mildly. I think, Sir, much of the trouble arose because of the dithering of Maharaja Hari Singh, not

because of the dithering of Sheikh Abdullah. In fact, Sheikh Saheb was quite clear as to what should have been done. But it was because of the dithering of Maharaja Hari Singh, his own peculiar personal politics that he was playing, that this issue became so involved and complicated. I still remember—
3.00 P.M. I was a young lad at that time, but I cannot forget it—that it was Maharaja Hari Singh's bayonets that prevented Pandit Jawaharlal Nehru from going to Jammu and Kashmir. He was stopped at the borders by Maharaja Hari Singh's bayonets. Therefore, I would not call Maharaja Hari Singh as a paragon of virtue and integrity.

I think Chanakya was also quoted. Chanakya was a political strategist and the function of a political strategist is to take into account the entire balance of political forces at a particular time. What helps you, what hinders you in your way, who are your friends, who are not your friends, what will advance the cause of the country and what will not. After you take the entire balance of forces in this country into account, you have to judge this accord and then I am sure Chanakya will have a very different opinion about this accord, the strategist that Chanakya was. Chanakya would have regarded this as basically a large political issue. Look at it with all the dimensions, all the balance of forces and then come to the conclusion.

Some doubt has been expressed about what Sheikh Abdullah might do in the future. Future, of course, nobody can give any guarantee. Nobody can give any guarantee about what one will do in future. Can there be any guarantee what I will do or these gentlemen will do in future? Who can give a guarantee? Sir, I will not take much of your time by reading out what Sheikh Abdullah has said in many of his statements. But I will read out two of his statements which are relevant. He says:

The accession of the State of Jammu and Kashmir to India is not a matter

in issue. It has been my firm belief that the future of Jammu and Kashmir lies with India because of the common ideals that we share.

Again he has said:

The country is passing through a critical period and it is all the more necessary for all of us who cherish the ideals of democracy, secularism and socialism to strengthen your hands. . .

This is from a letter he has addressed to our Prime Minister.

. . . as the leader of the nation and it is in this spirit that I am offering my whole-hearted co-operation.

He has also said:

Basically the agreement re-establishes the trust and confidence born out of shared ideals and common objectives which were there all through . . .

In fact in another statement only yesterday, he said:

What is Mr. Bhutto's protest about? Was this not wholly our internal affair—how we sort out our past misunderstanding and estrangement with Central leaders, and how we fashion our relationship with the Indian Union? What *locus standi* has Pakistan or Mr. Bhutto?

Therefore, I would say, we have to take note of the fact that today tension has been completely de-fused in Kashmir and that Kashmir is peace in itself. I think this has advanced the cause of this country and the people of Kashmir. I would submit that to my mind, if there is any danger to India or if there will be any danger to India, that danger will come from the spirit of intolerance, from the spirit of passion, prejudice and hatred some people have been spreading in this country . . .

SHRI SUBRAMANIAN SWAMY : All nominated members should speak like this.

DR. VIDYA PRAKASH DUTT : Why do you think that this is directed to you? This shows there is some guilty conscience.

MR. DEPUTY CHAIRMAN : You had your say, Shri Swamy.

DR. VIDYA PRAKASH DUTT : Now, Sir, I say that the unity of this country is not threatened by the people who would come into the national mainstream, but it will be threatened by the people who do not show any concern for the peculiar characteristics of this country, for the fact that this country is a vast land with diverse people, with unique characteristics, and it is only through absorbing all of them into the national mainstream, whether they are Hindus or Muslims or Sikhs or whether they are the people living in areas as far as the Andamans or in Kashmir, that we can make any progress. It is only through absorbing all of them into the national mainstream that this country (*Time bell rings*) will advance. But, unfortunately—I repeat is—unfortunately, danger is coming only from the climate of prejudice and hatred that is being spread in this country, especially the climate of intolerance, the most specific example of which is that you are not prepared to listen to what the other person is saying and you are not prepared even to grant him the right of free speech. You say that you believe in free speech, but you are not prepared to grant the other man the right of free speech. I say that this climate, this climate of intolerance, which is being created in this country, is dangerous to this country and the strength of this country lies in its tolerance, in its recognition of these peculiar characteristics and in its capacity to absorb all these peoples in the far-flung areas.

MR. DEPUTY CHAIRMAN : You will have to wind up now.

DR. VIDYA PRAKASH DUTT : Finally, Sir, I would like to say that there can be difficulties in the future and

nobody can say that there can be no difficulties at all. And, Sir, there are people who can create tensions and there are even now people who are creating tensions and these tensions can come from abroad and these tensions can be created from inside the country. But I welcome the accord because I think that this advances the basic objective that the people of India and the people of Kashmir have and that is the objective of building up of a secular, progressive, democratic and socialist country and that is why I welcome this accord and not because I think that all the problems that are there can be solved or will be solved.

Sir, I would like to say that Sheikh Abdullah and his colleagues have struck a right earnest note from the very beginning, from the beginning of the constitution of the Government, the new Government, in Kashmir. A right earnest note has been struck by them and we would like to offer him all our good wishes for the successful accomplishment of the objective which is common, the objective being to lift the people from poverty, whether it is in Kashmir or in any other part of the country, to eliminate poverty altogether from this country and to bring about a socio-economic transformation. Thank you, Sir.

SHRI MOHAN SINGH (Punjab) : Mr. Deputy Chairman, Sir, I welcome and fully support the new change that has been brought about in Jammu and Kashmir by our Government under the bold and far-sighted leadership of our Prime Minister. In fact, such a change was long overdue. In my opinion, Sir, it will further strengthen the unity and integrity of our country by removing certain misgivings from the minds of a certain section of our people. It has vindicated the stand taken by us in the UN and also it has given a slap on the faces of those of our neighbours who are determined to do mischief to us using Kashmir as a pretext and a target of their evil designs.

Sir, revolutions and great changes cannot be brought about by the whims and fancies of any individual, however great he may be.

A pressing necessity for a certain change is always blindly operating, and when the objective conditions for that change mature, the change must come. I congratulate our Prime Minister and also Sheikh Abdullahji for seeing that necessity and then taking certain practical steps which have resulted in this agreement. I also thank Sardar Swaran Singhji, Shri Parthasarathyji, Shri Afzal Begji and others, who worked patiently and assiduously to find a solution of this delicate problem. Kashmir Accord is an achievement of historical importance. Future course of events will amply justify our hopes and aspirations.

Sheikh Abdulla has reappeared on the political scene of Jammu and Kashmir and our country after a lapse of a long period of 22 years. As we all know, time is always on the move and during this long time of nearly a quarter of a century many things happened and many changes took place. When the objective conditions and circumstances around us change, men must change, if they want to survive and move along with the onward march of time, Sheikh Abdullah being no exception.

✓ I am sure the happenings across the border in Pakistan, particularly those terrible events which led to the creation of Bangla Desh, must have shaken the Sheikh terribly and prompted him to take a more realistic and practical line of action which has resulted in this accord. I am glad that something good has happened. We must, instead of criticizing it, welcome it, support it and see how it works. Kashmir was, is and will remain an integral part of our country. . . (Interruptions). Whatever has happened has happened within the framework of our Constitution.

1 RSS/75—7

Mr. Deputy Chairman, Sir, Mr. Bhutto's reaction to this change must serve us as a good barometer to see the correctness of our action. Mr. Bhutto's successful visit to the USA, resulting in the resumption of supply of arms to that country, had puffed up his vanity like a balloon. But this Kashmir accord has punctured that balloon very seriously and he is cut to his proper size. He is now sulking and behaving like an angry and frustrated man. He is emitting lot of smoke, spitting fire, but shedding no light, nor is he trying to see light anywhere else. He is more concerned about Kashmir than the people of Kashmir themselves. If he is a genuine well-wisher of Pakistan, he has a lot to do in his own country. We all know what is happening there, particularly in the North-West Frontier Province and Baluchistan. By raising the bogey of Kashmir once again and by flooding his country with armaments, he is trying to divert the attention of his people from the domestic problems. His resort to 'hartal' clearly indicates that this 20th century's self-appointed Messiah and Ceasar of Pakistan has lost the balance of his mind. I fully endorse what President Daud of Afghanistan said about him yesterday at Chandigarh.

He has singled him out as one man in this sub-continent who is determined to see that peace is not established here.

I congratulate our Government on the selection of the most opportune time for the official announcement of this accord. (Interruptions). It has synchronised well and befittingly with the lifting of the ban by the U.S.A. on the supply of arms to Pakistan and also it has come at a time when our Russian friends were visiting our country. Their stand has been very very correct throughout.

Mr. Deputy Chairman, Sir, a lot of unnecessary hoo-haa has been created on certain minor issues. We must know that when our differences are genuinely desired to be resolved, talks are always held in a spirit of give-and-take. A lot of noise has

[Shri Mohan Singh]

been raised regarding the proposed designation of the Chief Minister of Jammu and Kashmir as Wazir-e-Azam. In my opinion, there is only one person in our country who should object and show resentment to this change. That person is our worthy Prime Minister. If she has accepted everything gracefully and in a spirit of cordiality and generosity in the larger interest of our country, when I fail to understand why such a noise and dust should be raised by those whom history and destiny is never going to honour with the favour of getting the chair of the Prime Minister. Their position will never be awkward. (*Interruptions*) Please have patience. In my opinion, every Chief Minister is a sort of Wazir-e-Azam of his State, but only within his State. It is a sort of dignified and a little puffed-up translation of the words "Chief Minister". It may satisfy the vanity of anyone but does not do harm to anyone and nor does it change the basic reality in the country. (*Time bell rings*) If a person adopts the title of Shah Jahan or Shahanshah-e-Alam, he does not become the emperor of the whole world by adopting such titles. When we were having negotiations, some harmless concessions had to be made. The main thing is that the basic reality remains the same and unchanged and the Centre retains full powers to deal with cessionists, disruptionists or subversionists and we should be happy about the fact that Kashmir's accession to India is absolutely complete, final and irrevocable. This is the main thing.

We should be happy that a great freedom fighter has joined the mainstream of our struggle to rebuild a new and strong India. It is a positive step which has strengthened the secular and democratic forces of our country. It is a positive step which has made the long-advertised Plebiscite Front irrelevant overnight. It is a positive step which has unnerved the rulers of Pakistan, fearing its reaction in the illegally occupied Kashmir with them.

Now, the main thing is not the text of the accord but the spirit in which it is

going to be worked out. Those who worked out the details of this agreement are wise men of great vision and in no way less patriotic than those who are criticizing them today. But we must know that patriotism and political wisdom are not always the one and the same thing. If we want to win the confidence of anyone, the best way is to have confidence in him. We have taken a great historic step. Let us go ahead gracefully with the same spirit in which we have worked out that thing. I would like to appeal to my friends who are objecting to my words that just for a change, it would be a good thing if they join us in this thing. You have so many things to oppose us. In this thing, at least, you join us so that we can unanimously support this agreement. Mr. Deputy Chairman, Sir, I must say that it is the beginning of a great era in Jammu and Kashmir. Sheikh Abdullah has under taken a very great responsibility. We must give him full support and wish Sheikh Saheb and people of Kashmir a great success in their future.

Prof. Rasheeduddin Khan (Nominated): Actually, Mr. Deputy Chairman, Sir, as one who has to be the last speaker in a House which has almost debated all aspects which are positive and negative, I might as well recite a couplet which might sum up, at least, the sentiments which I have in my mind :

उड़ाली कुमरियों ने तूतियों ने अंदलियों ने,
चमनवालों ने मिलकर लूट ली तंजेंफुगा मेरी ।

(*Interruption*)

The great virtue of Urdu poetry, Mr. Deputy Chairman, is that there have always been several versions even of Mirza Ghalib. And if there are two versions of Iqbal, I can understand. Sir, I do not have to say anything more except to emphasize two aspects of this. What has happened by the agreement of 24th February, 1975 is a historic event for several reasons among which are, that we are building a federal polity in which people belonging to diverse religions with different

ethnic background and historical experiences are emerging into a state of territorial integrity, which is now a polity of continental size the people are the second largest in the world—in which the federal polity is being worked within the framework of a parliamentary system, in which dissent is being recognised as one of the articles of faith. It is not always easy to see that different parts of the country have an integral part in the working of the system. Kashmir is important for several reasons, one among which is that it is a frontier State, it is a State which probably has suffered because of the mischievous doctrine of paramountcy. When Lord Reading was asked to define 'paramountcy' in the famous controversy with the Nizam of Hyderabad, he could only say, almost like the Biblical, mythological axiom. "I am what I am," that paramountcy is paramountcy. And the lapse of paramountcy on 15th August, 1947 had led to several confusions among which was the fact that the State of Jammu and Kashmir which was simultaneously contiguous to the then Dominion of Pakistan and the then Dominion of India was really put to the test. As has been already emphasized, the fact of the struggle of the people of Kashmir is the fact of the struggle of the people of India which is the struggle for a positive polity, based on the principle of secularism, the principle of corporate and composite living and the principle of democracy. That people have gone wrong here and there is understandable. Neither any axiom from Chanakya nor any oft-quoted remark from Machiavelli will be able to shift the main focus of our contemporary polity and our contemporary polity demands understanding. Democracy alone gives understanding. Is it applicable within the framework of an autocratic system, within the framework of an aristocratic system, and within the framework of an oligarchy to give full credit to all the obscurantist formulations sophisticated by the allegiance of a language as is exemplified either in the Shastras or the principles of Machiavelli? It is not applicable. What is applicable is this. How do we

build a people who have been robbed of the identity by a mixture of conspiracy of obscurantism, feudalism and imperial exploitation. We have suffered for hundreds of years because of a conspiracy of circumstances. On the 15th August, 1947, a significant thing has happened. On the 15th August, 1947, the people of India have attempted to give a sovereign polity to themselves. In the history of this Asian land, which is one of the continuing civilisations, a sovereign polity was built on the consent of the governed. It is its weaknesses, it is its problems and the problems are aggravated because you have on the one side people like those in Mizoram and Nagaland; on the other side you have got the people of Kashmir, which again is a macro-agglomeration of people of Baluchistan, Ladakh, Kishtwar, Doda, Kashmir valley and Jammu. This State which has been built on the basis of an Instrument of Accession—Instrument of Accession which was itself the contrivance of Imperial jurisprudence—is an act of faith. We are only 27 years old. Therefore, if the past of certain leaders is overlooked, if an attempt is made with confidence and trust and if an attempt is made with vision, we can march ahead. Let us not take a partisan view. I am afraid, partisan view has vitiated our polity. There is reason to evolve a national consensus on certain fundamentals of national polity, on certain fundamentals of internal polity and our external communiqué. Is it possible to overlook M. Deputy Chairman, the angueries of the contemporary elite of Pakistan *vis-a-vis* the problem of Kashmir even after the Simla Agreement? Is it possible to overlook the operations of multi-nationals in conjunction with intelligence agencies which I need not mention? Is it possible to overlook the entire process of destabilisation of the regime? Many in the outside world are not happy and if the internal forces of disruption are also not kept under check, it may lead us nowhere. If a person of heroic courage, who has played his own remarkable part in this struggle for the freedom of this country, has been again inducted into the mainstream of

[Shri Mohan Singh]

national life, this is an occasion for accolade of the Prime Minister and the ruling party and all those who took part rather than be small-hearted and withdrawn. The vision of India is a broad vision. The vision of India is not meanness of approach and narrowness of heart. It has the understanding of the dynamic of the whole situation and the situation is this. Sheikh Abdullah is not only a leader of Kashmir, he is a leader of India; India which has struggled against feudalism, obscurantism and imperialism.

A certain agreement has been arrived at by a party which could have been in power. It is an act of grace of that party because it had denied to itself the right to have its Chief Minister from among its own members and says that it recognises a man, although not a member of the party formally, but still accepts him for his patriotism and his gesture of goodwill.

These are the aspects which should be kept in mind.

As a matter of fact, all my wonderful friends have deprived me of the opportunity of scoring debating points. I have spent many man-hours preparing on the legal aspect, framework and all that and I think what I should have done had I been wiser was to abstain from the House. Actually my name was called and all of a sudden I have to rush and make my speech which I cannot do.

I am also happy because it is the hallmark of Parliamentary system that there are aspects, ideas which are shared with the illustrious exception of youthful impetuosity. Otherwise people are understanding on this. Here is an example of a graceful leader, Prakash Vir Shastri with whom I do not agree on his assumption but whom I respect because he has been able to muster the argument with logic and reason even if the major premise was irrational. But my young friend, the Professor, I do not know and I would

like to hold myself back from saying it... It is important to understand that nominated Members have been in and out attacked. I would not like to defend myself but I will say that probably people are nominated to the Upper House partly because it is a functional principle and also at least because those who have got the responsibility of nomination have some confidence in the impartiality of judgement. Vagaries of electoral verdict sometimes make it possible for dubious personalities to enter the House. But nomination is an act of discretion which, even if it goes wrong, can go wrong only by degrees but never in kind. Let us not attack each other.

Having spoken almost continuously to an audience which is usually appreciative, which respects age, wisdom and experience, I am somewhat uneasy to speak in a House like this when one has focussed attention on a whole spectrum with the agonising stare of the Chairman whose eyes are on the movement of the watch rather than on the articulation of the Member. What else can I say except end up as I started, with an Urdu couplet ? Let the great respected leader Sheikh Mohammed Abdullah and particularly my friend, Mr. Afzal Beg remember that this accord has been done with a hope and faith. Let hope and faith be also reflected in their activities in Jammu and Kashmir.

लो सांस भी आहिस्ता कि नाजुक है बहुत काम,
आफाब के इस कारगहे शीशा गरी का ।

मीर तकी मीर

SHRI D. N. DWIVEDI (Uttar Pradesh) : Mr. Deputy Chairman, Sir, I am very grateful to you that you have given me the distinction of being the last speaker before the Prime Minister replies.

MR. DEPUTY CHAIRMAN : But you take as less time as possible.

SHRI D. N. DWIVEDI : I want to associate myself with the sentiments that

have been expressed very overwhelmingly in this House, welcoming the accord. I welcome the accord reached between the Prime Minister and Sheikh Abdullah as an act of statemanship, as an act of vision, as an act faith and as an act of courage. Sir, this agreement inaugurates a new chapter in the history of the Indian sub-continent.

And it opens a new phase of identification of the hopes and aspirations of the people of Kashmir and the people of India. Sir, the assumption of the office of Chief Minister by Sheikh Abdullah signifies a meeting of hearts of the people of Kashmir and the people of India, Sir, when India was attacked by Pakistan geography had stabbed in the back of history. Through this accord history and geography have shaken hands. Sir, I thought, at this time no discordant notes will be struck but again voice of Cassandras has been expressed, the voice of those who always look at the darker side of the picture; they have expressed themselves. Two kinds of voices have been raised. On the one hand we have heard our esteemed friend Mr. Rajnarain, the professional dissenter, the total oppositionist. He cannot see the brighter side of the picture. He has to oppose anything and everything that is done by the Government. He claims to be the disciple of the late Dr. Ram Manohar Lohia. He may or may not be his disciple but he definitely believes in the philosophy of famous actor, Humphry Boggart, who used to say: "Never mind what it is, just oppose it." Mr. Rainarain is a total oppositionist. One of my friends from Banaras told me a tale about him that once when he was a student of the Banaras Hindu University and Dr. Radhakrishnan was the Vice-Chancellor, Shri Rajnarain went to Dr. Radhakrishnan at a late hour. Dr. Radhakrishnan is reported to have said: I am sure that when the famous Greek philosopher, Aristotle, wrote 'man is a political animal', he must have had you in mind." It is a pity that Mr. Rajnarain is not here. Then there is another

kind of dissenting voice and that has been the voice of the Jan Sangh through Mr. Prakash Vir Shastri, esteemed Prakash Vir Shastri. But his has been a dishonest disapproval of what has happened. The Jana Sangh has a vested interest in the continuance of this kind of dispute. The Jana Sangh's opposition stems from their Chauvinistic approach. I will deal with that kind of approach later but I would urge those who have struck discordant notes that they must view this accord in the perspective of history; they should not see it in isolation. We cannot understand the importance, significance and implication of this accord if we lower our sights and confine ourselves to article 370, article 132 of the Constitution and to the nomenclature of Sheikh Abdullah. We cannot understand. We have to understand what this accord is and what this accord is not. It is not as if through this accord the State of Jammu and Kashmir has acceded to India. It is not as if through this accord India, the Government of India, the Prime Minister have recognised the special status of Jammu and Kashmir. As a matter of fact, the finality, the irrevocability of the accession was never in doubt and also there was never any doubt of the fact that Kashmir enjoyed a special status. Then what has happened? What is it that has made this accord so significant? How come, one single individual has come forward, has said something and it has become very important? In order to understand that, we will have to view the special history of Kashmir. Let us view the facts as they are and let us view the whole situation in a realistic and pragmatic way. Let us not be merely logical. Life is not mere logic, it is more an experience. Sir, in Kashmir there was no state of normalcy. This is my clear feeling. There was a state of abnormalcy although that was diminishing. Kashmir was being used on the chess-board of international politics by those who do not mean well of India. Internally, in spite of the fact that during the past two decades the process of integration had taken place—in different walks of life there had been integration—in spite

[Shri D. N. Dwivedi]

of the fact that the younger generation had realised the futility of the demand of plebiscite, the fact remained that there were certain sections which had not accepted from their hearts the finality of the accession—and the reason was a very simple one, that their esteemed leader Sheikh Abdullah was not associated with it. There was a link between Kashmir, the people of Kashmir and India. But there was a missing link—and Sheikh Abdullah was that missing link. Due to the non-association of Sheikh Abdullah all these years with the affairs of Kashmir, there was a gap, there was a void, there was a crisis of confidence between the people of Kashmir and the people of India, and this was realised by Sheikh Abdullah. Over a period of time, he had second thoughts, and Sheikh Abdullah and our leadership realised that time was ripe for a dialogue and there was a dialogue, and there was happy culmination of that dialogue, and now Sheikh Abdullah has come back.

Sheikh Abdullah is a man of imagination. He is a true leader of the people of Kashmir. Sheikh Abdullah enjoys a very unique position in Kashmir, and I think he represents the will of the people. By signing this accord he has signified the approval of the people of Kashmir, and through him the people of Kashmir finally and irrevocably sort of agreed to this accession. (*Time bell rings*). Sir, I will just take five minutes. We are discussing a very important thing. Let us not be miser with time.

MR. DEPUTY CHAIRMAN: You finish in two minutes.

SHRI D. N. DWIVEDI: Sir, what is this accord? This accord on the one hand takes into account the process of integration that has taken place in the past, and on the other it also takes into cognizance the special status of Kashmir. The Prime Minister has accepted the special status of Kashmir which was already there, and Mr. Sheikh Abdullah has

accepted the finality of accession which was never in doubt as he wrote in his letter to the Prime Minister. This accord has solved a very ticklish problem that has been with us for the past two decades. This accord has inaugurated an era in which the people of Kashmir can participate in the mainstream of our national life. This accord has inaugurated a new chapter of mutual trust, mutual confidence and mutual faith. Mr. Sheikh Abdullah's commitment to the principles of secularism, his commitment to the principles of democracy had never been in doubt. I was a little surprised when Mr. Prakash Vir Shastri expressed a doubt on that score. He said that at the time of partition, Sheikh Abdullah sent one representative to talk to Mr. Jawaharlal Nehru and another to talk to Mr. Jinnah. I am not in a position to contradict him. But, Mr. Deputy Chairman, I had the pleasure of meeting Sheikh Abdullah during his past visit, and let me say that it was a moving experience. Sheikh Abdullah was talking about the history, about the past, and he was telling us—there was a group—about the talk that took place between him and Jinnah, the detailed discussion that he had with Jinnah, and the way he countered the arguments of Mohammed Ali Jinnah in favour of partition. He told Mr. Jinnah that the two-nation theory had no place in modern times. Of such a man who has had this record of commitment to secularism, how can anybody have doubts? I think this occasion does not warrant any doubt about the honesty, integrity and commitment of Sheikh Abdullah. Sir, this accord also has to be viewed in the context of international situation. At a time when Mr. Bhutto is indulging in sabre rattling, at a time when the USA is arming Pakistan, at a time when they are having a base at Diego Garcia, at a time when China only yesterday has expressed its deep dislike for India, this accord must be welcomed. If I may say so, Mr Deputy Chairman, this accord is a fitting reply on the part of India to the U.S. decision to arm Pakistan. Sir, I am not going into the details because the time is short and I cannot deal with constitutional and legal

aspects which have been dealt with by my senior colleagues, by Dr. Seyid Muhammad and Mr. V. B. Raju. I can only say in conclusion that we must look to the future. Let us forget the past. Let us try to understand the present and let us try to create a situation which is congenial for the people of Kashmir and the people of India to forge ahead, to march forward towards our cherished goals, the goal of socialism, the goal of democracy, the goal of creation of a society which is based on equality of opportunity and a just order. Thank you, Sir.

THE PRIME MINISTER (SHRIMATI INDIRA GANDHI): Mr. Deputy Chairman, Sir, I am grateful to the House for the warm and well-considered support it has extended to the accord with Sheikh Abdullah. In so doing, the House has accurately reflected the sense of satisfaction which the country feels in regard to this understanding. People have welcomed it not only because of the positive benefits arising out of it but also because of the manner in which a long-standing problem has been resolved by mutual discussions in a spirit of good will. This act of reconciliation is a fine example of the political maturity of our country.

My colleague, Sardar Swaran Singh, has made my task easier. In his spirited speech he has dealt with all the points raised, ably and lucidly. But I shall have to repeat some points, otherwise I may be misunderstood. But before I get on to those points, I should like to say that much of the credit for this achievement goes to Sheikh Abdullah. Only a person of his commitment to the good of the country could have been capable of the will power to overcome memories of past bitterness and unpleasantness. A lesser man could not have done this.

Jana Sangh has received a drumming from most speakers, from our party and others. So, I shall not add to it. But, Sir, they have come out with their usual stereotyped arguments and unjustified

apprehensions. I can understand their discomfiture at the approbation which the country as a whole has given towards our action. Our concern is not so much with what people say but with what strengthens the country and I have no doubt that this understanding strengthens and benefits our country.

An hon. Member rather gleefully referred to the Simla Agreement, implying thereby that the agreement had perhaps failed no one had expected or predicted a miracle. But there is no doubt that the Simla Agreement demonstrated to the world our conciliatory approach, our serious desire to settle problems peacefully and to improve our relations with Pakistan. The several agreements on travel, communication, trade, etc., are in pursuance of the Simla Agreement and are of obvious mutual benefit. There are others who are not pleased with the agreement and a reference to this has been made by practically every speaker in the House, and these are the rulers of Pakistan. Mr. Bhutto has written to me and has told the press in Islamabad of his strong protest against our action. Frankly, Sir, I fail to understand what the protest is all about or in what way the accord runs counter to the Simla spirit. With due respect, I should like to say to Pakistan that it has overplayed the Kashmir card. It is no longer a trump in their hand and they should desist from using it against India.

Our policy in national as well as international affairs has been consistent. I know that Mr. Bhutto regards consistency as a quality of mediocre people, but I think that it is better for people to know where one stands and if one stands by ideals and values, then it is better to be consistent about them. We have always tried to adopt a conciliatory approach and settle problems through discussion. There is no reason to assume that the Government will give up this policy in relation to any particular problem, provided the others concerned also adopt a conciliatory approach.

[Shrimati Indira Gandhi]

Positive benefits from this accord have accrued because of the policy of understanding and co-operation adopted on both sides. The agreed conclusions should not be weighed merely in the legal or constitutional balance. The substantial political gains are that misapprehensions which had been entertained, rightly or wrongly by certain sections in the State, have been removed and plebiscite becomes a non-issue. Both these are solid benefits. In regard to the legal and constitutional provisions, the attitude of adjustment and accommodation has to be seen in the approach to the provisions rather than the provisions themselves.

With reference to article 370, which has been a specific provision incorporated in our Constitution from the very beginning, a section of the people in the State had the feeling that it was not being worked in the spirit in which it was conceived and that serious inroads had been made into the State's powers. In our view, this is not correct. It was pointed out during the discussions that article 370 was being operated strictly in accordance with the procedure set out in it, but we cannot ignore the existence of such misapprehensions and the need for removing them. The agreed conclusions seek to do this by reiterating that article 370 will continue to govern the relationship between the State and the Centre. The purpose is to reassure those people who had doubts in this matter, but as I have said on an earlier occasion, it does not change the situation. In other words, the position has not changed because of this declaration. As regards residuary powers, the accord makes no change in the existing position. They have been with the State from the very inception and the accord gives a reassurance to the State that the constitutional provisions in this regard will continue to be exercised by the State. This position can be altered only in the manner provided in article 370, namely, by a Presidential order made with the concurrence of the State Government. When an occasion arose to invoke the residuary

powers to enact a parliamentary law to deal with secessionist and similar activities, which may challenge the unity or the territorial integrity of India, the State Government readily agreed to a modification of the provision in order to enable the application of this law to that State. In the course of discussions it was conceded that the Centre should necessarily have this power to deal with such unlawful activities and that the modification made to the constitutional provision was justified. We are confident that if a similar occasion arises in future, the State will appreciate the need for the Centre having necessary powers to act and give the required concurrence.

As is well known, Sheikh Abdullah was keen on a review of all Central laws which were applied to the State after 1953. During the course of discussions it was pointed out that Central laws on matters in the Union List are generally essential for the effective functioning of the nation and can be reviewed only by Parliament. As regards Central laws on matters relating to the Concurrent List such as welfare measures, procedural laws, etc., the Constitution itself provides for the State Legislature to modify or repeal such Central laws after obtaining the President's assent. The accord provides reassurance to the State Government that its proposals in this respect will be considered sympathetically when they come up for assent. By the way, we usually consider sympathetically proposals that come from any State. The particular socio-economic conditions and other special features of the State of Jammu and Kashmir will be considered by the Centre in dealing with such proposals.

Shri Prakash Vir Shashtri has tried to draw unwarranted conclusions from my use of the word 'experiment' and my stress on the need for vigilance. Every country, and particularly one like India which has faced enormous problems and had special experiences, must always be vigilant.

I should like to congratulate Shri Goray on his excellent speech. He has been able

to appreciate the essence of the matter. But he also took the word 'experiment' in a very narrow sense. Aren't all actions experiments, ultimately? No solution can be perfect. As I have said on many occasions, every solution itself gives rise to new problems. But what is the point of resurrecting the past? The past does raise questions; sometimes it answers them also.

By quoting from Sheikh Saheb's statement, Shri Mariswamy has answered at least one of Shri Prakash Vir Shashtri's questions. In any agreement, one must be willing to forget and forgive. But in this particular instance, one irrefutable fact stands out and this fact has been mentioned by many who have spoken. More than any other person, Sheikh Saheb is responsible for Kashmir's being with India. He provided the leadership to the popular movement which fought against the two-nation theory in the State and rallied the people to our national cause. I do not have to read about events. I was in the thick of them myself. Sheikh Saheb always strongly opposed Jinnah and the policies of the Muslim League. I remember, when Maulana Azad was released and came up to Kashmir, Sheikh Saheb had arranged a very big reception and public meeting. The whole city was out in welcome, except in one mohalla which was the stronghold of the Muslim League. Here they threw all kinds of things and generally tried to make the occasion as unpleasant as possible. But Sheikh Saheb and his colleagues and the people left no doubt as to where they stood and what their attitude was.

When Kashmir was attacked, it was not the then Government of the State which defended it; on the contrary, they were simply unable to cope with the situation. It was Sheikh Saheb and his colleagues who mobilised the people, who built up the people's militia and faced the invading hordes. I cannot forget the sacrifices and sufferings of the people of Kashmir and how courageously the young, untrained, unequipped people faced this challenge. I cannot forget the young Maqbool Sher-

wani who was caught by the Pakistanis and actually crucified on wooden cross.

While consultations were going on in the Government of India as to our own attitude and future action, there was a meeting in our house. I felt so deeply anxious and involved that I squatted just outside the door, waiting for them to come outside and announce their decision.

4 P.M. I do not know if Sheikh Saheb remembers but that evening he phoned me, not once, at least twice, to urge me to expedite decision, so that Indian Forces could be sent immediately. To brand those brave people as communalists would be a grave travesty of history.

I was astonished that Shri Prakash Vir Shashtri should have expected us to take the House into confidence at various stages of the talks. This is never done nor could any negotiations be concluded successfully if such talks became public at earlier stages. In this particular case there has been no policy change nor any need to amend our Constitution.

Some people feel that no speech of theirs would be complete without dragging in the Soviet Union. There is absolutely no truth in the allegation that the Soviet Union has had anything to do with this or any other decision which we might take. Their friendship has been demonstrated by their support to our decisions without any attempt at interference.

So far as the Plebiscite Front is concerned, as my colleague, Mr. Om Mehta has said, the Executive has met and supported the understanding. The General Body has not met officially because it is difficult to call it in the present weather conditions obtaining in the Valley but the opinion of the people was evident from the welcome which Sheikh Saheb got in Srinagar. One cannot say if some people will not remain obstructionist. But this would make no difference to the value of the agreement or the new chapter which has been opened.

[Shrimati Indira Gandhi]

Sir, I have been anxious for this agreement and have already given my reasons for this. But it is not true to say that there was no democracy or concern for the people and development before, or that the people of Kashmir were not with us. Several members, have spoken, Shri Om Mehta and Shri Yunus Saleem spoke moving of their own experiences. Members from the Opposition have also mentioned the heroic role played by the people of Jammu and Kashmir in resisting aggression not only in 1947 but on later occasions. All regions have borne the brunt of foreign aggression and have stood solidly by us in times of travail. All of them equally deserve the nation's gratitude.

Sir, much needs to be done. But there is no doubt that the Valley has made progress. Jammu and Kashmir is a State with a difficult terrain. This, combined with the tension of repeated attacks, has aggravated the problems of development of the regions which comprise the State. But the Central Government has been paying special attention to the problems of Jammu and Ladakh. There are many tribes and groups in these areas as well as in the Valley itself who have specific problems of their own. The Valley has Gujjars, Bakarwals and Gaddis who have their own difficulties. I discussed these questions with Sheikh Abdullah and he assured me that he is fully aware of these problems and has given the people of all the three regions assurance of equal treatment and of equal opportunity for participation in the political affairs of the State.

Shri Mariswamy let his imagination run away with him when he tried to reconstruct the reasons for the recent changes in Maharashtra. I have no hesitation in saying that there is not an iota of truth in his version. He has also raised the issue of State autonomy again. He seems to challenge the statement which I made that while we need a strong Centre there is nothing in the Constitution to stifle the initiatives of the State.

The States complain of delay in giving Central clearance to some of their projects. And there is some justification in this, I must admit. The situation must be remedied and we are trying to remedy it.

But often other States may also be concerned in some way or the other, and likely repercussions have to be taken into view. But the instances which the hon. Member gave were neither substantial nor relevant to support his case for greater State autonomy. What was involved in those matters is hardly a question of the authority of the State or of the Centre. Ecology, climate and such larger matters are sometimes affected. To give an example, if a State allows large-scale felling of trees, the effect is far-reaching and long lasting. We should make our people conscious of such issues. He spoke about a temple and I would like to tell the hon. Members about this particular matter. A few years ago, the Tamil Nadu Government wanted a statue of Raja Raja Chola to be installed inside the Tanjore temple. It was a modern, large-sized statue. The Archaeological Survey suggested another place outside the Maratha Gateway of the temple. The Tamil Nadu Government initially agreed to this new location. But later Shri Annadurai asked the Centre to re-consider it. The Archaeological Survey then pointed out that the statue would not harmonise with the original structure and would, therefore, detract from its archaeological value. The Tamil Nadu Government later put up the statue outside the fort wall on the main road, well away from the temple, with an inscription that it has been installed there because the Central Government had not permitted it inside. There was also a reference to the Varaha Murthi temple inside the main temple. Now, this is an active shrine attracting large numbers of worshippers every day. It has its own plinth, but the shrine is very small, causing considerable inconvenience. So it was agreed that an enlarged shrine should be built on the plinth. This was done under the supervision of the local Superintendent of

Archaeology. Unfortunately this gentleman permitted a rather ornate "shikhara" to be built over this shrine, presumably in response to local pressures. The Archaeological Survey is unhappy about this and I believe an explanation has been asked for from the person concerned. Art and architecture are not matters of political autonomy but should take into account our historical traditions. All over the world today there is greater consciousness about the need to preserve national treasures in their original forms, for these treasures belong not to a region or even to a nation but to mankind as a whole.

Shri Mariswamy also said that constitutional amendments had taken away the rights of the people. This is an astonishing interpretation. On the contrary, the purpose of most of our important amendments to the Constitution was to secure social and economic justice to the weaker sections of the people rather than to perpetuate the privileges of a few. And so far as I remember, his party supported these amendments when they were put to vote here.

There is no need for me to say more to commend the understanding, for people have already extended an overwhelming welcome to it. It is an accord which is good for the State and good for the country. It strengthens our national ideals of secularism and democracy. I am sure that the House will give its good wishes to Sheikh Abdullah and his colleagues and to all the people of Jammu and Kashmir.

Sir, before I sit down, I would like to tell the hon. Member Shri Rasheeduddin what a delight it was to listen to his speech. I do not know how far his barbs, so pointed and apt, went home to those against whom they were directed. Thank you.

MR. DEPUTY CHAIRMAN: I shall first put the amendment moved by Shri Jagdish Prasad Mathur to vote.

The question is :

"and having considered the same, this House recommends that the process of integration of Jammu and Kashmir State with the rest of India going on during the last more than two decades, be continued further and the State be brought at par with the other States of India."

The motion was negatived.

MR. DEPUTY CHAIRMAN: I am putting to vote the next amendment which is in the names of Shri Bhupesh Gupta and Shri V. B. Raju. Both are identical. The question is :

"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 & Kashmir working together for the progress of the State, the well-being of the people and further strengthening of the nation.' "

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now I am putting the Motion, as amended to vote. The question is :

"That the statement in relation to the State of Jammu and Kashmir made in the Rajya Sabha on February 24, 1975, be taken into consideration 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 & Kashmir working together for the progress of the State, the well-being of the people and further strengthening of the nation."

The motion, as amended, was adopted.