

**FIFTY-FIRST REPORT OF THE PUBLIC ACCOUNTS COMMITTEE 1972-73**

SHRI GOLAP BARBORA : Sir, I beg to lay on the Table a copy of the fifty-first Report of the Public Accounts Committee (1972-73) regarding Chapter IV of Audit Report (Civil) Revenue Receipts, 1970 and the Report of the Comptroller and Auditor General of India for the year 1969-70. Central Government (Civil) Revenue Receipts relating to Income Tax.

**TWENTY-THIRD REPORT OF THE COMMITTEE ON PUBLIC UNDERTAKINGS (1972-73)**

SHRI U. N. MAHIDA : Sir, I beg to lay on the Table a copy of the Twenty-third Report of the Committee on Public Undertakings (1972-73) on action taken by Government on the recommendations contained in the Sixty-third Report of the Committee (Fourth Lok Sabha) on National Industrial Development Corporation Limited.

**CLARIFICATIONS RELATING TO STATEMENT ON MEETING OF REPRESENTATIVES OF INDIA AND PAKISTAN MADE ON AUGUST 30, 1972**

MR. CHAIRMAN : Mr. Jairamdas Daulatram.

SHRI JAIRMDAS DAULATRAM (Nominated) : Sir, I do not want to raise all points here; I hope to discuss some points with the Government. There are just a few points which I want to put here before the hon. Minister.

There is reference to a plan which is attached as an annexure. It says 'this is the plan in outline'. I would very much like to have the detailed plan so that a complete picture of what the Government is committed to may be known to me.

[MR. DEPUTY CHAIRMAN in the Chair]

I am saying 'to me' because I am particularly interested in this matter.

Then there are certain what I would call unrealities in the statement. One unreality is that these people are called Pakistani nationals. The reality actually is that they have abandoned their nationality by their action and they are here Stateless for the time being. They are permanent evacuees and not temporary migrants. This is the reality. The unreality is that they are considered as Pakistani nationals and must be sent back.

The second thing is that these assurances that have been given are, in my opinion, illusory and it will not be safe for the Government to depend upon the implementation on those assurances after they have sent back these people to Pakistan, if government do that. Now, one of the assurances is that a team of MLAs is going to be sent into the occupied area and, if possible, the refugees inside India would also be contacted. I know these three persons. One is P. Rasool Bakhsh, who belongs to the People's Party of Mr. Bhutto. He was hotly opposed in the election by the majority community of the very areas from where these refugees have migrated as a result of communal tyranny there. He has no influence, over the majority community of that area because they are his opponents politically. The second man is one Mr. Ali Bakhsh. This man has also no personal influence in the areas concerned. The Chhachra and Nagar-parkar tehsils. The third man is Rana Chandar Singh, a Hindu member of the Local Sindh Assembly. He has been persuaded to give talks, from Radio Pakistan and try to persuade the refugees to come back. I know what reaction his talks on the radio had on the people. I have got with me a telegram received this morning urging that the Government should not force unwilling people to go back to Pakistan. Therefore, so far as I know him—I have been in this area myself; I have travelled five days on camel back before Partition and I have been in touch subsequently with the people of this area and have been in touch with all these people who have crossed over—this man will not be able to influence the people to go back, unless the Government wants to use force. I hope the Government will not use any force. To-day many of them are in camps. They are being guarded by the police as if they were in a prison. Nobody can move out. Are these people to be packed into trucks by the police and sent back by force? Or are these people to be

[ Shri Jairamdas Daulatram ]

left to their will to be here ? If they are here, I agree that they are Stateless for the time being. This position has to be dealt with and I would also like to discuss with the Government the situation created by their being Stateless. I do not regard them as Pakistani nationals.

The third thing is that an assurance has been given that there are many social welfare bodies to help to create suitable atmosphere for the return of the refugees. I know, and I have checked up from very reliable sources, from sources within Pakistan, that there are no social welfare organisations in this area except the Jamait-ul-Islam, and the Jamait-ul-Islam is a fanatic communal body which can be least trusted to deal with this situation. I think it would unwise to depend upon these assurances after the experience we are having every day, that many assurances given during discussions here are found, when Pakistani representatives reach home, to be assurances in a different form, and we are not fully able to rely upon what has been discussed and so things are to be re-discussed again.

In 1964 five lakhs of people from East Bengal came without any passport, without any travel documents, they were the Pakistani national. They were accepted and not sent back by force in trucks by the police, inside East Bengal again. They were retained here and somehow they managed to live and they were absorbed by our nation in the course of these years. I therefore, feel that on that precedent you must not send these people back if they are unwilling to go. I know that they are unwilling to go, and I feel that what I have said will be considered by the Government and I will further discuss this matter with the Government, I do not want to take more time of the House.

THE MINISTER OF EXTERNAL AFFAIRS (SARDAR SWARAN SINGH) : If I may say, he has given a viewpoint which I will keep in mind. He has not asked me any particular question. I would only like to say that as a general principle it is difficult for us to accept that any citizen of any of our adjoining countries, if he comes over to us, then automatically we should be compelled to take him as a [refugee or as a Stateless person and should be responsible for looking after him. This is a

principle which cannot be accepted as a general principle. Of course, with our traditions of tolerance and of compassion, we have from time to time been giving succour and relief to the people who come over to India. But at the same time we have insisted that it is the responsibility of our neighbouring country to create conditions that such displacements of people do not take place. And if such displacements do take place, then it is their responsibility to create conditions in their countries so that these people can return and return in honour with their person and property safe. Now, the honourable Member has referred to the year 1964. I would like him to refer to the year 1971 when a large number of people came here. But on the restoration of conditions of safety they have gone back. So we cannot accept as a principle that anybody who comes here, if he is a national of another country, then automatically we are compelled to keep him here. That is to difficult a commitment for any Government to take.

SHRI JAIRAMDAS DAULATRAM : With regard to the case of 1971, the people were sent back to a government which was sympathetic to them. Here you are sending back people to a Government whose police and paramilitary organisations on which the Government of Pakistan wants to rely are the very organisations which assisted the majority community to put the minority in danger or their person and property and honour in danger. Therefore, you cannot quote again 1971. The 1964 case is the proper precedent to followe.

SHRI BHUPESH GUPTA (West Bengal) : The analogy is not correct. It is absolutely incorrect. Bangla Desh should not be compared with this. There the people have gone back to a friendly country which has been liberated, which is a friendly Government, which has got eternal friendship with our Government, with our country. Can it be compared with this situation here ? I hope some day will come and we work for that. That is why we entered into the Simla Agreement. So let us not bring that analogy.

SARDAR SWARAN SINGH : I would request honourable Members not to create an atmosphere where, even if they want to go, somehow or other they should find themselves in a position where they would not go. So I would appeal to the honourable Members not to heighten the likeU

difficulties. After all, these people who have now come over to our side have lived there in Pakistan for over twenty or twenty-five years, they have stayed on there. Anybody who crosses over, to start with the presumption that he would never go is, to my mind, not a very correct proposition.

SHRI LAL K. ADVANI (Delhi) : Sir, it is a very pertinent point that we should not create a situation in which we should not be able to go there . . .

MR. DEPUTY CHAIRMAN : No, I am calling Mr. Tyagi.

SHRI MAHAVIR TYAGI: (Uttar Pradesh) Whenever there is a war between two countries and the territories of one country go to the other side on account of the military efforts, in that case, it is not only the land which goes when a country conquers some territory, it is conquered along with the population. So the population after its territory is conquered, actually belongs to the country which has conquered.

But, it is left to their choice and if they want to go back to their own country, they can go. But the rest of the people who still remain in their ancestral homes, nobody can ask them to go or vacate and they have to remain. That is quite clear. But, Sir, I want another point to be cleared. That is about the two posts which Pakistan had taken over after the ceasefire. May I know whether it was agreed during these talks in Delhi, whether Pakistan had agreed to vacate these two posts and we will one have them ? This is the one thing which I am very anxious to know.

SARDAR SWARAN SINGH : Sir, the agreement between India and Pakistan is that the line of control as it existed at the time when the ceasefire became effective on the 17th December, that line of control will be actually delineated and agreed upon between the two sides and any change of position in favour of Pakistan that had taken place after the 17th December will be restored and the line as it existed on the 17th December will be established as a result of these talks.

SHRI MAHAVIR TYAGI : I want a specific answer to the question whether the representatives of Pakistan have agreed to vacate these two posts or not.

SARDAR SWARAN SINGH : I have just answered that regarding any post—not only the two posts, but there may be other posts also—that changed hands after the 17th December, the 17th December line will be restored and these two posts to which the honourable Member now makes a reference—we have made the position clear—that they went over to the Pakistan side after the 17th December and I have no reason to believe that the two Governments will not agree on this.

AN HON. MEMBER : What do they say ? That is important.

SHRI KRISHAN KANT (Haryana) : Sir, may I know whether the recommendations made in the point statement made by the two sides to their respective Governments have been accepted by the two Govern' ments ? This is my first question.

Then, Sir, it is also said that the inviolability of the line of control will be ensured by both the sides in accordance with paragraph 4(2) of the Simla Agreement. May I know, Sir, whether, after the delineation of this line by the 4th September, the UN Observers will be prohibited from going towards this line, because the inviolability of the line has to be maintained by the two countries and the UN has nothing to do with it ? Will the Government by an order prohibit them from going to that side ? I want to know about this specifically.

Sir, in the statement the Minister has said that they have impressed upon the Government of Pakistan that any deal in the recognition of Bangla Desh by them will hamper the process of durable peace. May I know, Sir, whether they got the impression at Simla that President Bhutto was going to recognise Bangladesh, because when he went back to Pakistan from Simla, some of his statements showed that Bangla Desh may be recognised by the 15th of August ? Afterwards, Sir, things have changed since some big powers like China are influencing the thinking of Pakistan. May I know, Sir, what the impression is that our delegation got from the Pakistani deliegation about the recognition of Bangla Desh ?

SARDAR SWARAN SINGH : Sir, with regard to the first one, I would say that the nature of the representation was such that they were representatives of the Government and, therefore, they had adopted the

[ Sardar Swaran Singh ]

usual form and these are the recommendations made to the two Governments. I would like to recall that even in the case of the Simla Agreement, the Agreement itself was subject to ratification. But I do not anticipate any difficulty in these recommendations being accepted by the two Governments. As a matter of fact, the representatives of Pakistan returned to their country three days back and if these recommendations were not acceptable to Pakistan, we would have got a word by now. The form is such that they could not themselves act as a government and, therefore, the expression "recommendation to the Government" is used. But, we should accept it as an agreement between the representatives of the two sides and we should also remember that the leader of the Pakistani delegation or the representative group had the powers of a Plenipotentiary and so, this is virtually binding on both sides.

Now, Sir, on the question of delineation of the line and the role of the UN Observers, I would like to say that I agree with him that according to what has been stated here, the two sides will ensure the inviolability of the new line of control that is established in J & K. And in view of this, the U. N. observers have no role whatsoever. I have no hesitation in saying that even today they have no role so far as India is concerned. We do not recognise the role of the U. N. Observers because the ceasefire line as it existed earlier, about which the U. N. Observers had a role according to certain agreements, no longer exists. There is a new line which is described as 'line of control' and with regard to this the U. N. Observers have no role. So far as the U. N. Observers are concerned, we are not allowing them to play any role.

Now the third question is about the recognition of Bangla Desh. It is a fact that after the Simla Summit meeting we did have a distinct impression based on talks and exchange of views that the question of recognition by Pakistan was a matter to which Pakistan would give the highest priority. It is because they know fully well that the association of Bangla Desh and their agreement for any final settlement of the prisoners of war, who had surrendered themselves on the Eastern front or in Bangla

Desh, was a necessity. We also got an impression that it was increasingly realised by Pakistan that it was not in their interest not to recognise Bangla Desh, and, therefore, they would proceed quickly in this respect. Subsequently, I concede, there has not been a positive development and we have reiterated our decision, as I have said, that they should recognise Bangla Desh so that the process of normalisation in the Subcontinent among the three countries could proceed with speed and necessary conditions could be established for arriving at a final settlement with regard to the prisoners of war.

SHRKRISHANKANT : Sir, the point I have made has not been replied to, because his statement shows that they tried to impress on the Delegation that any delay in the recognition of Bangla Desh by them would hamper the process of durable peace etc., but the Joint Statement does not say anything about it. I want to know his impression about this and the reaction of this delegation.

SARDAR SWARAN SINGH : The reaction was that they gave us an impression that they will very seriously consider this matter as a matter of high priority.

DR. BHAI MAHAVIR (Delhi) : Sir, the hon. Minister is telling us about his impressions ...

SARDAR SWARAN SINGH : I have given my impression in reply to his question .

DR. BHAI MAHAVIR : We want to know what commitments the Pakistan Delegation gave during the talks which were recently held. We have known some of your impressions from the talks held in Simla. We have seen subsequent events disapproving those impressions. I do not doubt your honesty about impressions you got but, Sir, our difficulty is that we wish to know what they said. Now this paragraph five of your statement says : We have reiterated to the Pakistan Delegation that this question cannot be settled without the participation and agreement of the Government of Bangla Desh. We have impressed on the Government of Pakistan that any delay in the recognition of Bangla Desh by them will hamper the process of durable peace and so on..." It is our earnest hope, we reiterate this, we said this and this is our hope—

is this the language in which a settlement or an accord is to be presented to a House of Parliament ? Sir, we would like the hon. Minister to say what exactly they said on this question. Sir, on this point, I would like to know whether it was pointed out to the Pakistan Delegation that the people in Parliament and in India would not relish the way in which on the one side, the Pakistan Delegation was holding talks in India and, on the other the Vice-Foreign Minister of China was in Islamabad.

And he had made certain statements. For example, he said that a big power was encouraging its stooge to create trouble for China and Pakistan. The reference is obvious to Soviet Union and India. Now, do we relish this statement ? I hope the Government cannot relish being a stooge of any power. So, Sir, was this pointed out to the delegation or not ?

At the same time, President Bhutto is reported to have made these observations : Pakistan will stand by China as China has stood by Pakistan, and no friendship of any country will be maintained at the cost of friendship with China. It was specifically mentioned that if there is any agreement that came in the way of Pakistan's friendship with China, that agreement would be given up. Sir these are the observations which have been made mysteriously and rather ominously at the time when these talks were being held. Did you point this out to the Pakistan delegation ? If so, we would like to know what clarifications you got— verbal or otherwise. I should be excused for asking that we do not want only the impression which our officials or which our Ministers got. We would like to have the wording of the commitment they gave, if they gave any.

Then, Sir, Pakistani Radio has started talking the same language which it was talking before, which created these doubts about the delineation of the line of actual control. In today's papers we find they are again talking of "this disturbed area". So, has the spirit of the Simla Agreement evaporated suddenly with the departure of Pakistan delegation back to Islamabad ? . . .

SHRI MAHAVIR TYAGI : What is the meaning of "disturbed area" . . .

DR. BHAI MAHAVIR : It is the way they were defining the clause with regard

to direction which created doubts or which created misunderstandings and the gulf between the outlooks of the military commanders. Now this is for the Minister to enlighten us, not for me.

Sir, similarly, the Pakistan radio has described Mr. D. P. Dhar's talks about the accession of Jammu & Kashmir as a settled fact to be something like hypocrisy and a mockery of truth. This is after the Simla Agreement and after Pakistan had agreed not to interfere in our internal affairs. President Bhutto in his speech before the Chinese Vice Foreign Minister criticized Government of India's investments and efforts at the development of Kashmir. I do not know if any question was asked of them whether this involved or did not involve an interference in our internal affairs. And if we did ask that, did we get a satisfactory answer ?

I hope the hon. Minister is also aware of Pakistanis having organized a demonstration, or of their thinking to organize a demonstration, in London against the British Government to show their resentment against Britain for not having brought pressure upon India to release the prisoners of war. This is not a bilateral way of settling disputes if we understand the term aright.

On the question of refugees the hon. Minister has requested that we should not say anything so that a climate is created in which they would not like to return. We agree there. But, Sir, will the hon. Minister give us a commitment here on the floor of the House that nobody would be forced to go back against his will ? The elaborate manner in which this mysterious type of Annexure has been planned shows that it is designed to conceal much more than it is designed to indicate. Sir, will the hon. Minister take into confidence some public men of this country ? I would very respectfully suggest our senior colleague like Shri Jairamdas Daulatram or some other friends who could talk to these people. Just as Pakistan is making a Committee some public men of this country could be organised into a Committee who can go and assure themselves that nobody is forced to act against his wish or against his inclination and nobody is treated as mere cattle and flown back across the border simply because our Government here is not willing to accept any refugee who comes. The

[ Dr. Bhai Mahavir]

analogy between Bangla Desh and this is completely out of order; the analogy does not stand because Bangla Desh is a liberated country, a new country, a very friendly country.

MR. DEPUTY CHAIRMAN : That point has already been made.

DR. BHAT MAHAVIR : That is why I am not repeating.

The last thing I want to add is this. Just as Pakistan says it would not have any other country's friendship at the cost of its friendship with China did we make it clear to the Pakistan delegation that India would not try for anybody's friendship whether it is Pakistan or any other country, at the cost of its friendship with Bangla Desh ?

SARDAR SWARAN SINGH : I thought clarifications were to be sought but now we have to contend with speeches. However, I have no intention to make a counter speech and I will confine myself to answering some of the specific points that have been mentioned by the hon. Member.

DR. BHAT MAHAVIR : Not some, but all the specific points.

SARDAR SWARAN SINGH : There are very few specific points.

DR. BHAI MAHAVIR : As many as there are.

SARDAR SWARAN SINGH : Sir, on this question of Bangla Desh I have said that we repeated the position to the Pakistan delegation that continued non-recognition of Bangla Desh is a circumstance which obviously comes in the way of normalisation of relations and establishment of durable peace and specifically it is coming in the way of the final settlement of the question of the prisoners of war and we were told by them that they were seriously considering the question of the recognition of Bangla Desh and it is on that statement that used the word 'hope' in my statement.

The next point that is raised is that there have been statements by President Bhutto that no agreement or no friendship with any country will ever be at the cost of Pakistan's friendship with China. If I may say so, that a general statement and I am I

prepared to make any number of such statements. In fact, we do make statements that our relations with any country are never at the cost of our friendship with any other third country and I would only like to say that perhaps it was not very apt for the Hon'ble Member to bring in our relationship with Bangladesh in this connection. Everybody knows that our relations with Bangladesh are so friendly, so close and there is such good understanding between the two countries that we need not say that our friendship with another country will ever be at the cost of our friendship with Bangladesh. Everybody knows that. I do not know why the hon. Member should have introduced an element of doubt or at any rate should have placed it at par with what Pakistan may have to say. Our position in respect of Bangladesh is entirely different; everybody knows how close our friendship is and to bring it at par with ...

DR. BHAI MAHAVIR : The context is China's veto.

SARDAR SWARAN SINGH : I did not interrupt when the hon. Member spoke. Sir, there is no parallel at all and we do not require .

...

DR. BHAI MAHAVIR : It was in the context of the Chinese veto that Mr. Bhutto was speaking and therefore ...

SARDAR SWARAN SINGH : I would request the hon. Member to be a little patient.

DR. BHAI MAHAVIR : A little patient I will be.

SARDAR SWARAN SINGH : Sir, this, if I may say so, is an expression which is often used in international parlance. Any country can always make a statement that if I am friendly with such and such a country it will not be at the cost of my friendship with "X country" or "Y country" or "Z country".

It is always easy to say that but one should try to understand the significance of it. There is no particular content in that, but otherwise we know that the relations between Pakistan and China are very close and therefore there is a great deal of friendship between them and none of our attitudes or our friendship with Pakistan is designed to be at the cost of China. That has never been our case at all. So there was hardly any point for any spokesman of Pakistan Government to state the obvious.

Now another point that is raised is about the latest Pakistan radio reports. I would only say that the Joint Statement is so clear and categorical that any misrepresentation by Pakistan radio should be taken as something contrary to the Joint Statement. It is the Joint Statement, to which the Pakistan Plenipotentiary has subscribed, that is operative, and any interpretation to the contrary that might be given by Pakistan radio or by any other individual is something which is beside the point has no relevance and we should ignore it.

Then the third point that was mentioned is about the question of refugees, because the rest were only arguments about refugees. In reply to a question put by my esteemed colleague and a senior Member of the House, Shri Jairamdas Daulatram, who knows that area, I have stated the position clearly and, in fact, even at an earlier stage I have said that we will take a human view of the question of refugees. But we must continue to insist that it is the responsibility of Pakistan to create the conditions there in Pakistan which would enable these Pakistani nationals to return to their homeland, from which they have been displaced, to return in the confidence that their person and property would be safe. We cannot absolve them of that responsibility, and we should insist on the Pakistan authorities both at the political and administrative level to create those conditions. Well, after they have done that, as many people as would like to go, would go. But if there is any remnant, we will take a human view of them. True to our traditions we have never treated human beings as cattle or as people who can just be traded across. That has never been the tradition of India. We have got certain tolerance. We have certain human values. But at the same time our tolerance and our attachment to human values does not mean that we should not insist that the country from which these people are displaced, should—because they are primarily responsible—create the condition in which these people can return in safety of person and of property.

SHRI N. K. SHEJWALKAR (Madhya Pradesh) What about the suggested committee ?

SARDAR SWARAN SINGH : I think Dr. Bhai Mahavir put the question.

DR. BHAI MAHAVIR : I made the specific suggestion that a committee .....

SARDAR SWARAN SINGH : Now about the committee if I may say, I would like to assure Dr. Bhai Mahavir that Shri Jairamdas Daulatram does not require his recommendation to be associated in any process of discussion or of help or of advice. He is already in touch with me.

DR. BHAI MAHAVIR : He is in touch with you, it is all right, but what I am pointing out is there are thousands of people for whom life is hanging in great suspense over their future. If more people, among whom he can be a very hon. Member—Mr. Advani is here—if some other members from your party and from among the public can be taken, if you appoint such a committee consisting of them, it will create confidence in the mind of the refugees.

SARDAR SWARAN SINGH : This is the problem which we are dealing with, and there is no intention to form a formal committee if that is what you want.

I would certainly take the advice, as I am already taking the advice of Shri Jairamdas Daulatram, but it is not my intention to form a formal committee.

DR. BHAI MAHAVIR : It is not a personal matter.

SARDAR SWARAN SINGH : He represents those people and he knows certainly more about them than you do.

DR. BHAI MAHAVIR : But at least I know more than you do.

SARDAR SWARAN SINGH : May be I agree. It is my responsibility.

DR. BHAI MAHAVIR : It shows your ignorance.

SARDAR SWARAN SINGH : Therefore. .

SHRI DAHYABHAI V. PATEL (Gujarat): On a point of order. Is this a matter between two Members or is the House coming in ? Will the hon. Minister take the House into confidence, that is the demand, as to what he is doing ? It is not a question of any arguments between these two Members. This House is entitled to know what is happening behind the scene. If Mr. Jairamdas Daulatram, whom we all respect, has made certain suggestions and the hon. Minister says that they are worthy of consideration, is the House

[ Shri Dahyabhai V. Patel ]

not entitled to know what action the Minister proposes to take ?

SARDAR SWARAN SINGH : Sir, I will certainly tell the House when the action is taken. As the present stage these are suggestions which, I think, are valuable suggestions. Some of them he has repeated here also on the floor of the House and I have already said that we will keep all these things in view when we take a final decision.

SHRT LAL K. ADVANI : On a point of order, is it honourable for a Minister, when he is given a very constructive suggestion, in all humility, by a colleague of mine that a committee should be formed, to reply "I know more about the subject than you do and, therefore, I am not prepared to form a formal committee" ? This was the sum and substance of what he said.

SARDAR SWARAN SINGH : I never said that.

SHRI LAL K. ADVANI : This is highly objectionable and I should think that this kind of remark by a senior Minister of the House should call for a reprimand from the Chair.

MR. DEPUTY CHAIRMAN : He has not made the remark in the manner in which you mention it. Mr. Villalan.

SARDAR SWARAN SINGH : I may say the hon. Member probably does not understand what I say or his mind perhaps was somewhere else. I never made any such suggestion and I think your statement in this respect, if you look into the record, is not borne out by what I said.

MR. DEPUTY CHAIRMAN : MR. Thillai-villalan.

SHRI THILLAI VILLALAN (Tamil Nadu): I do not want to repeat the points already raised and I will be brief and to the point. I want only one clarification and I crave the indulgence of this House for one minute. I shall read out three or four sentences from the statement :—

"Mr. Jatoi sent me his reply on the 22nd August stating categorically that the President of Pakistan and his Government are most keen to ensure that the persons affected by war return to their homes in Pakistan at the earliest possible opportunity."

The second sentence is as follows :

"The President of Pakistan has also assured our Prime Minister in his letter that these affected persons would not only be welcome to return to their homes but would be assured of safety of life and dignity as Pakistan nationals."

Then, the third sentence is :..

"As for the question of return of prisoners of war and civilian internees, we have reiterated to the Pakistan Delegation that this question cannot be settled without the participation and agreement of the Government of Bangladesh.

Then, the last sentence reads :—

"It is in the interest of the three countries of the sub-continent to resolve their differences by mutual discussions."

I would like to know from the hon. Minister, after reading all these four sentences, whether these are only assurances on paper. My question is regarding the affected persons and the prisoners of war. I would like to know what is the present position regarding the affected persons in those areas. Then, my other question for clarification is when, how and by whom these assurances or commitments to implement were made, whether by the mere dialogue between the officials. May I know whether the commitments would be implemented after the contemplated summit between the two Heads of State of India and Pakistan or after the contemplated summit of the three Heads of State, India, Pakistan and Bangladesh ? I would like to have answers for all these questions.

SARDAR SWARAN SINGH : The first question, if I have understood the hon. Member correctly, is about the affected persons. The position with regard to them is that there are some people Pakistani nationals, still living in those villages which are under our occupation. Our army is there and some people are there. Some of them have crossed over into Indian territory, and in the statement it is mentioned that those who have stayed on in those villages, their safety, personal and of property, will be assured by Pakistan and about those who have crossed over every effort will be made to persuade them to return to the places from which they were displaced, and also conditions, will be created in which they may feel that they can live there in safety, and these matters in the context of any particular



territory will remain squarely the responsibility of that Government. So, there is no such arrangement and there cannot be any practical arrangement of having any dual responsibility. Those persons who remain in the Pakistan territory, in whatever part-of Pakistan they are, their safety is the responsibility of the Government of Pakistan just as all those persons to whatever community they may belong, who are in India, their safety is our responsibility. There cannot be any continuing dual responsibility or joint responsibility, let us be quite clear.

On the question of implementation, the implementation relates only to these persons and I have clarified that the responsibility of implementation will be the national responsibility.

So far as other matters are concerned, of course there are some matters in which both the Governments are responsible for implementing the agreement, that is, for instance, the satisfactory outcome of the discussions between the Commanders on the line of control; then it will be our responsibility to implement that clause in the agreement where we have agreed to withdraw our troops from their territory. So, the essence of the agreement is bilateralism. If there are any difficulties in interpretation, they will have to be resolved bilaterally. If there is any dissatisfaction on either side about implementation, that also will have to be resolved bilaterally by mutual discussion.

SHRI THILLAI VILLALAN : The essence of my question is regarding the time limit, and you have explained about the method of implementation, but not the time limit. I want to know whether it is after the dialogue between the officials or between the Heads of the two States or after the dialogue between the three Heads of State. The essence is the time limit.

SARDAR SWARAN SINGH : The time limit in the particular case covers two points : one, finalisation of the line of control for which 4th September is given, and if that is satisfactorily settled, then there is another time limit for withdrawal; that is also contained in the statement.

SHRI THILLAI VILLALAN : 15th ?

SARDAR SWARAN SINGH : Yes.

SHRI N.G. GORAY (Maharashtra) : I would like to seek clarification only about one point. In the joint statement it is said

that the line of actual control will be taken into consideration and the new line will be fixed, the entire line and not only those particularly disturbed areas. Our difficulty is that just as it happened after the Simla Pact, no sooner President Bhutto reached Islamabad he started diluting the content of the Simla Pact. Here also it happened like this that no sooner their representatives returned to Pakistan the Pakistan Radio started to give something which was not in tune with what was agreed upon and what is contained in the statement. Just now the Minister said that we need not take the Radio version too seriously, that we can ignore it. The trouble is that if these people talked with us, with whom we negotiated and a settlement was arrived at, if they were the representatives of the Government of Pakistan . . . Radio Pakistan also I.P.M. is a re-representative and mouth-piece of the Pakistan Government. Therefore, the doubt is created that no sooner this is done, than, within 24 hours, something else is being said. So, how far Radio, Pakistan's version is a reflection of the mind of the Pakistan Government and how far this statement is a reflection of their mind that is the only thing because when you say that only the disturbed areas will be delineated, it means only where the disturbance had occurred after 17th December. And that is why it is creating confusion or doubt in our minds.

SARDAR SWARAN SINGH : Between a statement signed by a plenipotentiary and a version put out on the radio, I would certainly, prefer the statement which is signed by the plenipotentiary. And if what is mentioned on Radio Pakistan is the real position of the Pakistan Government, we will come to know and I will come to you and inform you that the Pakistan Government is sliding back from the statement or the agreement that has been arrived at. That situation at the moment does not arise.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : श्रीमन्, मंत्री जी, सरदार साहब ने हम लोगों को सिद्धान्त का घूट पिलाया है जो हम लोग मुद्दत से पीते चले आ रहे हैं। उन्होंने यह भी सुनाया कि पाकिस्तानी नेशनल जो यहां आये हैं वे पाकिस्तान की जिम्मेदारी है। मंत्री जी को ये बातें इस सन्दर्भ में सोचनी चाहिये कि 1950 में माइनरिटीज के बारे में दो बार पंडित नेहरू, लियाकतअली

[ श्री नागेश्वर प्रसाद शाही ]

साहब से मिले, समझौता हुआ और उस समझौते का कितना आदर पाकिस्तान ने किया। मैं मंत्री जी को यह भी बताना चाहूंगा कि हालांकि सत्य को कहना बहुत अच्छा नहीं होता है, लेकिन कभी-कभी कहना चाहिए। ये जो लोग पाकिस्तानी नेशनल कहे जा रहे हैं और जो आपके यहां आए हैं वे हिन्दू हैं और पाकिस्तान का निर्माण ही इस आधार पर हुआ है कि मुसलमान हिन्दुओं के साथ नहीं रह सकते और हिन्दुओं से नफरत करनी चाहिए। दोनों कोमों में नफरत के आधार पर पाकिस्तान का निर्माण हुआ, चाहे कहा कुछ जाय। पंडित जी ने कह दिया कि हम हिन्दू-मुसलमान के आधार पर पार्टीशन नहीं मानते, हम दूसरे आधार पर मानते हैं। लेकिन असलियत यह है कि नफरत के आधार पर पाकिस्तान का निर्माण हुआ। क्या इस सन्दर्भ में मंत्री जी सोचेंगे कि जिन्हें मंत्री जी पाकिस्तानी नेशनल कह रहे हैं और जो वहां से भाग कर हिन्दुस्तान में आ गये हैं उनके वहां लौट कर जाने पर—चाहे कितने ही मुद्दे बनाए जायं, कितने ही कागज लिखे जायं—उनकी जान की हिफाजत वहां हो सकती है ?

दूसरे, महोदय, पाकिस्तान से जो अभी समझौता हुआ है अधिकारियों का—और जैसा कि मुट्टो साहब के शिमला से जाने के बाद हुआ—तो इस बार भी पाकिस्तानी अधिकारियों के रावलपिंडी लौट जाने के बाद, दोनों मौकों पर मुट्टो साहब ने जो कहा है, जो कुछ अभी चाइनीज विदेश मंत्री जी के स्वागत में कहा, इसके सन्दर्भ में क्या मंत्री जी समझते हैं कि शिमला समझौते के अब भी सफल होने की कोई आशा है ? क्या मंत्री जी इस निष्कर्ष पर अभी तक नहीं पहुँचे हैं कि शिमला समझौता देश की जनता के साथ बोखा है ?

SARDAR SWARAN SINGH : On the first point that has been raised by the hon. Member, I have nothing to add to what I have said that we would continue to hold Pakistan squarely responsible for the safety and security of Pakistani nationals whatever may be their religion who have been displaced, At the same

time I have said that we will take a human view. If there is a remnant or there are people who do not want to go, well, we have got certain traditions. We are not going to use bullets to send them across.

About the second question he asked me whether I still continue to believe that the Simla Agreement will be implemented. Yes, I do continue to believe that the Simla Agreement will be implemented.

SHRI BHUPESH GUPTA : We are glad that the Delhi talks were successful in so far as they went. But I never believed that the Simla Agreement would be implemented without a ruffle, without having to face differences and difficulties. Unfortunately, we are not in that situation if we take into account the background in which we have to function and implement this Agreement. I am not going to make any comment on the role of the Pakistani delegation. It is not for me to speak for the people in Pakistan. Their Parliament is there to speak. But judging by the statement which has been issued jointly and my hon'ble friend's statement in this House I have no hesitation in saying that on the whole the Indian Delegation has conducted itself well because I find, by and large, the Simla spirit has been upheld in the bilateral talks that took place, and that the commitment that has been made in these talks is in full conformity with the original agreement that has been signed. That is an important thing.

Sir, as these talks started we were reading the reports about the insistence on the part of Pakistan that the U.N. Observers should be involved in the implementation of the Agreement in Kashmir. Now we find that in the joint statement there is no reference whatsoever to the U.N. Observers and that undoubtedly is a very welcome accord between the two sides. It certainly should give us satisfaction that bilateralism has triumphed.

Then, Sir, the Agreement clearly said— I hope my friends of Jana Sangh should also note it. I do not know whether now they support the Agreement or oppose it still...

It is <sup>RH</sup> H<sup>^</sup>, MAHA<sup>VIR</sup> : is it alive ? It is dead and buried.

SHRI BHUPESH GUPTA : A - them the Agreement, £\*£% yet they want Mr. Swaran Singh to appoint hem on the Committee, 0 be undertakers of the Agreement. The joint statement ra&ms

"the determination of the two Governments to implement the provisions of the Simla Agreement in letter and spirit for the establishment of durable peace in sub-continent."

It has been stated that this is in full accord with the spirit and letter of the Agreement. I welcome this thing.

Sir, with regard to other matters I need not go into it. Firstly, accord has been reached with regard to the delineation of the actual control and also withdrawal. By the 15th September the whole process will have been completed. We hope it will be done. I am quite conscious that Pakistan has made reference to the demonstrations which are being held in London. Demonstrations are being held even in Delhi. My friends organised demonstrations against the Simla Agreement in Delhi itself. They need not go to London to discover anti-Simla Pact demonstrations. That is there. Even so, the forces for the implementation of the Agreement are gaining strength because the objective reality is that more and more people in Pakistan are rallying to the cause of amity and durable peace between the two countries.

DR. BHAI MAHAVIR : Mr. Bhupesh Gupta, just one clarification, because you referred to us. The demonstration in London was not against the Simla Agreement. It was against the British Government for its failure to force India to release the Pakistani POWs.

SHRI BHUPESH GUPTA : I see, anyway they are demonstrating, and you are demonstrating also. I am very glad you have corrected me. *(Interruption)*.

SHRI DAHYABHAI V. PATEL : Additional Minister for External Affairs

SHRI BHUPESH GUPTA : I think when an attempt has been made here, much is due to India's initiative. I am not taking credit for our country. But then in implementing the Agreement, if our country takes a little more initiative, shows a little more foresight it should be welcomed by Parliament.

SHRI DAHYABHAI V. PATEL : What is the clarification ?

SHRI BHUPESH GUPTA : Yes, it is clarification. I can express my opinion just as you have done. I am entitled to express my opinion. If you want me to assail the Agreement, I cannot do it.

SHRI DAHYABHAI V. PATEL : No question, no clarification, only support to the Congress Party. A supplementary Minister for External Affairs.

SHRI BHUPESH GUPTA : I hope I will not be disturbed. I know, my friends have not the courage to come out in open opposition. If they have the courage, let them say "We oppose the Simla Agreement like the Jan Sangh." Let them have the courage to say that. They have not the courage. They have the mentality of a pick-pocket; the Jan Sangh has the mentality of a highwayman. The Jan Sangh had the courage. *(Interruptions)*

SHRI DAHYABHAI V. PATEL : All Communists are pickpockets. It is well known who the pickpockets are.

SHRI M. R. VENKATARAMAN (Tamil Nadu) : There are Communists and Communists.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, please ask your clarifications.

SHRI BHUPESH GUPTA : The other point raised was about the refugees. I entirely agree that Pakistan must create the necessary conditions and give assurance of security of life and property. We must insist on it. There is no doubt about it. I am in agreement with it. Nobody is in disagreement on this. But at the same time, it is also essential that the human approach should be there to such an extent that they should not feel that they are unwanted here also. Well, I need not say very much on this subject.

With regard to recognition, I am very glad to note that the talks have at least emphasised the urgency of recognition of Bangladesh by Pakistan. I do not know when and how it will come. But without recognition of Bangla Desh by Pakistan, some of the problems which are tri-partite problems like prisoners of war, can never be settled to the satisfaction of the three parties.

Finally, Sir, Mr. Swatran Singh has said that the United Nations has no status here. I am very glad that he has reiterated this position. But may I make a request to him ? Since you have been saying that, the presence of the U.N. observers on our side in India has now become an international nuisance, the sooner it gets out of the country, the better it will be for all. Otherwise, again and again somebody will say, let the U. N. Commi-

[ Shri Bhupesh Gupta. ]

ssion, or observers take part in it. I think we should get rid of them. The U.N. has been written to, according to the Government, that we do not need them and so on. Then I think we can tell them politely, "Get out of this country; we do not need you at all" Your presence is absolutely unnecessary."

Now that you have said today on the floor of the House, the old cease-fire line does not exist in that form. If that is so, where is the *lacus standi* even legally for these UN Observers to remain here in this country at all? Therefore, I suggest that steps should be taken to get them out of the country.

DR. BHAI MAHAVIR : Yes, we agree there.

SARDAR SWARAN SINGH : I agree with the greater part of the observation made by the honourable Shri Bhupesh Gupta. On the question of the UN Observers I have stated that they have no role and that they have no function which they have to perform. There are unfortunately in several parts of the world people who are on the pay of international organisations and who are not doing any work. So this will be there for some time more...  
(*Interruption*)

SHRI BHUPESH GUPTA : Ask them to join the Hippies in Connought Circus.

SARDAR SWARAN SINGH : There are certain anomalies unfortunately in different parts of the world and for some time this may remain an anomaly in this part of the world also. But they have no role as such.

SHRI SWAISINGH SISODIA (Madhya Pradesh) : I want to ask some specific clarifications regarding para 5 of the statement. Before I do this I want to draw the attention of the honourable Minister to some of the important events which happened subsequent to the Simla Conference. First, the Pakistan Government had requested the Security Council to withhold consideration of the application of Bangla Desh for recognition till the Resolution passed by the Security Council on December 7 and 21 regarding Pakistani prisoners of war was fully implemented. Second, the question of Bangla Desh recognition was not included on the agenda of the Pakistani National Assembly and it was not considered. Third China has vetoed the resolution regarding the admission of Bangla Desh. And lastly, the Deputy Foreign Minister of China, Mr. Chio, has threatened during his recent

visit to Pakistan that China will continue to veto the admission of Bangla Desh till such time the resolution of December 7 and 21 was not implemented. In view of these facts I would like to ask the honourable Minister what the reasons are for the observations and hopes mentioned in para 5 of this statement.

SARDAR SWARAN SINGH : The reason for hope is what I have already stated, that this anomalous position was put to the Pakistani delegation and they said that they are seriously considering this question. On that I have said that there is hope.

SHRI LAL K. ADVANI : I would like to put some specific questions for clarification. First of all, the refugees from Sind who were referred to in this statement as well as in the annexure are partly in India and partly in the areas under Indian control. I would like to know the population that is involved. What is our assessment of the population involved? My own information is that of the 1,10,000 Sindhi Hindus in this area, about 15000 to 20000, have been left behind where as 90000 to 95000 have come over, and this would give us an idea of the exact dimensions of the problem. Secondly, the honourable Minister has stated that the Government is going to take a human view of the whole problem. But I have an apprehension that perhaps there may be a reduction in the quantum of relief that is being given to them. Today there are several camps in these areas where the refugees are staying. Relief measures have been put into operation. Even those who are not in the camps are being given free rations. I would like the Government to assure that there is going to be no reduction whatsoever in the quantum of relief that is being given to them, because if at any stage this relief is reduced there is indeed need for increasing this relief; but if it is reduced it will be an indirect method of forcing them back into Pakistan and forcing them back into the jaws of death. This should not happen.

SARDAR SWARAN SINGH : With regard to the first I must say that I have not got readily with me figures which the honourable Member has enquired.

I will try to collect them and if he contacts me, I can give the figures as far as I can, because I do not want to make a statement on figures without verifying the exact position.

With regard to the second one, Sir, I would like to say that there is no question of exer-

cising any pressure directly or indirectly for compelling these people to leave. We will see that whatever our assurances are, we will take a view and stick to them. On the specific relief, etc. I cannot say anything more, because I am not dealing with the relief measures.

MR. DEPUTY CHAIRMAN :  
Yes, Mr. Puri.

SHRI DEV DUTT PURI (Haryana) : Sir, the Simla Agreement is not yet two months old and it seems that the action of the Pakistan Government falls somewhat short of their promises. The two high contracting parties are talking in different languages. Sir, the corner stone of the Simla Agreement was that all disputes would be settled bilaterally and yet, in the course of one and a half months we see that the Kashmir dispute is still before the UN. It is one thing for the parties to say that they reserve their position in regard to Kashmir and it is another thing to say that they are continuing to agitate it in the UN. That is not bilateralism as, I hope, our Government understands it. Then, Sir, the other dispute in regard to the over-flights is still before a third party and that, I submit, is hardly consistent with bilateralism. And, Sir, in regard to the UN Observers, no matter whether they are on this side or on that side and we are not concerned with the question as to where they get their salary from is the attitude of Pakistan in having the Observers even on their side consistent with bilateralism? Also, Sir, in regard to recognition, the impression that the Pakistani delegation seems to have left in Simla was that they would recognise Bangla Desh as soon as possible and it was an unwritten part of the Simla Agreement and that is how we understood it. Now, Sir, they have not only delayed recognition, but have done something in the UN which is hardly consistent with the impression that they seemed to have left in us.

Now, Sir, about the radio reports. The Agreement specifically says that the entire boundary line will be demarcated and delineated. The ink on this document is hardly dry. But Radio Pakistan comes out with the statement which is different from what is expressed. These may be explained away and these may be explained this way or that. But the collective impression that they have created within a period of two months is

something different. Now, the specific question that I want to ask is this : Having regard to the impression, the collective impression created by the action of Pakistan, so were there any insurmountable difficulties in making the recognition of Bangla Desh as a condition precedent to our vacating their areas, the 5,000 sq. miles areas ?

**डा० भाई महावीर : पुरी साहब बहुत जल्दी समझने लग गये हैं सब बातें। ये बातें हमने कहीं . . .**

SARDAR SWARAN SINGH : Sir, it is true that some of the things which my honourable friend has mentioned, the attitude and the actual statements made by the Pakistani representatives on the various issues are hardly consistent with bilateralism. It was for this reason that we had to suggest that they should come here or that we were prepared to go to Islamabad to have discussions so that we might bring the two sides back to bilateralism and it is in that spirit, Sir, that the talks between the two delegations took place and there is now a joint statement a copy of which I have already placed on the Table of the House and we have now to judge whether what has been agreed upon is now implemented or not. There will always be these lapses and we will continue to bring them back to bilateralism as far as it is possible for us to do so. And, Sir, the question of recognition of Bangla Desh should not be linked with the question of withdrawals and that will not be a correct approach.

MR. DEPUTY CHAIRMAN : Yes, Mr. Kaul.

SHRI B. K. KAUL (Rajasthan) : Sir, I would like to know whether it is a fact that during the discussions between the two delegations, Pakistan had demanded of the Government of India that they should vacate all those posts which they had occupied after the 17th December ?

SARDAR SWARAN SINGH : Of course, it has been agreed by both sides that the line as it existed on 17th December, 1971, will be respected and the two Commanders are discussing all these matters so that whatever was the alteration after the 17th of December, will be rectified.