

क लोकैलिटी मे हमारे खन्ना साहब ने दुकानें बनवा दी हैं, अगर ज्यादा नहीं तो कम से कम एक, दो दुकान बनवा ही दी है जहां कि सारी सामग्री मिल सकती है। रोजमर्रा की चीजें आसानी से मिल सकती है, बाकी के लिए तो कभी भी छुट्टी लोग लेते देते ही हैं, जैसा भी है सब होता है। किन्तु, इस बात से मैं जरूर सहमत हूं कि साढ़े सात बजे का समय जरा जल्दी होता है जब पीक आवर होता है, रवन्नक का वक्त होता है तब दुकान बन्द होती है। रवन्नक का वक्त साढ़े सात के बजाय साढ़े आठ बजे होता है जब कि पति पत्नी खाना खाकर अपने बच्चों को लेकर के थोड़ा बाजार में घूमते हैं, मार्केटिंग करते हैं तब थोड़ा चेहरे पर रवन्नक आती है, बाजार में रवन्नक आती है और दोनों की रवन्नक मिल कर शहर में ताजगी लाती है। तो इस दृष्टि से यह आवश्यक है कि हम कुछ इस बारे में भी विचार करें कि कुछ समय की वृद्धि हो जाय और साढ़े सात के बजाय साढ़े आठ बजे हो सके तो वह ज्यादा अच्छा होगा। मगर इसका हल कैसे हो क्योंकि हम काम के घंटे भी निर्धारित करना चाहते हैं और उस पर यह भी चाहते हैं कि साढ़े आठ का टाइम हो और दोनों को लाभ हो सके तभी यह ठीक रहेगा तो इसके बारे में यदि हमारा मंत्रालय, मंत्रालय के अन्तर्गत जो इसका विभाग हो वह नौकरों को भी और उनके मालिकों को भी बुलाए, उन लोगों की एक मीटिंग सी करे, उनके प्रतिनिधियों को बुलाए, उनसे चर्चा करे तो इस सारी समस्या के हल के लिए कुछ हो सकता है, क्योंकि हम ज्यादा घंटे काम करने देंगे नहीं और इन घंटों में काम करने के साथ-साथ ही कुछ ऐसा एडजस्टमेंट हो सके जिससे कि दुकान साढ़े आठ बजे तक खुली रह सके तो कोई आपत्ति नहीं होगी। यह नहीं कर सकते कि साढ़े आठ बजे दुकान खुली रखने के बदले में एक या दो घंटे गरीब मजदूरों के कर्मचारियों के, काम के बढ़ाने पड़ें,

वह हम सहन नहीं करेंगे। तो इस दृष्टि से अत्यन्त आवश्यक है कि उन पक्षों को भी सुन ल और सुनने के बाद इसके बारे में निर्णय करें तो ज्यादा अच्छा होगा।

इसी तरह से उन्होंने यह भी प्रकट किया कि जो खुद मालिक हैं अगर वह मालिक अधिक समय तक काम करना चाहे तो क्या आपत्ति है। उपाध्यक्ष महोदया मनुष्य में स्वार्थ की या लोभ की एक ऐसी कमजोरी है कि वह जान भी दे दे मगर वह ज्यादा से ज्यादा प्राप्त करना जितना भी हो उसको प्राप्त करना चाहेगा, छोड़ना नहीं चाहेगा और ऐसी स्थिति में . . .

3 P. M.

THE DEPUTY CHAIRMAN: It is 3 P.M. Mr. Chordia, you may continue on another occasion. Mr. Swaran Singh.

MOTION RE TASHKENT DECLARATION

THE MINISTER OF EXTERNAL AFFAIRS (SARDAR SWARAN SINGH): Madam, I beg to move:

"That the Tashkent Declaration be taken into consideration."

I have already placed on the Table of the House a copy of the Tashkent Declaration. While placing that copy here I also made a brief statement giving the salient features of that Declaration. I would not like to take much time at this stage. With your permission, I would like to confine my remarks in putting before this House some important aspects and I will endeavour to reply to the further points that might be raised by the hon. Members, in the course of my reply which I will give when this discussion is wound up. This Tashkent Declaration is a document which was evolved as a result of long discussions and very careful consideration. There are several ways of look-

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ing at it. One way, which some hon. Members either here or some critics outside, might adopt is to examine it purely from a critical angle and to try to project those points of view which might create a feeling or an impression that this does not safeguard all the basic or the fundamental interests. Any document, even a perfect document, is capable of such criticism and some of us who have, in our other avocations, to do with the task of examining propositions from a purely critical or legalistic point of view, can always muster a number of arguments. I would like to appeal, through you, to the hon. Members of this House and to my countrymen that we should look at this document, at this Declaration, from a national point of view and we should try to examine it from the point of view of finding out if it safeguards our basic positions or fundamental interests. Then again, I would like to say in the beginning that there may be portions in this Declaration which might give an impression or feeling that they are compromise provisions, they are compromise formulae, that they have been evolved as a result of understanding each other's point of view. If I may venture to add, this will be the picture of this Tashkent Declaration whether you view it from Delhi or you view it from Rawalpindi. In either capital we can find aspects of this declaration which might give, superficially examined, an impression that this is a compromise in favour of the other. It is very interesting and also somewhat amusing that the phraseology of the criticism that is adopted in either country is almost identical. If some of the Opposition speeches in India are compared with the Opposition speeches in Pakistan, and you do not read the name of the actual speaker and you alter the name that is in that speech, if the name of a critic in India were to be put at the top and the criticism in Pakistan were to be put in the body of the speech itself, you will find basically no difference at all. On either side the pro-

jection will be, in India that we have given in to Pakistan and in Pakistan that they have given in to India.

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh): What is he driving at? Why this comparison?

SHRI ARJUN ARORA (Uttar Pradesh): Why not? Why are you afraid of this comparison?

SARDAR SWARAN SINGH: If my friends will bear with me—Shri Vajpayee is a friend of mine—I will certainly in a very courteous manner be able to try to dispel some of his doubts.

SHRI ATAL BIHARI VAJPAYEE: I strongly object to this comparison. Let there be no comparison between the Muslim Leaguers and we, who are opposed to the Tashkent Declaration.

SHRI ARJUN ARORA: Why not?

SARDAR SWARAN SINGH: It is not my intention to compare the Jan Sangh Leader with any Muslim League leader.

SHRI ATAL BIHARI VAJPAYEE: The members of the Swatantra Party and the Communist Party, both, are welcoming the Tashkent Declaration. What does it mean? My friend, Shri Arora, should note it.

SARDAR SWARAN SINGH: I should say that the fact that two important political parties besides the Government party welcome this Declaration is something about which I am very happy and am very proud and I do not know why he should challenge any Member on this side, why, if two parties examining this document and dispassionately come to the conclusion that it is a good agreement, that should be a matter for excitement for Mr. Vajpayee, I do not understand at all. It is certainly not a matter for excitement. It is a matter for great satisfaction for me.

SHRI P. N. SAPRU (Uttar Pradesh): It is a matter for satisfaction for the country.

SHRI BHUPESH GUPTA: Vajpayee and I agree that we should both come to the Rajya Sabha. That is why we are here.

SARDAR SWARAN SINGH: When I said that, I am hoping that Mr. Vajpayee and his followers and other political parties, whether they are represented in this House or not, would also be good enough to view this agreement from the national point of view because we would be quite frank and quite honest in saying that we do not regard the Tashkent Agreement as a political issue to which we, as Congressmen, are wedded. It is a solemn Declaration, an agreement which has been signed by the Heads of Governments of two countries and therefore it is an agreement between the peoples of the two countries, and it is in that spirit that he should view the Tashkent Declaration.

SHRI P. N. SAPRU: Endorsed by the Soviet Union.

SARDAR SWARAN SINGH: It is an incidental benefit I should say that this has the support of a large number of countries. It is a matter for great satisfaction to us that barring one or two countries, principally one country—I do not want to start any controversy—this agreement has been welcomed by a vast number of countries, almost all countries in the world and therefore, if it is welcomed by a large number of political parties in the country, if it is welcomed by a large number of other countries in the world, that should be a matter for satisfaction and not for excitement or for complaint as Mr. Vajpayee wanted to give the impression to all of us.

SHRI MUKLA GOVINDA REDDY (Mysore): China will welcome if you hand over Kashmir to Pakistan.

SHRI ATAL BIHARI VAJPAYEE: Not only that but the entire world will welcome if you hand over Kashmir on a platter to Pakistan. Do not talk of the world.

SARDAR SWARAN SINGH: This is a suggestion which I think is most

unfounded. No Congress Government which has always made its position clear, will do anything of that type and it is very unfair, very wrong to make any such suggestion. We have reiterated times out of number that Jammu and Kashmir is an integral part of India and I do not know who will be satisfied if we part with an integral part of India.

I cannot think that any country in the world, which has got any respect for our territorial integrity, or for our honour, would ever think of feeling happy if we handed it over. I do not know at all wherefrom Mr. Atal Bihari Vajpayee, with all his forensic eloquence, has got this impression that the world would be happy if we were to hand it over to Pakistan. The whole world does understand what our position on this issue is, and it is absolutely wrong to put forward such ideas. Now this is the type of fear complex that I want my countrymen, more—so, critics like Mr. Atal Bihari Vajpayee to shake off. Now which are the other countries and why should other countries have an interest in snatching away something which is part of India? Nobody is asking us or suggesting to us to do that. It is wrong to develop a fear complex and to imagine that the world is conspiring against us and that the world would be happy if we did this or we did that. We know what our national interests are and we steadfastly stick to the pursuit of our national policies which are in our best national interests, unmindful of other peoples' annoyance or other people being pleased or displeased. We should steadfastly pursue such policies. That has been our consistent line, and if by doing a correct thing, which we think is the right thing to do, we also get the approbation, approval and happiness of a vast variety of countries, that should not unnecessarily create a fear complex and suspicion in our mind. That will indicate lack of confidence in our own thinking and in our own ways of approach, and it will be a very very

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dangerous sentiment if we were to think that, if there be any decision which receives the approval of a large number of countries, there must be something wrong in it. That will be a very very dangerous approach and I would therefore very earnestly appeal to all sections of this House that the approval by a vast majority of countries should not excite any suspicion in our mind. It will be very bad for us psychologically and the like, if we develop a complex as if other people are happy when we are unhappy or that when we are happy the rest of the world would be unhappy. This is a proposition which we should not touch, and we should shake ourselves off from a mentality or complex of that nature. Now it is true that we have to take care about international opinion, and I am one of those who always try to explain our basic stand to all countries and enlist their confidence and sympathy for us, but the overriding consideration is always our own national interest.

Madam, the Tashkent Declaration has to be viewed from the point of view of the central theme in that Declaration. The Tashkent Declaration, I claim, is a very great step, a very solemn undertaking, an agreement between the two countries mutually to reverse the deteriorating trends between the two countries, trends born of suspicion, born of the complex of fear, which have always been gripping our mind, that the other party is going to put us down, or that the whole world has combined against us. Now this corollary necessarily flows from a complex which is born of lack of confidence, born of fear, born of suspicion. After this Tashkent Declaration we have to shake off that complex, and we have to look at our relationship with Pakistan, just as Pakistan has to look at their relationship with us, in this new spirit, to reverse those trends, those distressing trends, which cause tension, cause suspicion, cause fear cause lack of mutual under-

standing. Those trends have to be reversed, and the central objective that has been achieved by the Tashkent Declaration is a solemn agreement signed by the heads of two Governments that they are determined to reverse those trends and are now and in future pledged to develop friendly relations, good neighbourly relations, and to strengthen mutual relations in the economic field, in the cultural field and so on respecting the integrity and sovereignty of each country. These are very important basic principles and we should appreciate fully their significance.

If I may put it in a slightly different form, it is not a matter in which we need to count that this is the one thing that we have got, that these are the things, 1, 2, 3, 4, 5 and so on that we have got or not. Well, those things can be enumerated and will be enumerated, but I do appeal, Madam, that while appreciating the outcome of this agreement, we have to view it from a somewhat broader perspective and to see as to whether it is not a real determination, a real effort, a firm resolve subscribed to by the heads of two Governments on behalf of their people, six hundred million people of this sub-continent which stands divided between India and Pakistan. It is a solemn determination to reverse those trends and to live in future in an atmosphere which is free from this suspicion, which is free from fear, and to look at each other in that spirit, in that good neighbourly spirit. Now I know that a very powerful speech can be made to show that all this is something which may be idealistic, but from a practical point of view we have to see what the relationship was and whether it can really be suddenly reversed or not. I myself am conscious that the process itself is likely to be a difficult one. It is likely to be, perhaps, a protracted one, a long one requiring a great deal of patience. There will be detractors in our own country, there will be detractors in Pakistan also. But we have always to keep this in

mind. Whether the direction, the orientation in thinking that is sought to be given by the Tashkent Declaration, whether that orientation is in the right direction or not. If that orientation is in the right direction, then, whatever may be the difficulties, whatever may be the doubts, whatever may be even the suspicion, we have patiently to work in a consistent manner to get over that feeling, and by our conduct, by our speeches and in every other way, to foster that new spirit, to develop something in the relationship between the two countries that had been lacking, and this will have to be a process which we will have very patiently to follow. Now, in the course of this discussion I know that quotations will be made from the speeches of Pakistani leaders, from some of their Opposition leaders, some of their Governmental leaders pointing out their own interpretation of this document. We ourselves have carefully examined those points of view which have been projected, but the more we have examined the document itself the more we have become convinced that, on all essential points, on all fundamental issues, on all basic principles, our basic stand, our essential interests have not in any way been compromised and have not at all suffered by this Declaration, so that apart from the higher objective of reversion to a path of peace and conciliation, our national interests, our own points of view, our own stand on basic points also, have been fully safeguarded in this agreement. Now what were those basic stands of our own. One of the most important things, which has been a very important issue before us, is the question of Jammu and Kashmir.

About Jammu and Kashmir our late Prime Minister, Lal Bahadur Shastri, had made it clear before he went to Tashkent, and even before he accepted the invitation to go to Tashkent, that the Indian position is clear and categorical namely, that Jammu and Kashmir is an integral part of India and the sovereignty of

Jammu and Kashmir is a matter which is not open for negotiation. That position was steadfastly adhered to by the late Prime Minister, Lal Bahadur Shastri. This matter came up even at other levels and the Indian representatives at all levels fully reiterated this position which had been clearly stated in this House, in the other House and also in the country and there was no compromise on that basic issue.

The other point, which was of great importance for the strengthening of the position between the two countries, was to see what were the points of irritation, what were the points of conflict which had been bedeviling their relations. In this respect, the most important thing was the large volume of complications that had cropped up as a result of the armed conflict. I do not want to go into the origin of that conflict. Our country faced an aggression and the manner in which our brave soldiers, and airmen, our Armed Forces and security forces, our railwaymen, our workers in fact our entire population rose to meet that aggression, will always remain a glorious chapter in our history. We are rightly proud of the response that was forthcoming in such a spontaneous manner, not only from those on whom the main responsibility of safeguarding the integrity of the country rested but also from all sections of the civilian population. Madam, I belong to one of the border States and I have visited those areas. I know there may be other people who might be making highly critical speeches on various occasions, but I know how our people really treated it as a threat to their own hearths and homes, how even women, old women and children, everyone in all walks of life, functioned spontaneously and with such great discipline and with such great enthusiasm that they did not consider any sacrifice too great to make in order to meet the threat that faced the country. I am aware of the glorious record of the services, though they do not boast about it. The most important thing is that

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those people who suffered most, who have put in their very best efforts and who have suffered most, they do not boast about what they have done. They have in a dignified and quiet manner felt that they have done their duty to the country, and this is the biggest satisfaction from their point of view. So the unity of the country and the bravery of our people have been very fully demonstrated and if I may venture to say so, by this, our prestige, our honour have been greatly enhanced not only in our own country but throughout the world. The world knows now, even the big powers and the small powers everyone even those who might have been critical about us, they know that India is strong, that of India says something, then India has got the capacity and the determination to implement it and to go through the biggest sacrifices. And the stage has come when the other countries have started taking a realistic view of our postures and they know that the stage is gone when India could be pushed about this way or that way. If India takes a particular attitude, they know that we have taken that attitude not in a huff or in excitement. We weigh all our words before we utter them and the attitudes that we take are not taken in any excitement but in a cool and calculated manner. Also, when we say something on particular matters. For instance we say that Jammu and Kashmir forms an integral part of India we mean what we say. And other countries also feel that if India says something she means that and they should not take that statement lightly.

Even in the course of this conflict, statements were made by Shri Lal Bahadur. I will not mention my own name; and other government spokesmen also made statements. All those statements were made with some care and some caution. All those statements that we made even in relation to this conflict. I am happy to say, we were able, with the united support of this House and all the parties and all the people of this country to

redeem the essential parts of those statements in all these issues.

In this connection, why I am saying all this is because it comes to my mind that even when the Secretary General of the United Nations came here, at that time there was black-out in Delhi. Air raids were taking place in both countries and actual fighting and conflict were going on. Our forces were fighting. There was the call from the United Nations that the fighting should end and that there should be a ceasefire, there should be withdrawal and all that. That Resolution was there. Even at that time even at the height of our conflict what was written? I would only appeal to hon. Members that they should read carefully the letters that had been written by Shri Lal Bahadur Shastri and compare them with the letter that was written by President Ayub Khan. I do not want to criticise President Ayub Khan. He acted on behalf of his Government and in the best interest of his country. Who am I to criticise Pakistan. But I would request you to see the attitude that we took to the question when the Secretary-General called for a cease fire. That is contained in Prime Minister Lal Bahadur's letter. He said that he was prepared to respond straightway to the call for a ceasefire, but he added that he had to take care that, as a result of the ceasefire in any dispositions arising therefrom or in any withdrawals or any other re-adjustment that had to take place care was taken that a situation would not arise which might involve India in the same type of trouble or conflict which she had had to face in this aggression. We did not make any claims at that time. For instance, We did not even say: "We will not accept the cease-fire or we will not withdraw unless we get that part of Jammu and Kashmir which is under Pakistani occupation." We did not say that we would do this or we would do that. We took a very careful and a very honourable stand, safeguarding over essential

interests and took a certain posture. Now I would strongly urge that the Tashkent Declaration even on this question of withdrawals and disengagement should be examined with the background of the position that was taken by Prime Minister Lal Bahadur Shastri in his reply to the Secretary-General calling for a ceasefire and withdrawal. All that he said on that occasion has been fully complied with. He had said that, in any disposition, he had to make sure that infiltration and such things did not occur again. Has that been secured? I submit that it has been very well secured.

There are three provisions in this Declaration which I would like to bring to the notice of this honourable House. Number one is the agreement between the two countries not to have recourse to the use of force for the settlement of any disputes. Number two is that they will not interfere in the internal affairs of each other. And the third is that in Jammu and Kashmir the ceasefire terms and the cease-fire line will be respected. If these three conditions are followed by both sides, namely, that we do not go to their side and they do not come to our side, then the non-use of force for settlement of disputes, and then non-interference in the internal affairs of each other, then this is a complete answer and a complete vindication of the stand that Shri Lal Bahadur had taken when he wrote his letter to the Secretary General. Nothing is left.

It is quite another thing that people may say, "Well, these assurances are there and this agreement is there. But what is the guarantee that these will be adhered to?" In a matter like this, in international affairs when heads of Governments sign a document, it would be very very unfair for us to harbour the suspicion that the other side, having appended its signature in the presence of such a distinguished statesman, another head of a Government of a friendly coun-

try like the Soviet Union, would treat it lightly or would have appended its signature with reservations. I would very respectfully appeal to hon. Members of this House not to have these reservations and suspicions in their minds. After all, in international affairs, what can be the additional guarantee that could be required when the heads of the two Governments pledge their people for this idea. Then it becomes the duty of everyone really to attune himself to these assurances that had been given on their behalf by the head of their Government and then function in pursuit of the implementation of those assurances rather than function in this manner with this feeling that, somehow, the other side is bound to take a posture contradictory to the terms which have been agreed upon and that we should, in anticipation, also try to take postures which are critical of, and which are not in consonance with, the basic objectives or the basic stand achieved by an agreement of this nature.

Another point generally mentioned is about the withdrawal of the armed personnel. I do not want to go at any great length into this issue. Why did we go to Haji Pir? Why did we go to Tithwal? Why did we go to Kargil? To Kargil we went because Pakistan was assuming postures which posed a real threat to us and our line of communication to Ladakh was in jeopardy. Therefore we moved into Kargil to protect our line of communication to Ladakh which was facing the Chinese threat. We went to Tithwal and Haji Pir. Before actually going we approached the Pakistan Government asking them to stop the menace of infiltration, the thousands of persons crossing with arms and equipment. We wanted them to take action and to ensure that this type of infiltration did not take place. We also wanted them to withdraw these people. It was only after they disowned their responsibility with regard to these infiltrators that we had to take limited preventive action in going to these

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areas to prevent this type of infiltration. Thereafter there was this attack on Chhamb, largely populated area near Jammu. This went into the possession of Pakistan and we had to take defensive action when our line of communication, our life-line, was threatened. Our line of communication to the Poonch area and to Srinagar was threatened and the Pakistani forces were pressing us near Akhnour. There was no option left for us but to take further defensive action to relieve the pressure on our lines of communication and to protect them. This was done in the exercise of our right of self-defence. After this agreement which says that in future force will not be used, that the ceasefire line will be respected and that there will be no interference in internal affairs, is there any further justification left either with us or with Pakistan that they continue to occupy Chhamb, Khem Karan and parts of Rajasthan, that our brave soldiers should be in the Sialkot sector or the Lahore sector, or that we should continue to be in those passes which we had taken earlier. Even when we went into those territories, we did not go with a view to reoccupying parts of Jammu and Kashmir which had been in illegal occupation of Pakistan. The actions we had taken at that time were purely defensive and strictly limited in character, forced on us much against our will; but once our honour and integrity was challenged we had to act and we acted firmly and we are never sorry for that.

There is one other thing which sometimes confuses us. We are unnecessarily worried about the position at the ceasefire line and at the international boundary. We have made the position absolutely clear from the very beginning. Our late Prime Minister, Jawaharlal Nehru, had made statements more than once that Jammu and Kashmir is an integral part of India and that any attack on Jammu and Kashmir will be deemed as an attack on India and will be met wherever India

thinks that she should meet it. When the time came, India demonstrated this. By any international standard, and by any scrutiny, this position is absolutely clear. What is the difference between the ceasefire line and the international boundary so far as violations are concerned? We, somehow or the other, seem to have this exaggerated notion that there is some slight difference. In the case of the ceasefire line, both the parties expressly agree that it will not be violated by either party. There is an express agreement between the two countries but in the case of the international boundary, there is this implied agreement, this international obligation that the international boundary will be respected. So even if ceasefire line is violated, it is as much a violation of the integrity of a country as the violation of international boundary; this violation takes place in a territory which is part of India. For Pakistan to say unilaterally that Kashmir according to them is a disputed territory and therefore they have got the right to interfere is something which is absolutely untenable and we should not accept this unilateral interpretation. That interpretation is absolutely wrong and we reject it straightway and we will not look at any such interpretation. Jammu and Kashmir is part of India, an integral part of India, and the Government which is functioning there is a Government elected by adult franchise, a Government established by law and by the Constitution. Any interference in the functioning of that Government in any form is interference in our internal affairs and no kind of interpretation put by any party can take away our basic stand. We steadfastly adhere to that stand. Therefore, let us not get excited if other people put interpretations on this agreement either on the question of interference or on the use of force or on the question of the observance of the terms of the ceasefire line, leave aside everything else. I am placing the whole matter before this hon. House in a very dispassionate manner. There are distin-

guished lawyers present here. There is here a distinguished former Chief Justice, Mr. Chagla, and there is Mr. Gopal Swarup Pathak. Sending armed infiltrators into any territory by any definition is obviously use of force. Even if there is any dispute, use of force is abjured by each party. It is said that they will not resort to the use of force. For what will they not do so? Not for wrestling or for any other purpose but for the settlement of any dispute. Even if you take, for the sake of argument, that they have any semblance of a dispute or they keep this alive, that there is a dispute which we reject, even for that it is agreed that force will not be used. So, their unilateral statement that this is disputed territory need not make our people here unnecessarily put interpretations against our interests. This is neither borne by the circumstances of the case nor is it warranted by the realities of the situation. If I may be permitted to add, this is not even in our national interests to raise doubts in a manner adverse to our own interests and to try to import interpretations on the agreement which are bound ultimately to be quoted against us. In our enthusiasm, in our effervescence, we are prone to use extreme language. I will not quote it but I know such statements have been more damagingly used against us earlier and so we should be very cautious when we put interpretations of this type on documents which are so clear, which are so explicit. They have to be viewed in the spirit in which they have been entered upon and any type of quibbling and trying to put interpretations of that nature is unwarranted and is definitely against our national interest. I would therefore appeal that we should not put interpretations of this type.

There are, Madam, other positive features of this agreement. There is agreement that it will be the endeavour, it will be the determination of the two countries, to develop relations in other spheres, in the economic sphere, in the matter of trade, in the

matter of communications which stood absolutely disrupted when we went to Tashkent. We had ourselves to undertake a journey in a Boeing in which we were in the air for about eight hours before we reached Tashkent from Delhi although the direct flight is only two and a half hours. While going from Calcutta to Gauhati and Tripura we had to go round Pakistan and when people from Rawalpindi had to go to Dacca they had to go over the high seas, go to Ceylon and then go to Dacca. When the Prime Minister and I went to Burma we first went on the high seas and then on to Burma. There are thus mutual interests and when mutual interests are involved we should not measure them in terms of inches or feet or actual gains but we should look at them as to whether they are in the mutual interest of the 600 million people of the subcontinent. We should see whether, with these things, these irritations which come in the way of betterment of relations, a time has not come when a serious effort should be made to incorporate in our thinking something of that spirit which is the central theme of this agreement. So I would appeal that this is the only approach, the only sensible approach, even from our own national interests, to adopt. Suspicion will always result in suspicion from the other side. Confidence begets confidence. Therefore notwithstanding the various obstacles, the various difficulties, we have very assiduously to persevere and to implement this agreement in the spirit and in the manner in which we entered into it.

Now, I would like to deal with some reactions. We talk of other countries having reacted favourably to it. Shri Atal Bihari Vajpayee has reacted to it and I think very needlessly reacted to it. There are various areas in the country. I do not know whether Shri Atal Bihari Vajpayee or his colleagues have gone to the front areas in Amritsar or in Ferozepore or in the Khem Karan area after this declaration or even in

[Sardar Swaran Singh]
Jammu or in Chhamb where about 70,000 people are still in the camps—they have to go back—or in the area of Rajasthan. In all these areas there is a great deal of satisfaction. I myself was amazed when I found in the city of Amritsar which I visited a few days after this declaration was signed, there was uniform satisfaction amongst all sections of the people in Amritsar and other border areas about this agreement, not even excluding the members of the Jana Sangh there. Their local people have not got the courage to tell the people in Amritsar that this agreement is not in the best interests of the country. Let us react to the reaction of the people and not just argue in the air or argue in a theoretical manner. We have seen the reactions to this in Bengal, in Assam, in Tripura and other places and you represent all those areas. You please go there and find out what sign of relief is there. And the same is the reaction in Pakistan, in East Pakistan and in West Pakistan. There will be some criticism no doubt but if the basic objective is kept before us, I am sure that we will be on the right path.

I would also like to say that the State of Jammu and Kashmir is being run by a Government elected by adult franchise. It is very very important for us to know the reactions of the people of Jammu and Kashmir. Have you met even one man in Jammu and Kashmir who has not supported this? Every person, from the Minister to the Opposition, every Member of their Assembly, everyone in Jammu and Kashmir has welcomed this Tashkent Declaration.

SHRI ATAL BIHARI VAJPAYEE
That is not correct.

SARDAR SWARAN SINGH I know Shri Atal Bihari Vajpayee is a powerful leader and if he sends messages to his own followers there I know that next time when I go there they will stage a demonstration against me which I will gladly face. But the important thing is if we take an overall national view of the situation, I have no doubt in my mind

that the 600 million people of this sub-continent have greatly welcomed this Declaration. Thank you.

SHRI MULKA GOVINDA REDDY:
Madam, I rise on a point of order.

THE DEPUTY CHAIRMAN The motion must be put before any point of order may be raised.

The question was proposed.

THE DEPUTY CHAIRMAN What is your point of order?

SHRI MULKA GOVINDA REDDY
My point of order is this. Under this Tashkent agreement a part of our territory is being bartered away to Pakistan.

SOME HON MEMBERS No, no.

THE DEPUTY CHAIRMAN Let him finish what he has to say.

SHRI MULKA GOVINDA REDDY.
The Ruler of Jammu and Kashmir acceded to India. We accepted this accession and today Jammu and Kashmir forms an integral part of India. A part of that State is under illegal occupation of Pakistan. In this war our brave jawans liberated a part of that area which was under the illegal occupation of Pakistan that is, Kargil, Tithwal and Haji Pill Pass.

SHRI B K P SINHA (Bihar)
Madam, when raising a point of order, the hon. Member is expected to briefly indicate the point of order.

THE DEPUTY CHAIRMAN Let him finish.

SHRI MULKA GOVINDA REDDY
I will indicate.

This part which has been liberated by our forces belongs to India and it forms an integral part of India. If by an agreement a part of Indian territory is given away to another country or countries, it cannot be done. It is not valid. If the Government wants to give away this area, they must bring in a constitutional amendment. By an agreement this cannot be done. It was decided in the recent case about Berubari where by an agreement the Government of India wanted to transfer Berubari to Pakistan but the Supreme

Court he'd that it can be done only through a constitutional amendment. And hence this motion is out of order.

THE DEPUTY CHAIRMAN: Mr. Sinha, do you want to say anything?

SHRI B. K. P. SINHA Not at this stage. I will reply to it in the course of the debate.

श्री अटल बिहारी वाजपेयी : मेरा निवेदन है कि यह सदन ताशकंद घोषणा पर विचार नहीं कर सकता है क्योंकि ताशकंद घोषणा गैर कानूनी है, असंवैधानिक है और भारतीय गणराज्य के नागरिकों के मूलभूत अधिकारों पर कुठाराघात करता है। मुझे समय दे जिससे अपना मुद्दा स्पष्ट कर सकूँ। ताशकंद घोषणा के अंतर्गत हाजी पीर में, कारगिल में तिथवाल से, भारत की फौजे हटाये जाने से स्पष्ट है कि जिस क्षेत्र से फौजे हटेगी वहाँ पाकिस्तान की फौजे आएंगी लेकिन हाजी पीर, कारगिल तिथवाल में जो जता रह रही है उसके मूलभूत अधिकारों का क्या होगा? वहाँ रहने वाले लोगों को अधिकार है कि भारत सरकार की सेना का संरक्षण प्राप्त कर सके। भारत के नागरिक के नाते मुझे अधिकार है कि मैं हाजी पीर में जा सकूँ, हाजी पीर यात्रा कर सकूँ। जम्मू और काश्मीर के नागरिक जो सब कामों के लिए भारतीय गणराज्य के नागरिक हैं और जिन्हें भारतीय संविधान के मूलभूत अधिकारों की गारंटी की गई है उन्हें अधिकार है कि वे हाजी पीर में जाकर बस सकें, कारगिल में, तिथवाल में जाकर जमीन खरीद सकें, वहाँ खेती कर सकें, कारखाने लगा सकें।

वे वहाँ जाकर बसेंगे या नहीं यह सवाल अलग है। मगर हम इस घोषणा के अनुसार जम्मू और काश्मीर के नागरिकों को हाजी पीर में बसने के अधिकार में कैसे वंचित कर सकते हैं? इस घोषणा के अनुसार मुझे हाजी पीर जाने से कैसे रोका जा सकता है? आधारभूत अधिकारों का जो पहलू है इस पर सरकार ने बिना विचार किये हुए ताशकंद घोषणा पर दस्तखत कर दिये। अर्थात् विदेश मंत्रों, महोदय कह रहे थे

THE DEPUTY CHAIRMAN: What is your point of order? Is it a speech or a point of order?

श्री अटल बिहारी वाजपेयी : It is a point of order.

THE DEPUTY CHAIRMAN: Then, you must be very brief

श्री अटल बिहारी वाजपेयी : मगर मुझे मौका तो मिलना चाहिये कि मैं इसको स्पष्ट कर सकूँ मैं यह नहीं कहता कि भारत का कोई क्षेत्र पाकिस्तान को दिया जा रहा है। इस बात की हम इजाजत देंगे नहीं इसलिये मैं यह नहीं कहता कि भारत सरकार कोई बिल लाए, विधेयक लाए, जिसके अनुसार हाजी पीर, कारगिल, तिथवाल को पाकिस्तान को दे दिया जाय। मेरा कहना यह है कि हाजी पीर, तिथवाल, कारगिल के नागरिक भारत के नागरिक हैं और उनको सेना का संरक्षण प्राप्त करने का मूलभूत अधिकार है। यह सरकार उन्हें पाकिस्तान के भरोसे नहीं छोड़ सकती।

SHRI BHUPESH GUPTA (West Bengal) Madam, I want to

THE DEPUTY CHAIRMAN: What is it that you want to say?

SHRI BHUPESH GUPTA How would you know before I speak, because I want to speak on the point of order

THE DEPUTY CHAIRMAN Yes

SHRI BHUPESH GUPTA It is very important and I think Government will appreciate it

THE DEPUTY CHAIRMAN Please be very brief

SHRI BHUPESH GUPTA Government will appreciate it, I think (*Interruption*) Madam Deputy Chairman, you are entertaining something as a point of order, but if you look into the Rules of the House and the precedents you will find that the constitutionality or otherwise of a Bill or a speech or a statement is not a matter on which you can prevent a discussion. If for example, some people think that it is bad, they can vote against it, but the question does not arise here. It is for the Supreme Court to decide, if at all. Now, here we are concerned with not even a Bill, but with a statement and an agreement. Whether the agreement is in conformity with the Constitution or not is beyond our competence, at this stage, to discuss it as a matter of point of order. We can give an opinion on that score. We can even vote against it, but certainly discussion cannot be held up on that ground. Secondly

PROF M B LAL (Uttar Pradesh) He has no right to pass a judgment

SHRI BHUPESH GUPTA I am not passing a judgment

PROF M B LAL He is questioning your authority, Madam

SHRI BHUPESH GUPTA No, no, Madam. I hope that you do not get provoked. Now, the position is this. Therefore, I cannot see how intelligent and experienced parliamentarians like my friend there and Mr Vajpayee raise a point of order shooting in the air.

THE DEPUTY CHAIRMAN That will do. Mr Pathak, do you want to say anything?

THE MINISTER OF LAW (SHRI G S PATHAK) Madam Deputy Chairman, the point that has been raised is really not a point of order. A point of order should be one which would be concerned with the business or Rules of Procedure of this House. The point that has been raised is whether the agreement is a valid agreement or not, the point urged being that it is not a valid agreement because it amounts to transfer of territory.

SHRI P N SAPRU That is for the Supreme Court to say

SHRI G S PATHAK Now, that is a point relating to the merits of the question. If that point is right, then this House may say that we disapprove of the agreement. The question before the House is whether this agreement should be taken into consideration. The answer could be, we approve of it or we disapprove of it. The question whether the agreement is good or bad or that it affects the territory of Jammu and Kashmir is one which may determine whether the agreement should be approved or not approved. Where is the question that this cannot be considered? Is there any Rule of Procedure pointing out that this agreement cannot be taken into consideration? I submit therefore, that this is not a point of order. This is a point of merits masquerading as a point of order.

Now, I am prepared to show to this House that there is no question of cession of territory involved in this agreement.

SHRI BHUPESH GUPTA That you come to later, not now.

SHRI G S PATHAK Certainly, if the point of order depends upon this question. I have two answers. No 1, it is not a point of order and No 2, the very foundation of this so-called point of order is that there has been cession of territory. If that foundation fails, the whole superstructure is gone and it cannot be called a point of order. Therefore, on both the grounds this so-called point of order

should not be allowed to be raised. I am prepared to show to the House that if this agreement is read correctly, read as a whole, then no one can say that, having regard to international practice, having regard to international law, this agreement can be read as amounting to cession of territory. This agreement is subject to the governing clause, namely, we stick to our position. We explained our position. This agreement, therefore, is subject to that clause. The withdrawal of the forces . . .

SHRI BHUPESH GUPTA: Leave it for the debate. Some time later on. You should be brief. Do not dilate upon it at this stage.

SHRI G. S. PATHAK: I do not want to take instructions from you.

SHRI BHUPESH GUPTA: It is advice. He takes advice from solicitors. Why cannot he take it from me?

SHRI G. S. PATHAK: I will not take more than two or three minutes, Madam. I shall be very brief.

SHRI BHUPESH GUPTA: That is the trouble. We have our Law Minister . . .

THE DEPUTY CHAIRMAN: Will you please sit down? You have provoked the Law Minister.

SHRI BHUPESH GUPTA: I do not want to provoke him, but he is a self-provoking man.

SHRI G. S. PATHAK: There is not a word of cession used in this document. All that is stated is cease-fire and cease-fire line. In order to carry out the cease-fire agreement, the forces will withdraw from one side to the other. That is related to the cease-fire. That is a consequence of the cease-fire agreement. That has nothing to do with the question of cession. Now, those who have been concerned with international affairs and international law know the language of cession and whenever any territory is ceded there is the language of 'cession' used. Every treaty which deals with the question of

cession uses the appropriate language which results in the transfer of territory. What happened in 1948 or 1949 when there was a cease-fire agreement?

SHRI BHUPESH GUPTA: How do they all relate to the point of order?

SHRI G. S. PATHAK: Now, I submit, therefore, that there is no point of order at all and it should be rejected.

SHRI ATAL BIHARI VAJPAYEE: What about my point of order? He has not said a word about my point of order.

THE DEPUTY CHAIRMAN: Well, this afternoon what we are busy with is the motion as it is moved, the scope of which is the consideration of the Tashkent Declaration. Therefore, the points of order raised by Mr. Vajpayee and Mr. Mulka Govinda Reddy are not in order, because this House can discuss anything that is taken at the consideration stage.

SHRI ATAL BIHARI VAJPAYEE: Anything which is illegal?

THE DEPUTY CHAIRMAN: The Tashkent Declaration will be debated here. Therefore, the points of order are not points of order.

4 P.M.

Now coming to the motion, there are four amendments.

SHRI ATAL BIHARI VAJPAYEE: Madam, I move:

1. "That at the end of the motion the following be added, namely:—

'and having considered the same, this House records its disapproval of the Declaration and calls upon Government to halt immediately the steps being taken towards the withdrawal of troops from Haji Pir, Tithwal, Kargil and other liberated areas in Pak-occupied Kashmir'."

(Shri Atal Bihari Vajpayee)

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

'and having considered the same, same, this House records that the Declaration is a gross violation of the solemn assurances given by Government to Parliament and the people that there would be no withdrawal from the posts of Haji Pir, Tithwal and Kargil until and unless Pakistan accepted the responsibility for the infiltrators and gave a guarantee that it would not try an 'Operation Gibraltar' once again'."

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

'and having considered the same, this House is of the view that—

(a) the Declaration goes counter to the assurances given by Government to this House that troops would not be withdrawn from Pakistan territory unless Pakistan categorically committed itself to a no-war pact;

(b) the Declaration militates against the Constitution inasmuch as it involves withdrawal from areas which are constitutionally part of the Indian territory;

(c) the Declaration creates in the country a dangerous sense of complacency and wishful thinking about Pak intentions not at all warranted by Pak postures as manifested in the speeches by Pak spokesmen;

and the House, therefore, calls upon Government to revoke all orders for the withdrawal of troops from Haji Pir, Kargil and Tithwal areas liberated from Pak occupation'."

[The amendments also stood in the name of Shri V. M. Chordia.]

DIWAN CHAMAN LALL (Punjab):
Madam, I move:

4. "That at the end of the motion the following be added, namely:—

'and having considered the same, this House approves the stand of the Government of India thereon'."

The questions were proposed.

SHRI DAHYABHAI V. PATEL (Gujarat): Madam, the House has heard patiently the speech of the Mover. Perhaps he could have been a little more brief. We know the way in which the late Prime Minister, Shri Lal Bahadur Shastri, went to Tashkent with the good wishes of this House and the way in which he made the agreement. We all know the spirit in which the late Shri Lal Bahadur Shastri worked, how he had endeared himself, how he had forged the spirit of unity during the armed conflict with Pakistan, and I believe it was in the same spirit that he honestly made this agreement that was in the interest of this country.

Madam, looking at the relations between India and Pakistan for the last nineteen years since independence, it has been a history of minor skirmishes, irritations and causes of conflict again and again till we came to the major conflict with Pakistan a few months ago. As a result of that conflict very soon we decided to stop it and the cease-fire was agreed to primarily due to the good offices of friendly countries. I would without hesitation admit the good offices, the very constructive part that our neighbour, the U.S.S.R., played in this, first, in inviting the two sides to a conference and providing a place for that acceptable to both and, second, in helping in the solution that has come before us and which we are discussing.

Madam, I do not think I will elaborate in trying to answer the charge of going back from territory. After all we are going back to a position to

which we have reconciled ourselves willy-nilly for the last eighteen years. Whether we should have stopped our Armed Forces when they were in the hour of victory eighteen years ago or not is still a debatable point, but there is no purpose in the debate. We have been there for eighteen years where we are and instead of continuing the bitterness, instead of continuing the conflict if we decide to turn a new leaf and remove the cause of irritation, try to work as friendly neighbours, I believe it would be in the interests of both countries. Instead of suspicion if we try to bring about confidence, instead of a boundary if we have a line where we meet together as there has been for many months a boundary which was supposed to be a boundary between India and Pakistan but a boundary where trade, recognised or unrecognised, whether you call it smuggling or otherwise, has been going on for years until this last conflict—instead of maintaining that sort of situation if the position was remedied, if barriers between the two countries were removed, if intercourse of trade and of movement between the two countries were allowed and there were more trade and more intercourse and more going and coming, perhaps the sources of irritation that have been there all these years would be removed and both countries could settle down to a path of peace and progress. Madam, this atmosphere of fear and suspicion is the thing that has resulted from all this, and it is necessary to remove that atmosphere. One method of removing that atmosphere is to lift these boundaries and to try to increase the scope of co-operation in trade and commerce between the two countries.

Madam, though I may not be very enthusiastic over co-operation with Communism in this matter, I would admit that Russia provided a very constructive suggestion, that they were very helpful in finding a solution for which this country must be grateful to the Soviet Union and their leadership. I hope also that this will result in a spirit of friendliness between the two countries. This has been, it has to be

admitted, a diplomatic victory for the Soviet Union. In humility let us recognise that this agreement, whether we like it or not, is the best that we could get with the strength that we have. We failed to have the strength that we should have had years ago, eighteen years ago. We could not put up a better performance than what we did during the armed conflict with Pakistan. Under these circumstances I do not know whether what we have been able to get in terms of the Tashkent Declaration is anything which is unsatisfactory. Tashkent Declaration gives us the basis of a solution which can be enlarged, which can be useful not only to this country but to the whole of Asia and to the world. Instead of settling differences by force we decide to abjure the use of force. This is a thing about which nobody can quarrel. Therefore, the motion on the Tashkent Declaration is something that we support, I do not see anything in the Declaration as it is which can be objected to. I do not see much in the points of order raised, and then ultimately in a matter like this it is not possible to get a complete solution of everything. We may object to certain parts; we may think that these details may not be entirely satisfactory. I can understand that. I can appreciate that there would be friends who would say that this part of it is not satisfactory. But in a situation in which the Prime Minister and his advisers were negotiating a difficult matter, they arrived at a solution after negotiations which lasted several days, and I believe they did what they considered to be in the best interests of the country. I believe that the House and the country should view that in that spirit and I think that is how it has been received largely.

DIWAN CHAMAN LALL: Madam Deputy Chairman, I rise to support the Tashkent Declaration and I do so in the context which I hope hon Members on this side will not forget, namely, the enormity of what was happening in the war between Pakistan and India. I believe—and I think it is very important that this aspect should be

[Diwan Chaman Lall]

kept in mind—that the one reason why Pakistan refused a no-war pact which was offered to Pakistan by the late Prime Minister of India, Pandit Jawaharlal Nehru, and renewed by the late Prime Minister, Shri Lal Bahadur Shastri, was the fact that the authorities in Pakistan realised and knew that they had superior armaments, very superior armaments, both in tanks and in guns and in the air. They were given enormous supplies of Patton tanks which we did not possess—nothing comparable was possessed by India—and they were given F-104s and other aircraft of a very superior kind, not possessed by us in India. And the reason why they refused a no-war pact was because—I believe honestly—they did believe in this proposition that India was easily invadable and that once they invaded India, they could get to Delhi and rule over India for the next one thousand years.

SHRI P. N. SAPRU: No, no.

DIWAN CHAMAN LALL: That is exactly what they thought; it is not what you thought, Mr. Sapru, or what I thought but it is what they thought, and in view of this, they refused the no-war pact with India which was offered by our late Prime Ministers, Pandit Jawaharlal Nehru and Shri Lal Bahadur Shastri.

SHRI P. N. SAPRU: What I mean to say is that no one can be so stupid as to think that India can be governed for even five years by anybody.

DIWAN CHAMAN LALL: I know. Well, the British governed us for two hundred years at a time when my hon. friend was serving the British as a Judge of the High Court. The British rule was for two hundred years (*Interruptions*) Madam, I do not want to go into this particular matter but I want my hon. friend to remember that the Moghuls ruled us for 500 years (*Interruptions*) and Pakistani authorities like Mr. Bhutto suggested that India could be ruled by them not for two hundred years but possibly....

SHRI P. N. SAPRU: May I say that Dr. Chaman Lall, spokesman as he is of fellow-travellers or whatever you like to call them, was a member of the Royal Commission on Labour?

SHRI BHUPESH GUPTA: The Congress is now a big mansion where everybody can be present.

DIWAN CHAMAN LALL: I quite agree with my friend, Shri Bhupesh Gupta. Perhaps, my hon. friend is not aware of the fact that it was with the permission of the late Pandit Motilal Nehru, my leader in the Assembly of that time, that I took on the membership of the Royal Commission on Labour, and I think we did a good job of work. (*Interruptions*) I do not know whether Pandit Motilal Nehru or anybody that I know of gave him permission to become a Judge of the High Court. (*Interruptions*) I do not wish to go into this. (*Interruptions*).

THE DEPUTY CHAIRMAN: Order, order.

PROF. M. B. LAL: On a point of order. Let us discuss the Tashkent Declaration.

THE DEPUTY CHAIRMAN: That is what I am saying. (*Interruptions*). Order, order.

SHRI P. N. SAPRU: Diwan Chaman Lall . . .

SHRI BHUPESH GUPTA: I suggest that this matter can be discussed in the Congress Parliamentary Party . . .

THE DEPUTY CHAIRMAN: You please take your seat.

SHRI BHUPESH GUPTA: . . . under the chairmanship of Shri Sachindra Chaudhuri.

THE DEPUTY CHAIRMAN: Diwan Chaman Lall, may I ask that you come to the Tashkent Declaration?

DIWAN CHAMAN LALL: This was only side issue which was raised un-

fortunately not by me but by an interruption of my learned friend and that interruption had to be dealt with by me and I dealt with it and I hope, satisfactorily to him and to others as well in this House, certainly to my satisfaction.

Madam, what I was saying was that this was the mistaken notion on the part of the leaders of Pakistan and that was why they refused a no-war pact. The enormity of the desire on the part of the Pakistani authorities wanting to rule over India was the basic reason why they refused a no-war pact. They have refused a no-war pact . . .

SHRI N. SRI RAMA REDDY (Mysore): But they offered joint defence.

DIWAN CHAMAN LALL: My dear Shri Reddy is a new comer to politics. He does not realise . . .

SHRI BHUPESH GUPTA: But he is the Congress Parliamentary Party Secretary.

DIWAN CHAMAN LALL: He does not realise the fact that they did not take the offer of a no-war pact. A joint defence pact—why did they offer it? They knew perfectly well that India's foreign policy was entirely different from the policy pursued by Pakistan.

THE DEPUTY CHAIRMAN: Please address the Chair.

DIWAN CHAMAN LALL: Madam, I am addressing you even if my back is turned to you.

The foreign policy of Pakistan has always been this, namely, Pakistan is a member of a military pact in which Great Britain is her partner, in which the United States of America is her partner. They are partners in a military pact. We believe in peace; we believe in non-alignment; we believe in peaceful co-existence; we believe in all the things that they do not believe in. How can there be any possibility of a joint defence in these circumstan-

ces. We not being members of any military pact and they being members—and very active members—of a military pact, it was this which gave them this particular advantage in armaments, on account of which they were willing to risk a war with us, because they knew perfectly well that they could march right up to Delhi in time with their superior armaments.

A friend of mine who is a Minister in one of our Governments went and Mr. Chester Bowles and said to him, "I and all of us sitting here on these Benches want our people to be friendly with the people of the United States of America. We want to be friendly with them." "But he said, "you know that your planes with 'United States' markings on them flew with bombs marked 'Made in the United States of America', and they were dropped on our people. How can I go to the relatives of those who were destroyed and killed by those bombs and ask them to be friendly with your people?" He was quite right; this Minister was quite right. He was quite right from this point of view that by this enormous aid that was given to Pakistan—I do not know whether by Great Britain or by the United States of America—they were a party to this particular attack on us which resulted in so much of unhappiness, misery and suffering to the people of India. I do not know. I hope that they will take the earliest opportunity—both of them—to disabuse the minds of the people of India that they had any part or hand in this particular attack. It was a serious attack, an attack which might have meant the destruction of India, the destruction of the independence and freedom of India for which we fought so bitterly and so long, for which we suffered so bitterly and so long. This enormity committed by Pakistan is the context in which this particular Declaration should be considered.

Now, Madam, this Declaration—it is said—has certain important matters which were detailed by the Minister

[Diwan Chaman Lal]

of External Affairs, Sardar Swaran Singh, a little while ago. Now if you look at the text of the preamble of this document, it says:

"The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan."

Just nobody is against it.

SHRI ATAL BIHARI VAJPAYEE:
No.

DIWAN CHAMAN LALL: My hon. friend says, "No". He is not against this. As a matter of fact, when I come a little later to Mr. Vajpayee, I shall deal with this particular matter. I have got a great deal of respect for him.

SHRI AKBAR ALI KHAN: (Andhra Pradesh): He has not spoken yet.

DIWAN CHAMAN LALL: But he has spoken already in raising a particular point of order, and I am quite sure my hon. friend, Shri Akbar Ali Khan, listened with a great deal of care, as behoves any colleague of Mr. Vajpayee, to what he had to say in regard to this matter.

Now, Madam, having discussed the existing relations between India and Pakistan:

"hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples."

There is nobody against this. This is all this Declaration of Tashkent, namely, the creation of friendly understanding and relations between the

peoples of the two countries. How can that be achieved? It can only be achieved in the context of the Charter of the United Nations. If you look at the Charter of the United Nations, what does it say:

"WE THE PEOPLE OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practise tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples, . . .

Now, these are the principles governing the Charter of the United Nations. And as I read out the preamble to you, Madam, the preamble is on all fours in line with the Charter of the United Nations, and seeks to

resolve the conflict between the two countries in a peaceful manner. This is the crux of the whole matter. It is impermissible, Madam, that brother should fight brother. We are brothers one of another. There is not the slightest doubt about it. I, who come from Pakistan, can testify to the fact that religion does not change the race of a people. Most of the people in Pakistan were originally Hindus. I do not believe that there is one per cent. of the population of Pakistan Muslims which is today not of Hindu origin. And that being so, we being brothers one of another, is it permissible that war should continue and one brother should try and kill another? It is impermissible, Madam. It is not permissible that this state of affairs should continue. And the greatest monument that we can build to the memory of the late Lal Bahadur Shastri, the Prime Minister of India, is to say that he won the war with Pakistan and he also won the peace. This is the national tribute that we have to pay to that great soul, Lal Bahadur Shastri. And his colleagues, Mr. Swaran Singh, Mr. Chavan and all the other officials who went with them, we pay our compliments to each one of them for having come back with the Declaration in which they have not given away anything, but they have given away their hearts for the matter of peace, for assuring that there is peace in the world and peace in India and peace in Pakistan. That is what they have achieved. It is a great achievement in the context of what I have said, in the context of the war between Pakistan and India, a war which might have led to world disaster.

Madam, war are no longer of the older type when even up to the first World War it was easy enough for nations to come to war and capture territories because they wanted cheap raw material and cheap labour. In the presence of the nuclear bomb today, wars are impermissible. Wars can have only one result, and that is the entire destruction of mankind and of the civilization which has been

built up by mankind with a great deal of care and great deal of trouble, and great deal of anxiety. That is what is happening in regard to this matter, Madam.

May I go further into this Declaration? If you look at the Declaration, you will find:

“ . . . both sides will exert all efforts to create good-neighbourly relations between India and Pakistan in accordance with the United Nations Charter.”

This is acceptable to everybody. Now there is the question of the assurance regarding Haji Pir, Tithwal and Kargil, etc. Now, my friend, Mr. Vajpayee, for whom, as I have already said, I have the greatest respect and the greatest admiration said at the time—on page 13, he is quoted:

“*Shri Atal Behari Vajpayee*, leader of the Jan Sangh Group in Rajya Sabha: “News from Tashkent is shocking. The joint communique signed by the Prime Minister is a betrayal of the solemn assurances given to Parliament and the people. It was evident that Pakistan had not agreed to a no-war pact. The statement is only a round-about way of affirming what Pakistan had been saying all along, namely that because it was bound by the U.N. Charter, a no-war pact was meaningless. Pakistan has not accepted any responsibility for the infiltrators, nor given any guarantee that it would not try an Operation Gibraltar once again.”

“The Prime Minister has repeatedly assured the country that India would not withdraw from the commanding posts of Haji Pir, Tithwal and Kargil, etc., unless Pakistan agreed to withdraw the infiltrators and further guaranteed not to indulge in mischief again. That assurance has been flagrantly violated.”

This is what Mr. Vajpayee said. Now it is for you to consider, Madam, whether what he has said after listening to the speech that was delivered by Sardar Swaran Singh is correct any longer that there was no guaran-

tee given for the withdrawal of the infiltrators, and for indulging in mischief again.

THE DEPUTY CHAIRMAN: Diwan Chaman Lall, you have taken 20 minutes. How much more time you will require?

DIWAN CHAMAN LALL: I am afraid I will have to take a little more time if you do not mind because this is a very serious matter, indeed.

Now let us look as to how this condition has been fulfilled in the Tashkent Agreement. First, we have not given up our stand on Kashmir. That must be quite clear to everybody:

“ . . . the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.

This is what has happened as far as the Tashkent Declaration is concerned. Secondly, both agreed that the armed personnel of the two countries shall be withdrawn not later than February 25, 1966, to the positions they held prior to August 5, 1965, and both sides shall observe the cease-fire terms on the cease-fire line. Does this relate to infiltrators or not? Of course it does but I do hope this problem will settle itself by the efflux of time. I have not the slightest doubt that it will. No more mischief, said Mr. Vajpayee. What does it mean?—between Pakistan and India. Obviously it means this that there shall be no interference in the internal affairs of each other. That is exactly what the Tashkent Declaration says in III—‘No interference in the internal affairs of each other’.

SHRI ATAL BIHARI VAJPAYEE: But Pakistan says that Jammu and Kashmir is not an internal affair of India.

DIWAN CHAMAN LALL: I will come to that particular part in a minute if my friend will have a little

patience. I will come to that part particularly. No internal interference in the internal affairs of each other. Both sides will discourage any propaganda directed against the other country and will encourage propaganda which promotes the development of friendly relations between the two countries. Is that something to object to? Obviously not. It is not something that anybody would, any sensible person, any sane person can, object to. Fourth is resumption of diplomatic relations. Fifth is para 6 of the Agreement—restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan and to take measures to implement the existing agreements between India and Pakistan, and each country is going to take measures to implement the existing agreement between India and Pakistan. Sixth is the question of the repatriation of prisoners. Seventh is, discussions between the two countries will continue regarding refugees and eviction of illegal migrants. Eight is paragraph 9—setting of joint Indo-Pakistan bodies to suggest what further steps should be taken. Ninth is they agreed not to have recourse to force and to settle their disputes through peaceful means. Even if there is the question of Pakistan, even if there is the question of Kashmir, even if there is the question of the disputed part of the territory which is in dispute today—because Pakistan claims that the part of Kashmir that they have invaded belongs to them and we claim that it belongs to us—even if there is a dispute, it is laid down in the agreement that there will be no further recourse to force in order to settle any disputes and such disputes will be settled through peaceful means only, and they agreed to put an end to all tensions between the two countries. Para 1 of the Declaration is in accordance with the U.N. Charter. I have read out the U.N. Charter to you. The U.N. Charter also envisages the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common

interest. This is the state of affairs as regards the Tashkent Agreement. If you look at article 2 of the Charter, it says in sub-para 7:

"Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII".

Anything that is within the domestic jurisdiction of India is completely outside the purview of any discussion that may take place between Pakistan and India. That, I hope, is a sufficient answer to my friend Mr. Vajpayee.

If you look at article 2 sub-para 3, it says:

"All Members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice, are not endangered."

That is exactly what the Tashkent Declaration has done. It has settled this matter and I want to pay a tribute, with your permission, to the great leaders of the Soviet nation for having helped us to settle this dispute between brother and brother and I do hope that this settlement will not be a settlement over little issues but a big settlement, a final settlement of all issues that are likely to come between India and Pakistan and a settlement which would be honourable to both sides. That is why I support this Declaration and I support the speech made by the Foreign Minister, Sardar Swaran Singh, and I appeal to my friends Mr. Vajpayee and those like him, not to move any amendments of the nature of which they have given notice of. Those amendments you have already ruled some of them, out of order.

SHRI ATAL BIHARI VAJPAYEE:
No, not a single one.

DIWAN CHAMAN LALL: If you look at your own amendment . . .

THE DEPUTY CHAIRMAN: No amendment is yet ruled out of order. The amendments have been moved.

DIWAN CHAMAN LALL: The amendment says:

"and having considered the same, this House records its disapproval of the Declaration and calls upon Government to halt immediately the steps being taken towards the withdrawal of troops from Haji Pir, Tithwal, Kargil and other liberated areas in Pak-occupied Kashmir."

What does it mean? This is the very point that was raised by my friend and you ruled it out of order.

PROF. M. B. LAL: No.

DIWAN CHAMAN LALL: My friend gave his blessings to the Prime Minister when the Prime Minister came to this House on the 10th December and made his speech regarding his intention to go to Tashkent. Prof. Lal was one of those who gave his permission, gave his blessings at that time.

PROF. M. B. LAL: I submit, Madam that your ruling was that the matter might be discussed. Your ruling was not that it cannot be disapproved.

THE DEPUTY CHAIRMAN: That is right. The amendments have been moved by Mr. Vajpayee and they are also under discussion.

DIWAN CHAMAN LALL: But I am drawing your attention to what you yourself were pleased to say regarding this particular issue of Haji Pir and Tithwal, namely, that you cannot merely scotch any discussion on this subject here on any ground that was raised by my friend Mr. Vajpayee.

PROF. M. B. LAL: I beg to submit that the Chair is not to be involved in this controversial discussion.

THE DEPUTY CHAIRMAN: I have explained.

DIWAN CHAMAN LALL: I accept your explanation.

THE DEPUTY CHAIRMAN: Diwan Chaman Lall is a veteran parliamentarian for the last 35 years and he understands it.

DIWAN CHAMAN LALL: I accept your explanation and all that I have to say is this that in view of the fact that this Declaration had been accepted by the late Prime Minister of India for whom we have the highest praise as I stated, I suggested that my friends who have moved these amendments should withdraw them.

THE DEPUTY CHAIRMAN: That is all right. Mr. Mulka Govinda Reddy.

SHRI MULKA GOVINDA REDDY: I would like to make some observations with regard to the Tashkent Declaration. I and my Party believe in the peaceful co-existence of different political and economic systems. We believe in the solution of all international problems through peaceful means. We believe that no country should interfere in the internal affairs of another country. We want to have friendly relations with all countries in the world including Pakistan and China, but if the other countries do not reciprocate, we must be prepared to meet the challenge.

The Foreign Minister while moving this motion for consideration has tried to import certain things which are not there. He has said that Kashmir is an integral part of India. We all agree. And he has also said that any problem concerning Kashmir is an internal problem of India and therefore Pakistan cannot interfere in the internal problems of India. But the interpretation that has been given to this by our Foreign Minister is not the same as is given by the rulers of Pakistan. When the Prime Minister of India, while discussing this Declaration in Tashkent, asked President Ayub of Pakistan to sign a no-war pact, he has said—it is reported:

"We made it clear to him that Pakistan could not enter into any such agreement until the issue of Kashmir was settled in a just and honourable manner."

He is reported to have said further:

"This responsibility means that nations should not resort to the use of force so long as avenues of peace remained open. We also told him that peace could be maintained only if the issue of Kashmir was settled in a reasonable manner."

So they have time and again stated their position very clearly. Even this Declaration states,

"It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position."

which clearly means that we claim that Kashmir is an integral part of India and Pakistan does not agree with this claim of ours, and they say that Kashmir is an open question and the people of Kashmir should have the freedom to decide their own future. should have the right of self-determination, or that there should be a plebiscite, with which Pakistan agrees, and Pakistan wants that the people of Kashmir should be given that freedom. So there is a fundamental difference between the approaches that we make to the problem of Kashmir, and the approach that is being made by Pakistan.

Madam Deputy Chairman, we are all aware that Kashmir acceded to India that a part of it is still under the illegal occupation of Pakistan. In spite of the fact that the Security Council had passed a Resolution asking Pakistan to vacate that occupied area of Kashmir, over the last eighteen years Pakistan has not accepted it and has not withdrawn its forces. And again, nowhere in the Declaration it is stated that Pakistan owns the infiltrators that were sent into Kashmir; it has not accepted that it sent infiltrators into Kashmir. On the other hand the Foreign Minister of Pakistan has

said that they are freedom-fighters of Kashmir, and in this agreement there is no statement, or there is no clause to say that Pakistan accepts the responsibility to withdraw the infiltrators from Kashmir.

And again, Madam Deputy Chairman if we look at the interpretation that is put on it by the Foreign Minister of Pakistan, Mr. Bhutto, it will be clear that he takes a different view of the entire Tashkent Declaration, and this is what he has said:

"The spectre of war and conflict can vanish only when lasting peace is achieved by allowing the people of Jammu and Kashmir their right to freely determine their future."

Now our Foreign Minister while moving this motion has said that we want peace. Nobody is opposed to that, but whether peace is being established by accepting this Declaration, we should see the statements made by the leaders of Pakistan.

Again it is stated in the Declaration that under the United Nations Charter recourse to force to settle disputes is abrogated, and therefore we do not resort to force to settle international disputes. But the Foreign Minister of Pakistan has stated that this is not an internal matter and that the Kashmir question should be decided by the people of Kashmir and that even according to the United Nations Charter force can be used for settling this issue. This is what he said:

"Referring to the provision of the Tashkent Declaration for the renunciation of force under the UN Charter Mr. Bhutto said the UN Charter in Article 51 recognised the ultimate right of a nation to wage struggle for freedom and added: 'It is precisely in this context that in the Tashkent Declaration we have reaffirmed our obligations under the Charter.'"

So it is clear from the statement made by the Foreign Minister of Pakistan

that they are not for renunciation of the use of force for settling the dispute with regard to Kashmir. Then the Law Minister of Pakistan has stated like this:

"But the agreement to withdraw her forces from these areas which they claimed to have 'liberated' amounted to not only the acknowledgement that the State of Jammu and Kashmir was a disputed territory, but also that it did not form an integral part of India."

And he has further said:

"India came to the Tashkent Conference with the demand that Pakistan should sign a no-war pact, that Kashmir was an integral part of India and that Pakistan should not enter into alliances with a third country which was inimical to India, but President Ayub rejected all these demands."

It is clear from the statements made by the rulers of Pakistan that they give an interpretation to the Tashkent Declaration different from the one that is given by our Foreign Minister and the Government of India.

Madam Deputy Chairman, we are all aware that Pakistan has entered into an agreement with China and has bartered away about 2,700 square miles of Kashmir territory to China. In this Declaration there is no mention that Pakistan is prepared to abrogate that agreement which she has entered into with China. Neither has Pakistan declared that this collusion with China has ceased, with a view to establishing friendly relations with India. My hon. friend Diwan Chaman Lal has said that Pakistan resorted to force.

(At this stage some hon. Members were seen conferring among themselves).

SHRI ATAL BIHARI VAJPAYEE:
Madam, what has happened there?

SHRI BHUPESH GUPTA Perhaps they are practising the Tashkent spirit

THE DEPUTY CHAIRMAN Order, order. If you must confer you should do so in the most inoffensive manner

SHRI MULKA GOVINDA REDDY The hon Member said, Pakistan was under the impression that with the huge, massive American military aid she had received, she would be able to over-run India and therefore she attempted this aggression against India. Partly this is true. But where is the guarantee in this Declaration that Pakistan has abrogated the war pacts that she has entered into with Britain and America and with other countries? The CENTO and the SEATO Pacts will still continue and so America is under the obligation under these pacts to replenish the military wherewithal which Pakistan has lost in this way. Therefore, it is clear that Pakistan will be in an advantageous position. She once more can try and prepare herself to commit fresh aggression against the integrity of India. She wants time to get more equipment and free military equipment from America and other countries which are bound to supply her under the SEATO and CENTO pacts. Until and unless these military pacts are abrogated Pakistan will continue to receive military wherewithal and free military aid and with this aid that she is going to get Pakistan will try to commit aggression against our territory.

Madam Deputy Chairman, Kashmir acceded to India and part of it was occupied illegally by Pakistan. In spite of the Security Council Resolution asking her to withdraw, Pakistan has not withdrawn from that portion. And we also know that when we entered into that agreement with Pakistan on the Kutch issue, due to the intervention of the British Prime Minister, we thought that Pakistan would adopt peaceful means to settle disputes with India. But even before one month had elapsed Pakistan com-

mitted this aggression against India. Indeed, during the last eighteen years Pakistan has committed aggression against India three times. When such is the position, what guarantee is there that Pakistan will not attempt a fresh aggression against India?

Madam Deputy Chairman, we have accepted the cease-fire agreement under the advice of the UN Security Council Resolution. When that Security Council Resolution was accepted by us and by Pakistan, even after that, more than 1,000 violations of the cease-fire line had taken place. When Pakistan has committed the breach of the Cease-fire Agreement in violation of the Security Council Resolution more than a thousand times, what guarantee is there that Pakistan will not commit some breach and commit aggression against India? The USSR is in a way party to this Declaration. But we all know that the USSR was a party to that Security Council Resolution which was passed unanimously. Yet the UN could not enforce the proper observance of the cease-fire agreement. What guarantee is there that Pakistan will stick to this Declaration and will not again commit aggression against India?

In today's newspapers we have read that the Chiefs of Army of both the countries have agreed to reduce the military strength in their respective areas to the level that was prevailing in 1949. We do want friendly relations with Pakistan. We do not want war and I am not a war-monger. Nor does our Party believe in that. But then we are facing a great enemy on our northern border. China is making all preparations to commit aggression against India. It is very clear from the statement of the Defence Minister that was made yesterday that China is preparing to commit aggression against India and we must be vigilant. When the warning is very clear and when the Government itself thinks that the danger is imminent, how is it possible for us to reduce our armies in Kashmir without jeopardising the integrity and the security of our country? Pakistan

will continue to be a friend and ally of China and Pakistan has already ceded some 2,700 square miles in Kashmir to China. If we surrender this Kargil, Tithwal and the Haji Pir Pass, particularly Kargil which is the life-line to the supplies that are made to our armies in Ladakh—and we have already seen the nefarious activities of the Chinese which they have made in collusion with Pakistan—if we give away these three important places to Pakistan, then the danger will be even more imminent. And if we reduce our armed strength in Kashmir it will be a still greater danger to the security of our country.

Therefore, Madam Deputy Chairman, from all these points of view, while welcoming some of the good intentions that are put in this Declaration, the withdrawal of our forces, particularly from these three sectors in that part of Kashmir which is under the illegal occupation of Pakistan, is a

breach of trust. The Prime Minister made a statement in both the Houses and even in his reply to the Security Council he had stated that we would continue to uphold that Kashmir is an integral part of India and that we would not tolerate any advantageous position which would later help Pakistan to send these infiltrators into India. So that guarantee is not forthcoming and there is also no assurance to that effect. From all these points of view, it is a betrayal of trust, particularly the withdrawing of our forces from these three places will mean danger to the integrity and security of India. Therefore, I oppose this Declaration. Thank you.

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. on Monday.

The House then adjourned at five of the clock till eleven of the clock on Monday, the 21st February, 1966.