

THE GOA, DAMAN AND DIU (EXTENSION OF THE CODE OF CIVIL PROCEDURE AND THE ARBITRATION ACT) BILL, 1965

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI JAGANATH RAO): Sir, on behalf of Shri A. K. Sen, I beg to move for leave to introduce a Bill to provide for the extension of the Code of Civil Procedure 1908, and the Arbitration Act, 1940, to the Union territory of Goa, Daman and Diu and for certain other matters.

The question was put and the motion was adopted.

SHRI JAGANATH RAO: Sir, I introduce the Bill.

MR. CHAIRMAN: The House stands adjourned till 2.30 P.M.

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

The House reassembled after lunch at half past two of the clock, Mr. CHAIRMAN in the Chair.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

INFILTRATION BY PAKISTANI TROOPS ACROSS THE CEASE-FIRE LINE INTO JAMMU AND KASHMIR

SHRI M. P. BHARGAVA (Uttar Pradesh): Sir, I beg to call attention of the Minister of Defence to the large scale infiltration by Pakistani troops across the Cease-fire Line into Jammu and Kashmir.

THE MINISTER OF DEFENCE (SHRI Y. B. CHAVAN): Sir, I rise to make a statement on the situation along the Cease-fire Line and elsewhere in Jammu and Kashmir as well as along the Indo-Pakistan borders.*

*This statement relates to the situation in Jammu and Kashmir only. As for other incidents on Indo-Pakistan borders vide Appendix LIII, Annexure No. 9.

As hon'ble Members are aware, for the last 11 days we have had to face a new development posing a threat to the security of the State of Jammu and Kashmir. This threat has taken the shape of an organised incursion of armed personnel disguised as civilians from across the Cease-fire Line. It was on the 5th August that a large group of infiltrators appeared in the area South-West of Gulmarg. Prompt steps were taken to locate them and after an exchange of fire with our Security Forces, the infiltrators fled under cover of darkness. A quantity of ammunition left by the raiders was recovered. Since then reports of other groups infiltrating into different parts of Jammu and Kashmir have been received and prompt steps have been taken to meet the situation. In the clashes from the initial encounters onwards, the infiltrators have suffered substantial casualties. In the process of retreat they have left behind large quantities of arms and ammunition, clothing, cooked food, medical supplies, compasses, maps, etc.

While some of the infiltrators encountered near the Cease-fire Line have retreated across it, some others have penetrated further towards our side and regrouped themselves. All these infiltrators have had as their aim the blowing up of strategic bridges, the raiding of supply dumps, the destruction of places of strategic importance, incendiarism and the killing of VIPs. It also appeared that their aim was to reach quickly the city of Srinagar and to create commotion there. They have operated during night to reduce chances of being seen and intercepted.

From the intelligence gathered by us and confirmed by the statements made by the infiltrators captured by us, it is quite clear that preparations for these incursions were made in Pakistan many months ago. The headquarters training these infiltrators was located near Murree and the

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Commander of the 12th Infantry Division of Pakistan was in charge of this training. The infiltrators were backed by a so-called Sada-e-Kashmir radio broadcasting from the town of Khari, six miles from Muzaffarabad, while they carried posters and proclamations of an alleged revolutionary council. The arms and ammunition taken by us show quite clearly that they are of the type used by the Pakistan army. In some cases efforts have been made to erase the markings. In some other cases markings exist to indicate the Pakistani origin. On others there are no markings at all, which show that they were specially manufactured for these operations, evidently by the Pakistan ordnance factories. Also, some of the weapons could only be obtained from abroad with the expenditure of foreign exchange obviously provided by Pakistan.

The infiltrators are by and large personnel of the so-called Azad Kashmir battalions of the Pakistan army which is a force Pakistan employs to man the Cease-fire Line. They are officered by Pakistani Army personnel and are supported by so-called mujahids and razakars, who apart from carrying arms are also given lesser jobs as porters. The infiltrators are equipped with rifles, sten guns, light machine guns, grenade, rocket launchers and explosives of which we have recovered large quantities. Whenever they have met our Security Forces they have not only suffered heavy casualties but have also either surrendered or abandoned large quantities of arms and equipment in their flight.

We were aware that Mujahids, razakars and personnel of the Azad Kashmir forces were being trained in guerilla tactics but could not be aware of the exact type, time and place of the operations Pakistan intended to carry out. It will be appreciated that the aggressor always has an advantage as he aggresses at the time, place and ground of his own

choosing. Consequently, they were able to make some advance into our territory at some points in the initial phase until such time as their pattern of operations became clearer to us. In this initial phase, they caused minor damage to some bridges but this damage was speedily repaired and all our road communications remained fully in use.

Perhaps the most important aim with which the infiltrators were charged was to enter the city of Srinagar, coinciding with an expected demonstration by some political parties on the 9th August in the hope that they could so disorganize the affairs as to give the resulting situation the complexion of an armed rebellion. The main aims of the infiltrators have not been realised. The Security Forces engaged them well outside Srinagar town and checked their progress. Their hope of important captures such as the Srinagar airfield was futile and, at this stage, I must say that Srinagar Airfield and other important military installations have always been carefully and well guarded.

The people of Kashmir by and large, whatever the differences between the political parties, have shown little sympathy towards the infiltrators and have, in fact, found them a nuisance to their daily existence. In many cases the information about the appearance of these infiltrators was supplied to the State Government and intelligence agencies by the local people. The city of Srinagar remains calm and the people go about their avocations as usual. Usual good neighbourliness between the communities exist and the town is full of tourists. The shops are open and transport plies as usual.

In the course of challenging some suspicious people, the police has had to resort to occasional firing on two nights in and around Srinagar but this has not disturbed the life of the people.

Although the infiltrators seem to remember the lessons of 1947, (when the brutalities and avarice of the raiders earned them the hatred of all they came in contact with) they have not been able to refrain from indulging in acts of harassment. There has been burning of schools, Panchayat Ghars and villages and firing upon people who tried to put out the fires. Places of worship have also been fired at by the infiltrators. Unarmed villagers have been killed by them and having soon exhausted or lost the rations they brought with them, instances of taking of rations, by force, from villages have come to light. On the night of 14th instant, a few Pakistani saboteurs set fire to a mohalla on the outskirts of Srinagar, resulting in the burning of 300 houses. Some Pakistani saboteurs with incendiary material in their possession have been captured. This appears to have been a desperate bid to terrorise people and thereby create a commotion.

As I have said before, we were aware that Pakistan was giving training to certain numbers of armed personnel in guerilla warfare but the exact time and place of the infiltration was not known to us. Our forces along the Cease-fire Line were mainly responsible for the stoppage of any major military attack across this Line but as honourable Members will realise, it is impossible to prevent infiltration of people in small groups across 470 miles of extensive and difficult terrain. The Cease-fire Line was, as hon. Members are aware, fixed *ad-hoc* and does not follow natural features providing easy defence against infiltration. The infiltrators came in small groups which then regrouped themselves later on. In view of the surprise tactics adopted by the infiltrators, and the type of the firearms that they carried, they were able to inflict some casualties on policemen guarding vital points, 21 of whom have died.

Regarding figures of casualties the up-to-date information that I have

got is that in addition to 21 policemen killed, five officers and forty-one other ranks of the Indian Army have died fighting the infiltrators. We have killed two Officers and 151 of the infiltrators and their bodies have been picked up. Another 300 are estimated to have been killed and many other wounded. Eighty-four infiltrators including two officers have been captured by us. Amongst the arms and ammunition captured by us are substantial quantities of rifles, sten guns, LMGs, thousands of rounds of ammunition of various kinds, mortar bombs, rocket launchers and rockets and explosives, wire cutters, binoculars, compasses, transistor radios and signal equipment have also been captured. Clothing, blankets, food and medicines, etc. have been captured from the infiltrators in large quantities. Reports are continuing to come in of more losses suffered by the infiltrators. Apart from the valley, the infiltrators have been engaged all along the Cease-fire Line where the maximum engagements have taken place. It may, however, take some time before these Pakistan trained and inspired infiltrators are totally eliminated.

The complicity of Pakistan in this whole affair can be seen by the news coming from Pakistan radio and from that printed in her newspapers. In the beginning she said nothing but subsequently the claims made, have been so exaggerated and so fantastic that one is clearly led to believe it is what Pakistan had expected rather than what has actually happened that Pakistan has published.

Following assurances from the United Nations observers against repetition of Pakistani attacks on our vital supply route and the posting of the United Nations observers at Kargil and Skardu, our troops vacated the Pakistani posts in the hope that Pakistan would thereafter desist from its provocative activities. I am afraid these hopes have been belied and the United Nations observers led down. Apart from the large-scale infiltra-

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tion arranged by Pakistan and sabotage activities indulged in by the infiltrators, generally, the Kargil area has been a specific object of Pakistan aggression, nullifying all assurances given by the UN to us.

I do not wish to minimise the serious situation that has been created for us once again in the State of Jammu and Kashmir which is a threat to the territorial integrity of our country. We feel deep concern for the suffering being caused to our brethren in Jammu and Kashmir. We will meet this new threat created by Pakistan in an effective manner and I have no doubt that the security forces, with the help of the people of Jammu and Kashmir will be able to meet the situation, even though it may take some time. We are also undertaking immediate measures to provide relief to those who have suffered at the hands of the infiltrators. We have apprised the Secretary-General of the United Nations of these grave and blatant cease-fire violations by Pakistan. We have drawn the attention of all friendly Governments to this new phase of Pakistani aggression in Kashmir and hope that they will use their influence to make Pakistan desist from action which is against International Law and against the principle of good neighbourliness and which is fraught with grave consequences.

I would like to take this opportunity to pay a tribute to the courage and resourcefulness displayed by the Chief Minister of Jammu and Kashmir, Shri Sadiq, his colleagues and the State administration in meeting this threat. I would also like to express my great appreciation about the gallant manner in which the Police forces, deployed in Jammu and Kashmir, have discharged their duties in meeting the infiltrators. Finally, I am sure you would join me in paying a warm tribute to our brave armed forces for the courage and skill with which they are dealing with the

situation. I have no doubt that they will come out victorious.

SHRI M. P. BHARGAVA: May I have two clarifications? The first is whether there are any areas of concentration of the infiltrators or they are scattered all over? The second is whether any infiltrators have surrendered to our security forces?

SHRI Y. B. CHAVAN: As far as the second part of the question is concerned, I have already given information about the number of persons captured. Some of those who are captured include also some who have surrendered. About the first part of the question, I would request this hon. House not to lead me to answer the question because the operations are still on. It is a developing situation and I would not like to mention about the forces that have concentrated.

श्री अटल बिहारी वाजपेयी (उत्तर प्रदेश) : महोदय, एक तो प्रार्थना मैं यह करना चाहता हूँ कि सदन को इस वक्तव्य के ऊपर और काश्मीर की जो स्थिति पैदा हुई है, उसके ऊपर बहस करने का मौका दिया जाय ।

दो प्रश्न मैं पूछना चाहता हूँ । मैं सुरक्षा वी के साथ जवानों के अभिनन्दन में शामिल हूँ कि वे एक बड़ा कठिन काम कर रहे हैं । लेकिन प्रश्न यह है कि काश्मीर की घाटी में हमारे जवान कब तक रक्षात्मक लड़ाई लड़ेंगे । पाकिस्तान ने अपनी फौज के लोग हथियारबन्द करके हमारे इलाके में भेज दिये । हम उन्हें पकड़ रहे हैं, मार रहे हैं और हमें भरोसा है कि एक एक हमलावर या तो पकड़ा जायेगा या मारा जायेगा और कोई ज़िंदा वापस नहीं जाने पायेगा । लेकिन कब तक हम अपने जवानों से इसी प्रकार की डिफेंसिव लड़ाई लड़ने के लिये कहेंगे । आखिर जो काश्मीर का हिस्सा पाकिस्तान के कब्जे में है, वहां से जवान आ रहे हैं, वहां उन्हें भर्ती किया जा रहा है, चीनी उन्हें गुरिल्ला युद्ध

की शिक्षा दे रहे हैं और वहाँ से हथियार ले कर के वे हमारे देश घुस रहे हैं। तो क्या यह सच नहीं है कि जब तक हम इन घुसपैठ करने वालों के अड्डे पर हमला नहीं करेंगे, ये हमले बन्द नहीं होंगे, यह घुसपैठ बन्द नहीं होगी और हमारे जवान काश्मीर में इसी प्रकार की मुसीबत में फंसे रहेंगे ? मैं जानना चाहता हूँ कि क्या सरकार इस सवाल पर संभोरता से विचार कर रही है कि ये हमलावर जिन अड्डों से आ रहे हैं, उन अड्डों पर आक्रमण कर के उनको साफ कर दिया जाय।

दूसरी बात यह है कि पाकिस्तान ने हमारी सीमा में घुस कर युद्धविराम रेखा का उल्लंघन किया है और अब युद्धविराम रेखा की पवित्रता नहीं रही है। लेकिन यूनाइटेड नेशंस ने और अमेरिका और ब्रिटेन ने, कारगिल की चौकियों पर जब हमारे बहादुर जवानों ने कब्जा किया, हमारे ऊपर दबाव डाला कि हम उन चौकियों को खाली कर दें, हम जानना चाहते हैं कि अब वे ब्रिटेन, अमेरिका और यूनाइटेड नेशंस के आवजबसों क्या कर रहे हैं ? अगर वे युद्धविराम रेखा का इतने व्यापक ढंग पर उल्लंघन करने से पाकिस्तान को रोक नहीं सकते, तो समय आ गया है जब भारत सरकार यूनाइटेड नेशंस को बता दे कि सीज़फायर लाइन का एकतरफा आन्वर्धन नहीं होगा और अगर वे पाकिस्तानी आक्रमणकारियों को नहीं रोक सकते, तो फिर भारत भी युद्धविराम रेखा को पार कर के उन अड्डों पर हमला करने के लिये स्वतंत्र होगा। मैं जानना चाहता हूँ कि क्या सरकार इस दिशा में विचार कर रही है ?

MR. CHAIRMAN: I will first ask Members who have given notice.
Mr. Patel,

SHRI DAHYABHAI V. PATEL (Gujarat): The hon. Defence Minister referred to what happened in 1947, the cruelties of the raiders. Has it

now dawned on the Government that the initial mistake was withdrawing the forward armies that had nearly reached the frontier and gone right up to Baramula in 1947 and withdrawing them was a mistake for which we are paying dearly for all these 18 years. Has his fact now dawned upon the Government or not?

SHRI Y. B. CHAVAN: The hon. Member has raised certain matters which took place in the past. I do not want to take this opportunity to express my views on them. Really speaking what is happening to-day is something more grave and I wanted this House to be kept informed about the latest developments and the trend of things that might possibly develop. These were my intentions.

About the other point raised by hon. Shri Vajpayee, I can only say that those who are in charge of the operations will certainly have to take into consideration all aspects of this matter. This is all that I can say.

SHRI I. K. GUJRAL (Delhi): While I join the Defence Minister in paying our humble tribute to the population of Kashmir and the specific steps taken by the State Government, may I ask if he has also taken note of the speech made by the Chief Minister of Kashmir that the only way of meeting this invasion, if I may use that word, is to attack the bases from which they are coming?

Secondly, has he noticed in today's press that our Charge d' affairs in the U.N. has gone very much out of his way to defend the U.N. Secretary-General? He has said that the U.N. Secretary-General has taken a very serious view of the situation. So far as we know, no such serious view is being taken by the U.N. Secretary-General. Is the Minister in a position to enlighten us that the U.N. Secretary-General took a grave view of the situation when for our own defence we had to take some posts in Kargil? Thirdly, will he enlighten us on today's report in the press

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which says that Gen. Nimmo, Chief of the U.N. Observer Team, has given an interpretation that crossing over by civilians does not constitute a breach of the cease-fire line?

SHRI Y. B. CHAVAN: Sir, about the achievements of Kashmir, certainly I have seen and, as I said in reply to Mr. Vajpayee, all these aspects will have to be considered and they are under consideration by those in charge of operations. I have no special informations, personally, about the U.N. Secretary-General's particular reaction to this matter. There is, I think, some misunderstanding about the view that the coming of civilians over the cease-fire line is not objectionable, etc. This is rather a misunderstanding.

SHRI LOKANATH MISRA (Orissa): Sir, the Minister stated that the enemy infiltrators came in groups and rejoined in our territory. Am I to take it that in spite of our Army staying there for the last seventeen years, the military intelligence is so weak as not to find out who the infiltrators were? Secondly, I would like to know whether the Jammu and Kashmir intelligence reported the matter to the Government of India and also to the State Government? Thirdly, what is the basis of determining the number of infiltrators? Somebody in the Government says that it is 1,200 and some others say that it is 3,500. What is the basis of determining the number?

SHRI Y. B. CHAVAN: Sir, the basis of the information is the intelligence which they think is not operating. It is not correct . . .

SHRI LOKANATH MISRA: See how efficient it is.

SHRI Y. B. CHAVAN: Of course, it is very efficient. It is very easy to pass remarks but see the difficult terrain in which people are functioning there. It is very easy to pass judg-

ments from here. Of course, you have a right to make a judgment and I am not objecting to that but certainly I have a right to express my view about your basis also. What I wanted to say is that it is one thing to have general intelligence about the intentions or the organisations than they are undertaking, the training that they are giving to their own people, civilians and others. We had this intelligence that Pakistanis and the Azad Kashmir people were trying to make some sort of organisational preparation to send in infiltrators and start this type of struggle. That information was there but, as I said in my statement, the exact time and the type and the place was not available and nowhere in the history of the world has information about the exact time and date of aggression been obtained earlier. What happened was that on the 5th all the check posts over the ceasefire line were kept busy by attack by the other people; firing going on and taking advantage of this position through hundreds of gullies in the difficult mountainous territory these people certainly came. The first encounter took place on the 6th morning, to which I have made reference. So, it is not correct to say that the intelligence was not there, that the military, during the course of the last seventeen or eighteen years have not tried to acquaint themselves with the terrain. That would be rather too unkind to say.

SHRI MULKA GOVINDA REDDY (Mysore): From the statement of the Defence Minister it appears that the whole thing was pre-planned and that the infiltrators came in such large numbers that they were able to come up to the outskirts of Srinagar. I would like to know why the security forces in that area were not aware of the impending danger this is number one. Secondly, why has our military intelligence system failed to warn our military commanders in Kashmir about the impending danger that might come from Pakistan? Thirdly, I would like to know from the Defence Minister whether

any investigation has been conducted into the weapons to find out whether, apart from Pakistani markings, they contain some other markings, for example, manufactured in China or some other country. Fourthly, in view of the very ambiguous and vacillating attitude taken by the U.N. Secretary-General and in view of the violent aggression that has now taken place in respect of the violating of the cease-fire line and agreement arrived at at the United Nations, may I know whether the Government of India is now seriously reconsidering the question of withdrawing the entire Kashmir issue from the United Nations and seeing that the entire Kashmir area is restored to Kashmir?

SHRI Y. B. CHAVAN: Most of the points raised in this question have been answered in the statement itself but I would like to answer about the awareness of the Central and the State Governments to the things happening in Srinagar. Looking to the announcements and the claims made by Radio Pakistan we can say what they expected to happen and the fact that these things have not been allowed to happen shows that there was preparation for these things. They wanted to come and practically isolate Srinagar city, kill some of the V.I.P.s., take over the airfield, attack all the places of power, etc., but they have been prevented and this shows that there was preparation and awareness of these things. Certain steps were taken and had already been taken.

SHRI B. K. P. SINHA (Bihar): Sir, it appears and the Defence Minister has made it clear that we received military intelligence and it is my information that for the last one year or some intelligence has been reporting to us of preparations being made to attack us. Since an attempt is not being made to make a scapegoat of the intelligence people, may I know why, in the circumstances, appropriate political and military steps were not taken? This is a warfare of special kind and therefore there must be both appropriate political steps and appro-

priate military steps. Why were not those appropriate military and political steps taken by the political heads of the administration? Since this is warfare of special type, may I know whether Government and the Army high command want to meet this by methods of conventional warfare or have they been prepared in advance to meet this special type of guerilla warfare by appropriate action? Have they derived some benefits from the experience of other countries in fighting this type of warfare or are they, like the British Generals in the last two Wars, thinking of fighting the future wars on the basis of the strategy and tactics of a past war?

SHRI Y. B. CHAVAN: The hon. Member has given a very good lecture instead of asking a question. Nobody has tried to make anybody a scapegoat. I have myself admitted . . .

SHRI B. K. P. SINHA: I only said that an atmosphere was being created.

SHRI Y. B. CHAVAN: . . . that intelligence was being received. It was on the basis of that that we could take some action; it was on that basis certain military preparations were made and naturally, Sir, the State Government was taking appropriate political steps as was within their power and as was possible for them to take. The point he is making, the strategy and other things, is that we have to create certain political conditions in the State and that was being done.

SHRI BHUPESH GUPTA (West Bengal): The first point I want to get cleared from the Government is about intelligence. It is not merely a question of military intelligence; we have other intelligence agencies including the one run by Mr. Gulzarilal Nanda. May I know whether the Government is satisfied that it was getting the minimum required intelligence with regard to the preparations and other things across the border in view of what has happened and if information was not coming, why was

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it not coming and what steps is the Government going to take to remedy the situation?

Then the hon. Minister himself said that they came in organised groups and that they penetrated deep into the territory and came very near Srinagar. I understand that they were not parachuted and therefore it must have taken them some time to come in. How did they come in and why were they not detected? At what point were they detected and how is it that they came so close to Srinagar? That also needs to be explained. In fact the entire military arrangement should be explained better than what has been done in the statement.

SHRI A. D. MANI (Madhya Pradesh): Operations also?

SHRI BHUPESH GUPTA: Well, military means military operations.

Then there is another point. He has said that some of the weapons could be obtained only by spending foreign exchange. It is almost metaphysics. The hon. Minister should know what these weapons are. Since he knows that they must have cost foreign exchange to the Pakistan authorities, he should also know by now that they are American weapons. Why does he not say so? The Press has said it. (*Interruptions.*) The Press has said it and I should like to know whether the weapons that have been found with them are not weapons received by Pakistan under the U.S.-Pak. military aid pact. Let him make a categorical statement with regard to this matter. If so, I would like to know whether instructions have been sent to Mr. B. K. Nehru—the gentleman who was here to advise the Congress Members—to take up the matter with the United States authorities, to launch a protest and to initiate diplomatic moves there in order to see that something is done about this. We should like to have a categorical statement on this. In this

connection since the Kashmir problem is still with the Security Council, why should it not be possible for us to educate the Security Council in regard to this matter? This is a veiled aggression which has taken place clearly in violation of the Resolutions of the United Nations Security Council and why is not the Government moving in this matter? Therefore this should also be taken up.

Finally I should like to know what other diplomatic and political steps the Government is contemplating to take in order to meet the situation. It is clear that along with this incursion on a large scale the Pakistan authorities are carrying on some kind of a powerful diplomatic offensive. Of course, this might not be related to the hon. Minister's Department but I think he has to be helped in this matter by the sister Departments.

And I should like to know what above all Mr. B. K. Nehru, that gentleman, * * * is doing there in the United States of America.

PROF. M. B. LALL (Uttar Pradesh): Sir, I seriously object to the use of the words * * * with regard to an Ambassador.

SHRI BHUPESH GUPTA: I shall prove it in this House. I shall document it.

PROF. M. B. LAL: It is very objectionable.

SHRI BHUPESH GUPTA: Sir, when these things were announced some days ago.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): On a point of order, Mr. Chairman. Mr. Bhupesh Gupta, an hon. Member of this House, has levelled a serious charge against a very responsible official of the Government of India, who is no less than the Ambassador of the Government in the United States of America. And he has asserted that.

***Expunged as ordered by the Chair.

he will prove that I should like to have your ruling whether any person in this House is authorised to make such passing comments about the behaviour or the character of the Ambassador and say that he will prove it when the time arises. If we are going to discuss the character of Mr B K Nehru because the hon Member has got something to say about him, then we must be given the opportunity because we have many things to say about Mr Bhupesh Gupta and his party.

SHRI BHUPESH GUPTA But Mr Bhupesh Gupta is not your Ambassador.

SHRI CHANDRA SHEKHAR Either these remarks should be expunged or

SHRI BHUPESH GUPTA No, no
(Interruptions)

PROF M B LAL I beg to submit that while the conduct of Mr Bhupesh Gupta and Mr M B Lal both of whom are present in this House, may be discussed—both of us are present here and both can reply—such sarcastic remarks against an official of the State who is discharging difficult duties in a foreign country should not be made.

SHRI BHUPESH GUPTA I know Mr B K Nehru has many friends everywhere.

PROF M B LAL I never met him in my life.

SHRI BHUPESH GUPTA You need not, I respect God without ever meeting him.

MR CHAIRMAN I entirely agree that Mr Bhupesh Gupta was not within his rights to make such a reference and that should be deleted.

SHRI BHUPESH GUPTA On a point of order I submit that you kindly reconsider it. Mr B K Nehru

is our Ambassador in the United States and a situation has arisen . .

SOME HON MEMBERS He is questioning the ruling.

SHRI BHUPESH GUPTA The ruling is not being questioned.

SHRI C D PANDE (Uttar Pradesh). Then what are you questioning?

SHRI BHUPESH GUPTA Don't think you are the Chair. Sir, kindly don't allow him to interrupt me.

MR CHAIRMAN You have set the example.

SHRI BHUPESH GUPTA I never interrupt you (*Interruptions*). I say there is no personal reflection at all. We have our Ambassador in the United States of America and therefore he is in the proximity of the Security Council. We have a suspicion that American arms are being used. Can I not ask the hon Minister whether

SHRI C D PANDE Maybe Chinese.

SHRI BHUPESH GUPTA Again interrupting.

Am I not entitled to ask as to what our Ambassador is doing, whether he has been properly briefed in this matter? That is what I have asked. I said he is ** ** will he say that?

MR. CHAIRMAN My ruling stands.

SHRI BHUPESH GUPTA What exactly is the ruling?

MR CHAIRMAN Your reference to him 'in that way' will be deleted.

SHRI BHUPESH GUPTA When American arms are being used, I cannot even mention America in this House? Then, Sir, it is a very dangerous ruling.

(Interruptions)

SHRI C D PANDE Sir, he says that the ruling that you have given is

**Expunged as ordered by the Chair

[Shri C. D. Pande.]
dangerous ruling. That is a reflection on the Chair.

SHRI BHUPESH GUPTA: Even the Chair may be sometimes in the interest of country dangerous also. He does not understand.

PROF. M. B. LAL: I seriously object to that; it is a reflection on the Chair.

SHRI BHUPESH GUPTA: Sir, I have not said that you are dangerous.

MR. CHAIRMAN: Mr. Gupta, my ruling stands.

SHRI BHUPESH GUPTA: But, Sir . . .
(Interruptions)

SHRI C. D. PANDE: May I ask the Defence Minister whether those volunteers are being trained by the Chinese who are the friends of Mr. Bhupesh Gupta?

SHRI BHUPESH GUPTA: I do not object to his question. Let him ask any question. The newspapers have reported . . .

(Interruptions)

MR. CHAIRMAN: Mr. Gupta, this is an end of the matter. Let us go on. Mr. Ramachandran.

SHRI BHUPESH GUPTA: Why should he say that? This is a double standard.

SHRI G. RAMACHANDRAN (Nominated): Mr. Chairman, may I say a word and bring the House back to some sanity from this insanity of interruptions and shouting here?

SHRI BHUPESH GUPTA: Again, a reflection.

PROF. M. B. LAL: It is more than unparliamentary.

SHRI BHUPESH GUPTA: Can you stop that old age insanity, Sir?

SHRI G. RAMACHANDRAN: We can stop each other. I was saying that while I am not hesitating to congratulate the Defence Minister on his very frank and forthright statement, there was something he said in answer to Mr. Bhargava, which adds to my disquietude. He said: Do not press me to answer the question whether there are concentrations of infiltrators or Pakistan-supported troops in certain areas and he said it was a developing situation. So, do not press me to answer that question. Now, I am not asking for information which he does not want to divulge, but can he tell us whether in his own opinion the situation is deteriorating or are we pushing the infiltrators back in such a way that we are getting out of danger from these infiltrators?

MR. CHAIRMAN: I think he has said so.

SHRI G. RAMACHANDRAN: He said it is a developing situation. In what way is it developing—towards a worse crisis or what?

SHRI Y. B. CHAVAN: I think I must answer a part of the question, if not the whole question. When I said 'developing situation', I never hinted at any possible deterioration. What I suggested is that we are not at the end of the trouble. Possibly the first wave of infiltrators have come. Maybe, another wave of infiltrators may come. Perhaps the infiltrators and the army of Pakistan might combinedly take action. In this way, it is a developing situation. Therefore it is very difficult for me or anybody to make any assessment of the case.

Then, about the suggestion that Mr. Bhupesh Gupta is throwing round in this House that I made certain reference to foreign exchange. As far as the arms or ammunition that we have got are concerned, there are no arms or ammunition from the American aid equipment that is given to Pakistan, but some equipment might possibly be obtained even now by any country in the foreign markets. It is in this

context the words 'foreign exchange' were used. So, please do not drag in any country. I have mentioned it and I again say that the situation has to be very carefully watched. About Ambassadors, etc. I have made a reference in my statement that they have been asked to approach and enlighten the different governments on this particular matter. I have no doubt that an eminent Ambassador like Mr. B. K. Nehru is doing a very good job.

SHRI ABID ALI (Maharashtra): It has appeared in the newspapers that the infiltrators who have come in were trained by Chinese tutors who are very well trained in guerilla warfare. I hope the hon. Minister has some information about it.

SHRI Y. B. CHAVAN: We had information that some of the Chinese officers or trainers were both in East Pakistan and West Pakistan and also in the Pakistan-occupied Kashmir area.

SHRI CHANDRA SHEKHAR: Sir, very humbly I request the Defence Minister to enlighten us on one point. While discussing the Demands for Grants on Defence in 1963, one hon. Member in the other House quoted an article which was published by the "China Quarterly" and I am re-quoting a part of it. It was an article by Mr. George Patterson published in the October-December, 1962 issue of the "China Quarterly". In that Mr. Patterson had written:—

"Abbas and Qayyum informed me that they have recruited 10,000 armed and trained fighters with a reservoir of 30,000 armed tribesmen across the borders. Their immediate plans are to launch a series of raids across the cease-fire line, and increase them when India replies with large-scale retaliations. The arms for this they have in small supply at present but they hope that China will provide whatever is required, should the war continue."

This was the warning given to the Defence Ministry two years back and three years back a foreign journalist wrote about it. May I know from the Defence Minister, keeping in view the fact that the Defence Minister in his reply has said that the intelligence apparatus was being tightened up, what action or what steps were taken by the Defence Ministry? In spite of the fact that three years' time has elapsed, invaders have come to Srinagar and they have infiltrated so deep in Kashmir territory. The question is not only of military intelligence. The State intelligence was there and the Central Bureau of Intelligence was there. If the terrain was difficult for the Indian Army, it was difficult for the intruders also. They could come 45 miles, 50 miles or 60 miles inside our territory within a day or two, as the Defence Minister claimed. While they have some god-given power, did our military or our intelligence people have no power, or is there something wrong about the basic assessment of our security forces? So, I should like to know from the Defence Minister whether, after this warning, any steps were taken to see that such a situation did not take place and if such steps were taken, how could it be possible that they could come to Srinagar? And they are occupying certain houses or outskirts of Srinagar also. So, the Defence Minister should clarify this position.

SHRI Y. B. CHAVAN: I have tried to answer some of the questions and I do not know if I will be able to convince the hon. Member who has some sort of views of his own in this particular matter. I do say that these matters were brought to our notice, apart from the views expressed by some foreign journalist. Even our intelligence indicated that these preparations were being made and all the steps that could be taken had been taken. When I said that the terrain was difficult for us, it was equally difficult for them also, but what I was trying to point out was that any small group of people can get

[Shri Y B Chavan]

in an organised manner There are hundreds of 'gallies' in the entire terrain That exactly could not be prevented With all this information I cannot guarantee even now that no further infiltrators could come in a stealthy manner Some people may succeed in coming in The possibility is there With all the preparations we have made all these days some infiltrators might come in One has to take it for granted that still they may come in

DR ANUP SINGH (Punjab) : Mr Chairman, in view of the fact that according to the Defence Minister's own statement Pakistan's duplicity and complicity in this whole affair is established, would it not be better to use the term 'Pakistani raiders' or 'Pakistani invaders' rather than persist in this polite fiction of infiltrators? Because otherwise our case before the world at large will be weakened, I think we should call them by their name, i.e., they are Pakistani raiders or invaders, whichever you would choose to call them I would ask the hon Minister to consider the propriety of changing the terminology

SHRI Y B CHAVAN Changing the terminology of what?

(No reply.)

SHRI BHUPESH GUPTA Pakistani raiders backed by American arms

श्री प्यारे लाल कुरील "तालिब" (उत्तर प्रदेश) : अभी माननीय मंत्री जी ने कहा है कि यह जो इन्फिलट्रेशन हुआ है वह स्माल ग्रुप्स में हुआ है। ताज्जुब की बात यह है कि उनके पास हथियार थे, हर किस्म के औज़ार थे, बम थे, और इस किस्म की तमाम तोड़फोड़ की चीज़ें उनके हाथ में थी। पिछले बजट सेशन में मैंने कहा था कि पाकिस्तान फौजी दस्ते नैयार कर रहा है, बाकायदा ट्रेनिंग दी जा रही है बार्डर प्रण्ट पर और उनको भेजने की कोशिश की जा रही है। उसके बाद मे

एक बार नहीं, यहाँ पर कितने ही मेम्बरों ने कई बार इस तरफ गवर्नमेंट की तबज्जह दिलाई है, और वह बात आज 'आल आफ ए सडन' पैदा हो गई है कि उन्होंने हिन्दुस्तान पर हमला किया है और अभी खुद माननीय मंत्री जी ने कहा है कि उनको यह मालूम नहीं कि यह इन्फिलट्रेशन कब से हो रहा है। अगर इस तरह से छोटे छोटे ग्रुप में इन्फिलट्रेशन होता रहा और हमारी सिक्यूरिटी फोर्स को मालूम नहीं हुआ, तो एक बहुत ही नाजुक सूरतेहाल पैदा हो सकती है। आम तौर पर यह हो रहा है कि पाकिस्तान के कुछ लोग उनको बाकायदा ट्रेन करके हिन्दुस्तान के अन्दर किसी न किसी तरह से भेज रहे हैं। यह बहुत अर्से से हो रहा है। तो क्या हमारी इन्टेलिजेन्स का यह मतलब है कि ऐसे इन्फिलट्रेशन हो और हमको मालूम भी न हो और जब वे 'आल आफ ए सडन' हथियारों का इस्तेमाल करके हमला करें तब हमारी इन्टेलिजेन्स को मालूम हो कि वे पाकिस्तान से आए हैं। इन्टेलिजेन्स का मतलब क्या है? इन्टेलिजेन्स का मतलब यह है कि एक भी आदमी का इन्फिलट्रेशन नहीं होना चाहिये, एक आदमी भी हिन्दुस्तान के अन्दर दाखिल नहीं होना चाहिये। इसमें यह जाहिर होता है कि हमारी इन्टेलिजेन्स नाकिस है और मुनासिब नहीं है। मैं आनरेबल मिनिस्टर से यह कहूँगा कि इस बात की तहकीकात की जाय तमाम जगहों पर। यही नहीं कि काश्मीर बार्डर पर हो, हमारे राजस्थान बार्डर पर और उधर आसाम बार्डर पर इस किस्म का इन्फिलट्रेशन हो रहा है। अगर इस तरह का इन्फिलट्रेशन जारी रहा तो हिन्दुस्तान की सूरतेहाल नाजुक हो सकती है और हमारा डिफेंस खनरे में पड़ सकता है।

SHRI FARIDUL HAQ ANSARI (Uttar Pradesh) Sir, I have listened to the statement made by the hon. Defence Minister very carefully and let me state frankly that I am not at all satisfied with the assurance that our intelligence was working effeci-

ently in Jammu and Kashmir. Of course we are not given details. We do not know facts. Today the hon. Minister has made a statement. We should have been given information about it earlier. But what appears from the press is really shocking and very disturbing that arms and ammunition were being collected in the suburbs of Srinagar since May last, and as my hon. friend says, the intelligence knew about it. Then why after the infiltrators went into action and started sabotage, that area was cordoned off. Why was that area not found out earlier if our intelligence was vigilant? So, under these circumstances, I would like to know whether our intelligence will now be tightened up and we are trying to find out what is happening on the border and what is happening beyond the border. That is all I say. Secondly, I entirely agree that unless we try to liquidate these infiltrators completely, the trouble will not stop. I want to know whether we are doing anything about that. Thirdly, as happened in 1947 when the Indian Army was not there, the Kashmiri people themselves fought with the tribesmen. I want to know whether that attempt is being made and an organisation is being formed there of Kashmiri youth to fight these infiltrators.

MR. CHAIRMAN: We have taken a good fifty minutes. have patience. Mr. Mani.

SHRI A. D. MANI: Sir, may I refer to an earlier question put to the Defence Minister and that is, does the Secretary General of the U. N. even now not realise that the Pakistanis are the aggressors? Yesterday our Charge-de-Affaires met the Secretary General in New York to tell him that Mrs. Indira Gandhi did not make the statement attributed to her. Fortunately she is in the House and I would like her to supplement the answer of the Defence Minister and tell us whether she made a statement to the effect that the U.N. Secretary General unfortunately was not exercised about this matter. I would

like to ask the Defence Minister what did the Secretary General tell our Charge-de-Affaires. Does he realise now that Pakistanis are the invaders and that there is a clear case of violation of the Cease-fire Line? I want him to be very specific in his answer.

SHRI Y. B. CHAVAN: I have no information as to what is the reaction of the Secretary General.

SHRI OM MEHTA (Jammu and Kashmir): The hon. Minister has said that friendly countries have been informed. I would like to know the names of those countries who have been informed and what is their reaction.

SHRI Y. B. CHAVAN: Most of the countries—I will have to give a long list of those countries. It is rather very difficult to get the reactions.

DR. S. CHANDRASEKHAR (Madras): We are very grateful for the lucid statement of the hon. Minister. I want to ask two questions. The first is, while we do appreciate the need, in fact the compelling necessity to capture and throw out every intruder, invader, raider—no matter what terminology we adopt—I would like to know from the Defence Minister whether there is any move on behalf of the Government of India, any diplomatic move, to press the services of friendly countries, as we did ask the United Kingdom on the Kutch issue, to arbitrate or mediate if I may use the word in a very restricted sense . . .

HON. MEMBERS: No arbitration.

(*Interruption.*)

DR. S. CHANDRASEKHAR: . . . to see that the Pakistan Government calls off this kind of sending or exporting guerilla trained saboteurs into Kashmir. The second question I want to ask is this. Are the Government treating the whole question of Jammu and Kashmir and our trouble with Pakistan

[Dr. S. Chandrasekhar.]

as a kind of perpetual sore that will be there for the next, God forbid, hundred years or are the Government undertaking every day and month, constantly, some efforts, some measures to see that we are rid of this bother once and for all so that we can have like other civilised countries and nations an undefended common frontier, so that we can live in peace and friendship?

SHRI Y. B. CHAVAN: May I make the point very clear? At the present moment we are facing the question of this aggression in Kashmir. Where is the question of talks or moves? The Prime Minister has made the Government's position very clear on this issue.

COL. B. H. ZAIDI (Uttar Pradesh): I should like to know whether special arrangements have been made to improve our intelligence arrangements in the course of the last three months. I ask this question because when we were discussing the question of the Rann of Kutch, we did not know that the *status quo ante*, as on 1st January, 1965 would result in Pakistan being allowed to patrol parts of the Rann of Kutch and that they had built a road of ten miles. We were in ignorance about it.

MR. CHAIRMAN: We are dealing with Kashmir at the moment.

COL. B. H. ZAIDI: So, as three months ago our intelligence was very defective, may I take it that the hon. Defence Minister has made special arrangements to improve the intelligence arrangement during the last three months or are we as backward in this matter as at the time of consideration of the Rann of Kutch question?

SHRI Y. B. CHAVAN: I think it is a very exaggerated statement of the hon. Member that we were ignorant about what was happening. I have repeatedly said that all such informa-

tion that we were getting indicated to us that this type of struggle, that this type of aggression they might start. That intelligence was available. I was repeatedly saying these things. Even this has not convinced them, I do not know.

PROF. M. B. LAL: We know, Sir, that your patience is sufficiently tried because you allowed us questions by way of clarifications for so many minutes. Yet, the subject is so important that in spite of these clarifications, these questions, all that we wish to say we have not been able to say, and I therefore wish that there should be a debate on the issue so that it may be possible for us to explain our point of view and it may be possible for the Government to reply to our point of view and to satisfy us fully. For example, I may point out one important question. From the statement that is made by the Defence Minister and from the replies that he has made to our questions it becomes clear, at least to me, that he was aware that preparations were being made, he was aware of the fact that the Pakistani raiders wished to have certain collusion with certain sections of the people in Kashmir, that the Pakistani raiders were preparing themselves and he had planned also to meet the situation. What has actually happened is that we are meeting the situation just on the outskirts of Srinagar. I want the Defence Minister to think over the question again and to see whether the strategy that he adopted in facing the raiders was the proper strategy, whether it was the proper place to fight the infiltrators or some other place was better fitted to face the infiltrators.

SHRIMATI SHAKUNTALA PARANJPYE (Nominated): Sir, one question. How does it matter and what is the difference between the weapons given to Pakistan under—U.S.-Pakistan Aid and those that Pakistan might have got in the open market?

SHRI Y. B. CHAVAN: These are differences which are very well known things.

MR. CHAIRMAN: Mr. Chavan, you are to make another statement.

STATEMENT RE INCIDENTS ON THE INDO-PAKISTAN BORDERS

THE MINISTER OF DEFENCE (SHRI Y. B. CHAVAN): Sir, I beg to lay on the Table a statement regarding other incidents on the Indo-Pakistan borders. [See Appendix LIII, Annexure No. 9.]

SHRI BHUPESH GUPTA: One point was raised. Shrimati Indira Gandhi is here. Would she clarify exactly what she told the press conference because that has been a matter of controversy?

MR. CHAIRMAN: You want to say something, Mrs. Gandhi?

THE MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI): Only on the point raised by Shri Mani. At my press conference, there was no mention of the Secretary-General of the United Nations or of the United Nations Organisation as such, I did express regret about the United Nations' Observer. We were told that when we had occupied two posts in Kargil, he had expressed himself very much shocked, had a very sharp reaction and had written a strong note to the United Nations, even though our own action in occupying the Kargil posts had been a purely defensive one. On this occasion when the situation was so serious they had not yet expressed any opinion.

SHRI BHUPESH GUPTA: A very sensible thing you have said.

THE INDUSTRIAL DISPUTES (SECOND AMENDMENT) BILL, 1964—contd.

MR. CHAIRMAN: We pass on to the Industrial Disputes (Second

Amendment) Bill, 1964. Shri D. L. Sen Gupta may continue his speech; he was speaking.

SHRI D. L. SEN GUPTA (West Bengal): Sir, this Bill was being debated on 18th February, 1965. Then I tried to develop some of the points, now I shall complete my remarks by referring to the two important amendments which are sought to be made here in this Bill. Firstly, the Industrial Disputes Act did not permit individual disputes to be brought within the ambit of industrial adjudication. That lacuna is being removed by this amendment. The provision sought to be made is that even if the union does not take it up, even if the general workmen do not take it up, an individual can raise an industrial dispute against his termination of service either by way of dismissal, discharge or otherwise. In other words, natural justice which every citizen in India is entitled to get and which was so long being denied to him on the ground that the general workmen are not espousing his cause, that the union is not sponsoring his cause, is being now bestowed upon him, and any individual can straightway refer his case to adjudication or arbitration either to the National Tribunal or to an Industrial Tribunal or whatever it is. But I am on the point now that dismissal, discharge or other types of termination are not only the points that concern an individual worker. There may be other points also, namely, his demotion, his supersession, his suspension or his being fined. Such things should be equally treated. Why should the law be restricted only to cases of termination of service? Why do you make a limited jurisdiction so far as the individual's demand for justice, demand for fair-play, is concerned? Since 1947, the Industrial Disputes Act has been changed at least half a dozen times, if not more. That shows that the Ministry has no imagination, that they have not grappled with the problem. If I may submit in all humility, they have not known the problem for the