

[Shri Bhupesh Gupta.]

impress upon the Minister, since he comes from Bihar, that charity should begin at home. Let him face the music.

MR. CHAIRMAN: You press a little too much. Now, the House stands adjourned till 2.30 in the afternoon.

The House adjourned for lunch at twenty-two minutes past one of the clock.

THE HOUSE REASSEMBLED AFTER LUNCH AT HALF PAST TWO OF THE CLOCK, THE DEPUTY CHAIRMAN in the Chair.

**MOTION RE: INDO-PAKISTAN  
AGREEMENT RELATING TO GUJARAT-  
WEST PAKISTAN BORDER—*Conto*.\***

THE DEPUTY CHAIRMAN: I have to announce that the Finance Minister will lay a statement on the Table of the House at 5 P.M. Prof. M. B. Lal.

PROP. M. B. LAL (Uttar Pradesh): Madam, most of us in India have always stood for an amicable settlement and friendly relations between India and Pakistan and have regarded the citizens of these two countries as blood-brothers, but unfortunately the policy of Pakistan towards India ever since independence has consistently been one of hostility. She has constantly tried to undermine the strength, stability and prestige of India. In the circumstances, India has no option but to take note of the hostile attitude of Pakistan and to project Indian policy to the situation that is being constancy created by Pakistan. Madam, I am sorry to say that Government has failed to evolve and pursue a consistent policy in regard to Pakistan. Our Government has allowed itself to suffer from hesitation, vacillation and complacency and has consequently failed to take necessary steps at the proper moment to protect India's territorial integrity and vital national interest. This is obvious from the fact that though the

Government had sufficient knowledge of Pakistan's attitude with regard to the Rann of Kutch, adequate steps were not taken to strengthen our defence on that border. It was suggested by certain experts that six roads must be built to strengthen our position in the Rann of Kutch, but so far not a single road has been built. Perhaps the Government hoped that the Indo-Pakistan agreements of 1959 and 1960 provided sufficient protection against aggression, but in their hopes they were absolutely mistaken\* firstly because these agreements were\* so badly drafted that under them Pakistan could continue to lay its\* claims for 3,500 square miles of the Rann of Kutch as its own territory; though our Government has recently tended to maintain that even when this agreement was arrived at they regarded the dispute as only a boundary dispute. Secondly, despite these agreements Pakistan continued its intrusions into Indian territory and their citizens continued to have unlawful infiltration into our country. Madam, I beg to submit that Pakistan's understanding with India in 1959 and 1960 was just a smokescreen behind which Pakistan hatched her plans for aggression on India's Kutch border. This is obvious by what happened on that border this summer. This is obvious by the fact that even after the Indo-Pakistan agreements of 1959 and 1960, Pakistan continued its hostile activities on various Indian borders. The failure of our Government to realise the implications of the 1959 and 1960 agreements and its further unpreparedness to meet Pakistani aggression on the Kutch border have clearly demonstrated the incompetence of the Government and have exposed the hollowness of their tall talks about their vigilance and defence preparedness-

Madam, just when Pakistan decided to commit aggression on the Rann of Kutch, we did not have sufficient forces there to meet the aggression. It has been told to us that when the

situation developed in the Rann of Kutch the military wished that the authority for its defence be handed over to us as soon as possible and yet our Government delayed and delayed and for weeks tried to face the situation with the help of the police force that was there. The agreements of 1959 and 1960 were, I beg to submit, rendered null and void by Pakistan herself the moment she committed aggression in the Rann of Kutch. We all know that just when the Second World War started the Soviet Union and Germany entered into an agreement, but when the German forces entered East Europe against the spirit of that agreement, in view of that aggression, the Russo-German pact of 1939 stood null and void. So, the moment Pakistan attacked the Rann of Kutch, that moment the agreements of 1959 and 1960 were rendered null and void by Pakistan. Unfortunately, our Government failed to take note of this fact. In fact, strangely enough the Government managed to forget the very existence of the agreements arrived at between the two Governments at a time when the Prime Minister himself was an important member of the Cabinet and when the External Affairs Minister had a considerable hand in promoting the conclusion of these agreements. I beg to submit that if the Government had taken due note of this fact, the Government could object India's policy to the world. It was possible for the Government of India to say that even if Pakistan was not satisfied with the ways of India, Pakistan was bound to demand a tribunal rather than to commit aggression on the Rann of Kutch. But unfortunately our diplomacy failed and even when an aggression was committed on India, the world failed to understand that Pakistan had committed an aggression, and therefore most of the States in the world remained almost silent and on the whole of them wished us somehow to come to a peaceful settlement in this matter.

Madam, I feel that after the Pakistani aggression on the Rann of Kutch the agreements of 1959 and 1960 stood null and void and it is our duty to review our policy with regard to Pakistan in the context of the present situation. I beg to submit, Madam, that the year 1965 is very different from the years 1959 and 1960. In the years 1959 and 1960 Pakistan was committed to the United States of America for containing Communism of China and the Soviet Union. In 1965 China and Pakistan were in collusion and the two were more or less committed to have a joint pressure on India and to undermine India's dignity and territorial integrity. Again, Madam, we know that in 1965 Pakistan was training her armed forces and other personnel in guerrilla warfare and everybody could conclude that this training in guerrilla warfare was not intended to be used against the Soviet Union or even against Afghanistan with which China had good relations though Pakistan might not have good relations. This training was intended to be used against India and it was India's duty to prepare her armed forces and prepare the whole country to face the situation which the guerrilla warfare in the sub-continent of India might create. I do not wish to probe into all the secrets of the defences of the country, and it is just possible that the Government of India might be also taking some counter-measures to prepare India's forces for meeting the guerrilla warfare also. But I do feel, Madam, that India's foreign policy and diplomacy were not projected to the new situation.

Madam, Pakistan's intrusions and hostility had also considerably increased. In 1959 and 1960 they entered into an agreement with us that all disputes would be peacefully settled and, if not amicably settled, through mutual negotiation, would be referred to a tribunal. But Pakistan continued to make intrusions on all fronts and these intrusions increased in number. All these things

I Prof. M. B. Lai.] had to be taken into consideration. But, Madam, I beg to submit that our Government however continued its piecemeal and spineless policy towards Pakistan and signed the recent Kutch agreement. Through this agreement our Government has agreed to refer the Indo-Pakistan border dispute to a tribunal thus voluntarily agreeing to the erosion of our sovereignty. Moreover in my opinion and in the opinion of the Party to which I belong, this act constitutes a violation of solemn pledge given to the Parliament by our Prime Minister.

Madam, if we carefully study the Kutch agreement, we will find various defects in the agreement besides the debatable question whether the tribunal should consist of members none of whom belongs to India and Pakistan. Our Prime Minister even today continues to assert that we stand only for the demarcation of the boundary, for the alignment of the boundary. But if we look into Article 3, it says:

(i) In view of the fact that:

(A) India claims that there is no territorial dispute as there is a well established boundary running roughly along the northern edge of the Rann of Kutch as shown in the pre-partition maps, which needs to be demarcated on the ground;

(B) Pakistan claims that the border between India and Pakistan in the Rann of Kutch runs roughly along the 24th Parallel as is clear from several pre-partition and post-partition documents and therefore the dispute involves some 3,500 square miles of territory;

(C) At discussions in January 1950, it was agreed by Ministers of the two Governments that they "would" each collect fresh data regarding the Kutch-Sind boundary and that further discussions

would be held later with a view to arriving at a settlement of this dispute;

as soon as officials have finished the task referred to in Article 2(vi), which in any case will not be later than one month after the cease-fire, Ministers of the two Governments will meet in order to agree on the determination of the border in the light of their respective claims, and the arrangements for its demarcation. At this meeting and at any proceeding before the Tribunal referred to in Article 3(ii) and (iv) below each Government<sup>1</sup> will be free to present and develop their case in full."

From this it is but obvious that whatever our assertions might be the tribunal would be forced to decide first whether it was a territorial dispute or it was a boundary dispute, whether the claim of Pakistan was a correct one or India's attitude with regard to the border was a correct one. Thus if not explicitly at least implicitly, we recognise the right of Pakistan to cede her claim to 3,509 square miles of our territory.

THE DEPUTY CHAIRMAN: You have taken twenty minutes

PROF. M. B. LALL: I will finish in a few minutes.

Madam the PSP strongly holds that the Kutch Agreement between India and Pakistan and the recent development in Kashmir cannot be viewed in isolation but must be considered in the background of Pakistan and her policy towards India. The infiltration of Pakistanis into Kashmir and their attack on our territory in a planned way with the connivance of Pakistan, the training and the equipping of the Naga rebels and the collusion with China have exploded the myth that the Indo-Pakistan conflict can be resolved through peaceful negotiations.

Madam, it might be said that, when I say that the Kashmir issue and the Kutch issue need to be viewed together in the context of the general foreign policy of Pakistan, I am wise after events but I feel that the Government will not try to advance that argument because in the Government's document itself it is said that in the seven-month period from January to July, 1965, the number of incidents on the Cease fire line in Kashmir was over 1,800 as compared to 1,522 in the whole year 1964, and unusual interest was shown by Pakistan in our line of communication which was threatened repeatedly. In the Kargil area where it lies close to the Cease-fire line, on the night of 16-17th May, 1965, Pakistani troops started heavy firing on our pickets and attacking with force. All these things clearly indicate that before June, 1965 when this Kutch Agreement was arrived at, the Government knew what the policy of Pakistan was and, yet, it failed to reorient its policy in the light of the new situation created by Pakistan. I may further point out that while the Government documents only point out that Pakistan was trying to cut our passage from Srinagar to Leh, actually infiltration had started in May, not only on August 5th night, in Kashmir.

Madam, I feel that India needs a resolute policy for the defence of Kashmir and the repudiation of the Kutch Agreement; we hope that the platitudes about peaceful settlement with Pakistan and Indo-Pak Confederation would now cease India's defence policy, unfortunately, will have to be based on the assumption that for years to come China and Pakistan would work in collusion and would constitute a serious threat to India's freedom and integrity. Madam, I know that we, the people of India, stand for peace. We know that our great leaders Buddha and Gandhi stood for peace. But I feel that none of the two taught us to be cowards. Gandhiji has repeatedly said that satyagraha was not meant to train people in coward-

ice but to train people to sacrifice their all for the cause of the freedom of the country. We have to preserve our freedom against the possible collusion and simultaneous attack of China and Pakistan. Though I do not wish India to suffer from a physical attack, I do feel that we have no option but to create—to cultivate—I should say—the spirit and will of resistance among the people of India, to make them aware of the fact that for the freedom of the country they will have to shed their blood a number of times, and unless India is strong, India would not be able to make her contribution even in preserving the peace of the world. I feel that the Government, instead of following a weak-kneed policy, would try to prepare the country for the defence of the land under all circumstances. I am glad, Madam, that in Kashmir our military is giving a good account of itself and I am sure that this fact must have enabled them to regain confidence in our own strength and perhaps also to their military leadership. But all the same, I beg to submit that when the Government knew everything—that there was preparation for guerrilla warfare, that there was preparation for intrusion of the armed personnel into Kashmir—Government shows such a strategy that our forces were required to defend Kashmir on the outskirts of Srinagar. I feel that the Government must be bold enough not only to refuse to have talks with Mr. Bhutto but also to say that Pakistan's aggression in Kashmir further clearly indicates that the honours which led the Government of India to have this agreement are belied. What does the Preamble of the Agreement say? It says:—

"That this will also contribute to a reduction of tension along the entire Indo-Pakistan border."

On this presumption this agreement was arrived at. This presumption is falsified by Pakistan through, try

[Prof. M. B. Lai.]

Hostile act vitie, in Kashmir and I feel that the Government of India should carefully reconsider its attitude with regard to this Indo-Pakis-tan Agreement in the light of what happened in August, 1965 in Kashmir, and prepare the country for facing all eventualities for the defence of its dignity and territorial integrity.

1 P.M.

कमांगी मरिओन बल्लभभाई खरेल (गुजरात): उपसभानि महोदय, प्रधान मंत्री जी का वक्तव्य मैं बड़े गौर से सुन रही थी। परन्तु मुझे दुःख के साथ कहना पड़ता है कि मेरे दिल को इसमें समाधान नहीं हुआ। कंगार के आग्रह में लिखा गया है कि 'भारत-पाकिस्तान की समूची सीमा पर वर्तमान तनाव कम करने में भी सहायता मिलेगी।' क्या अब यह बात खल रही थी और कंगार पर दस्तखत होने के बाद भा बंगाल, बिहार, आसाम की सीमा पर पाकिस्तान का जो वर्तव रहा है, उससे उसकी नीय नमन्न में नहीं आती। और जो हाल में कुछ दिनों से काश्मीर में गड़बड़ चल रही है वह सचमुच सरहद पर का तनाव कम करने का उपाय है? या इन प्रकार के वर्तव के बाद भा इस कंगार को किसी तरह का स्थान दिया जा सकता है?

क्या गुजरात राज की ओर से कितनी बार, कितनी बार में कुछ हा सरहद पर गश्त पैट्रोलिंग होता रहा, इसकी जानकारी सरकार को नहीं मिली थी? गश्त के बारे में तो बाकायदा रजिस्टर रखा जाता है। सन् 1960 से 1965 तक कितने बार गश्त हुआ था पैट्रोल होता रहा इसकी जानकारी दी गई या नहीं? कंजरकोट जो डोंग सूरगई के बीच के टुकड़े के ऊपर में है, वहाँ 1961 का जनम तीन बार पैट्रोलिंग हुआ था। 1962 में

अधिकतर समूह की भारी भरती, हाई टाइम और अनशिफ्टिंग बलों के कारण कुछ के रण में अधिकतर पानी रहा और उसके कारण गश्त नहीं हो पाई। परन्तु 1963 में चार बार जनवरी में मार्च में और अप्रैल में गश्त हुई। 1964 में पांच बार मार्च में, पांच बार अप्रैल में, 9 बार मई में पांच बार जन में, एक बार सितम्बर में, एक बार नवम्बर में और एक बार दिसम्बर में पैट्रोलिंग होता रहा। 1965 की जनवरी का 25 तारीख तक तीन बार पैट्रोलिंग होता रहा। 25 जनवरी का ही पहली बार टायर के निशान पाये गये और पाकिस्तान की गाड़ियां नजर आई। जब एस० आर० पी० के कमान्डेंट 1-1-65 को और 7-1-65 को कंजरकोट गया तब भी कोई किसी गाड़ी के निशान डोंग-सूरगई मड़क के बीच नहीं दिखलाई पड़े थे। यह सब साफ बतलाता है कि डोंग-सूरगई में पाकिस्तान का कोई दावा नहीं था। 1965 की 5 फरवरी को ही पहली बार पाकिस्तान रेजिम के इन्स्पेक्टर ने दावा किया कि कंजरकोट उनकी हद में है। इन सब बातों की जानकारी गुजरात सरकार से यहाँ दे दी गई थी, ऐसा मेरा क्या है। यहाँ के बूलाने पर गुजरात राज्य के अधिकारी दिल्ली सरकार को जानकारी देने के लिए आये परन्तु दुःख की बात है, यहाँ के अधिकारियों को पूरी तरह से बातचीत करने की फुरसत नहीं थी। गुजरात राज्य के अधिकतर जब दुबारा आये तो उन्होंने वहाँ के बारे में दुबारा पूरी जानकारी दी; लिख कर दिया।

कच्छ का रण यहाँ से काफी दूर गया हुआ है और कितना ने यह प्रदेश देखा है। काश्मीर नजदीक है और उसके बारे में अगर कोई बात होती है तो आप लोगों के दिलों में चोट लगती है। काश्मीर के बारे में आप को कुछ महसूस होता है, अगर कच्छ

के बारे में ईन्ड करेंगे तो वहाँ से पोछे ग्रहमदा-बाद दूर नहीं है। अब तो वहाँ तक हाईवे, सड़क भी बन जायेगी। उसका रेनवे से तो सम्बन्ध है ही लेकिन उसका हवाई अड्डा भुज में है।

यह कहना कि हमारा केस बहुत मजबूत है, पक्का है, तो पोछे आर्बिट्रेशन को कौन स्थान मिल सकता है? यह एक अजीब दलील है। क्या आपके पूर्वजों से प्राप्त घर में कोई घुस जाओ और कहें कि इसमें मेरा हक है तो क्या आप उसको निकास बाहर नहीं करेंगे और ऐसा कहोगे कि मेरे पास तो दस्तावेज है, सख्त है? आप उस मानले को पंच-नाले के लिए दे दोगे और उसे आने-जाने के लिए मान्यता तक दे दोगे। तो मैं जानना चाहती कि किस तरह का यह करार है। पाकिस्तान की तो इन्टरनेशनल बार्डर इन्डेंट रहती है। कंवरकोट तक हम आते-जाते रह सकते हैं, तो इसका मतलब क्या है? क्या हमारी फौज यहाँ जा सकती है? पाकिस्तान को डोंग से सूर्यास्त तक एक लम्बो ट्रैक पर, पैट्रोलिंग का मान्य रखा गया है। पाकिस्तान को हिंद को बज्रह से 3 500 मील की हमारी भूमि को आर्बिट्रेशन के लिए दे दिया गया है। क्या ब्रिटेन के प्राइम मिनिस्टर साहब ने कच्छ का रण देखा है? हमारी 3,500 मील लम्बो भूमि मिलिटरी तौर पर खाली कर दी गई है और एक तरह से न्यूट्रल ज़ोन बना दिया गया है।

तीन विदेशियों को पंच के रूप में मान लेने की बात तय हुई है। ये लोग भी पंच हैं, कोर्ट है, जिस पर कोई अपील नहीं और एक तरह से पुलिस भी बहो, कारण जो फैला हो उसका अमल हो, वह भी उसको ही देखना है। क्या अब भी पाकिस्तान की नोयत पर पूरा तरह से प्रकाश नहीं पड़ा है और आज तो आसाम की सीमा पर भी पाकिस्तान की फौजें जमा हो रही हैं, तब भी क्या समझौते को मान्य रखा जा सकता है? पाकिस्तान काश्मीर में इस समय जो कुछ कर रहा है,

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उसको देखते हुए 3 500 वर्ग मील की भूमि को आर्बिट्रेशन के सुपुर्द कर देना क्या उचित बात है? 20 या 25 मील की बात नहीं है; बल्कि 3500 वर्ग मील भूमि की बात है जो कि बार्डरी का मामला नहीं है बल्कि एक टैरिटोरियल डिस्प्यूट हो जाता है, फिर भी उससे बातचीत करना उचित है?

प्रधान मंत्री जी कहते हैं कि इस बारे में गुजरात राज्य से बातचीत हुई थी। लन्दन में उनका रिएक्शन आप को मिल गया होगा, ऐसा मैं मानती हूँ। परन्तु ऐसा लगता है कि आप को रिएक्शन का कोई महत्व नहीं लगा और आप ने उसको इग्नोर करना ही उचित समझा।

काश्मीर में पाकिस्तान जिस तरह से हमला कर रहा है, आसाम की सरहद पर पाकिस्तान की फौज जिस तरह से जमा हो रही है, जैसा कि आज के अखबारों से मालूम होता है, उससे साफ मालूम होता है कि पाकिस्तान की नोयत किस तरह की है और वह सीमा पर किस तरह से तनाव को बनाये रखना चाहता है, क्या यह बात हमारी आंख खोलने के लिए काफी नहीं है। पाकिस्तान कुछ भी करे तो भी कच्छ करार को मान्य रखना होगा, इस पर सोचने का समय क्या नहीं आया है?

अन्त में मुझे एक बात पूछनी है कि काश्मीर में आज जो कुछ गुजर रहा है, उस में व्यस्त रहते हुए कच्छ को सरहद के बारे में हमें बेफिक्र, पेपरवाह नहीं रहना है ना?

6 स्ट्रेटेजिक रोड के बारे में 25 करोड़ रुपये खर्च करने का यहाँ से तय हुआ है, जिसके बारे में 10 जून को गुजरात सरकार ने इन्डिमेंट और प्लान भेज दिये हैं। मैं यह जानना चाहती हूँ कि इस काम पर सोचने में कितना समय लगेगा और यह काम कब शुरू होगा?

**[कुमारी मनिमोन बल्लभभाई पटेल]**

किसी जगह दबाव डालकर, किसी जगह पर आर्बिट्रेशन से, किसी जगह पर इन्फिल्ट्रेशन से, हमारे सीमाओं पर आक्रमण करके पाकिस्तान हमारी भूमि पर कब्जा करना चाहता है। हम कहां तक और कब तक इस तरह की चीज का बर्दाश्त कर सकते हैं और कहां तक इस हालत में हम कच्छ करार में बंधा रहना चाहते हैं या उसको मान्य रखना चाहते हैं ?

यह बात मैं बहुत दुःख और कष्ट से कह रही हूं और इसलिए मैं प्रधान मंत्री जी से साफ साफ सब जानना चाहती हूं कि वे क्या करना चाहते हैं ?

SHRI ANAND CHAND (Bihar): Madam Deputy Chairman, I might respectfully point out that some of us, I think, have transgressed from the immediate problem which is before this House, namely, the agreement with Pakistan regarding the cease-fire in Kutch and the establishment of a tribunal which is to deal ultimately with the problem as to where the territory of India and Pakistan lies. That, to my mind, is the important point. I know that the happenings in Kashmir, the inflow of infiltrators there, the sabotage and other activities which are taking place there have clouded the minds of the Members and there has been a vociferous cry from inside the House as well as from the people at large that retaliatory measures should be taken. One of such measures is suggested to be the abrogation of the Kutch agreement. I personally would respectfully submit to the House that we should not be carried away by this excitement. Rather we should focus our attention on the problem as it existed, when Pakistan made its incursions into the Kutch territory. Let us separate the problem of Kashmir altogether. I am glad the Prime Minister when he moved the Motion this morning was at pains to explain to us all here that

the Kashmir problem as such is one which has no connection with the Kutch Agreement, neither is there any proposal before the Government nor there ever is going to be in the future some kind of an agreement on the boundaries or borders of Kashmir as is envisaged in the Kutch Agreement. Therefore once we isolate this from the happenings at Kashmir at present, I think we will be able to apply our minds much more clearly without bias to the contents of the Agreement itself. I was rather concerned when my friend Mr. Vajpayee from there raised two objections in the very beginning, constitutional objections, he called them. One was that the Government was not competent to enter into any agreement which ceded any part of the territory of India to another Government without the consent of the people of the State concerned. Now if we examine article 1 very carefully, it establishes the territories of the Union. It says quite clearly that India is a Union which shall consist of States and Territories. Now those territories are defined in the First Schedule. In that Schedule we see the State of Gujarat. Now the boundaries of Gujarat are the boundaries which came into being with the passage of the Bombay Reorganisation Act in 1960. If we go into the provisions of this Act, we will see that besides other areas or districts of the then existing Bombay State which was a composite State consisting both of Maharashtra and Gujarat, there was the district of Kutch. Kutch, at that time, was a part of the larger Bombay State. What has happened? That Kutch district has now gone under the Bombay State Reorganisation Act into the Gujarat State but what does it say? It says that the boundaries of the State shall be those which were the boundaries of Gujarat. There is no question that Kutch forms part of Gujarat. That is not the issue. The issue is what are the territorial limits of Gujarat vis-a-vis the Rann of Kutch. That is the point at issue. But the determining of that point whether the Rann of Kutch as a whole

or a part is a part of Kutch and therefore of the State of Gujarat is one of the things which this Agreement aims to bring about. Therefore I respectfully submit that there is nothing in this Agreement which in any way abrogates or does not take into considerations the provisions of the Constitution. It is perfectly in consonance with the Constitution. The Centre has got the right to discuss with Pakistan what are the boundaries of the district of Kutch, how much of the Rann is to be included. Of course our contention is that the whole of Rann is part of Kutch. Their contention is otherwise but the very fact that we are discussing does not mean that the jurisdiction or territorial limits of Gujarat are in any way being unilaterally altered. That is all that I would respectfully submit.

Coming to the dispute proper, ever since Independence and even before the State of Kutch has had its strategic importance, it was realised at the time when Sardar Patel brought about the United States of Kathiawad, the Union of what we call Saurashtra, at that time Kutch, although part of the Western States Agency, was kept outside the orbit of this Union of Saurashtra and it was taken over as a separate Chief Commissioner's Province. Public memory is proverbially short but I would like, with your permission, to read out a few lines from para 118 of the White Paper on the Indian States which was issued sometime in the beginning of 1950.

Para 188 of the White Paper says:

"Another important State which was taken over under the Central Administration was Kutch. This State has an area of 17,249 square miles, of which 8,461 miles is inhabited by a population of a little over half a million. The remaining area is occupied by what is known as the Rann of Kutch which is a wasteland flooded with water during most part of the year."

Even in 1953 we were clear that so far as the Rasmn was concerned, it was

part of the Kutch State and when Kutch became integrated with India\* not only the Kutch State proper but the Rann itself came under the jurisdiction of the Indian Government and has been administered as such.

Now comes the point as to why then should this dispute at all have arisen. On that if Members will go back into the past a little, they will find that ever since 1948, Pakistan has been contesting. It has put forward continuously the assumptions or assertions that the Rann of Kutch is not wholly Indian territory. It was done first in 1948, in a note which was sent by the Pakistan High Commissioner to the Indian High Commission and thereafter right up to 1958 there have been exchanges between our External Affairs Ministry and the Government of Pakistan regarding the dispute in Kutch, so much so, that when the meeting of the representatives of the two States took place in 1960, Kutch was discussed and it was agreed that a study would be made as to where the border lay and later on the Conference would take place. Now let us skip from 1960. In 1965 Pakistan launched this unprovoked attack on Indian positions in the Rann of Kutch. That is history but at the same time when we were meeting the challenge which was posed by Pakistan in that area, the Prime Minister made a statement in Parliament on 28th April 1965 which of course is known to all of us but I would like, with your permission, to quote a few lines from that. In his speech the Prime Minister said:

"Pakistan must give up its warlike activities. If it does, I see no reason why the simple fact of determining what was the actual boundary between the erstwhile province of Sind and the State of Kutch and what is the boundary between India and Pakistan cannot be settled across the table."

That is the policy statement which was made by the Head of the Government and that is a policy statement about which I believe no objection at that time was raised from either side



[Shri Anand Chand.]

of the House, whether it was from this Bids or from the side of the Opposition. Now this Agreement is entirely in consonance with that policy. That policy is that there was no reason why if Pakistan left its aggressive intentions, the question could not be discussed across the table. Well, Pakistan has gone back. As the Prime Minister was at pains to tell us this morning, the whole of the Rann has been evaluated. We have gone back to our posts except for a small area which they were patrolling. The position taken by the Prime Minister and the Government that the *status quo ante* as it existed on 1st January 1965 must be brought about before there is a cessation of hostilities and further talks—that has been fully satisfied. No one has questioned this that Pakistan has reverted back to where she was on 1st January 1965. Now that being the position, the other things automatically follow and I see no reason why we are raising such a hue and cry and saying that this Agreement itself is a surrender of sovereignty or that we are giving away something which we have no right to do. All that is being done is that Pakistan having reverted back to its position that it occupied previous to 1st January 1965, India, as it had declared repeatedly, is honour-bound now to go ahead and to find out the avenues of sitting across the table and trying to find out the determination of the boundary. Now there has been a lot of criticism that there has to be this determination and demarcation. If I remember the words aright, much emphasis has been placed on these words. They say that the Agreement has been made for determination and demarcation of the border in that area. I respectfully submit that there can be no demarcation without determination. Unless we know where the boundary lies, we cannot determine it. Now the question is that from our point of view it has been made quite clear that the boundary is as it was at the time when partition took place, and that the Indian side of the border was

wherever the Kutch boundary in the Rann existed at that time. But Pakistan does not accept this proposition. So all that has to be done is that the boundary has to be determined first and then demarcated on the ground.

Now another flaw that has been pointed out in this Agreement is that Pakistan's claim of 3,500 square miles of Indian territory has been accepted. I do not think so. If we read Article 3, very clearly it says that "India claims that there is no territorial dispute as there is a well established boundary running roughly along" such and such, and that "Pakistan claims that the border between India and Pakistan \*\*\* runs roughly along" such and such. Well, it only says, a factual position, that India says that our boundary is at a particular point, and Pakistan says, "No, this is wrong; the boundary of Pakistan or that of the province of Sini is at such and such a point." Therefore, all these questions having arisen, there is this Agreement to find out where the actual boundary lies. So there has to be a demarcation of that boundary only—T submit—after the determination as to where it is.

Now the other point that was made was the objection raised to this portion in the Agreement "for determination of the border in the light of their respective claims and evidence produced before it" (the Tribunal). Now those are words which are usually used in all these matters, where there are territorial disputes, I mean when two parties fall out and they appoint arbitrators, or they refer them to a court of arbitration. Then, naturally, the claims of both sides as well as the evidence which they have to lead has to be placed there, before the tribunal itself. It is not a judicial proceeding, but it is a kind of quasi-judicial body, and therefore it has to be given both sides of the procedure. and when they come to a conclusion then, naturally, they will give the decision as to where actually the boundary lies. Of course, India hopes and we all hope that our case

as such is water-tight, and that Pakistan has no claims whatsoever in the Eann of Kutch, and by history, by maps, by tradition, by our actual possession of the territory, there is no reason to believe that we are going to lose that territory. Let us not be unduly excited about an imaginary possibility that we are going to lose this territory and something should be done to stop it straightway. That way an impression, I may submit, would be created in the mind of the Tribunal itself, that our case was weak and so we were worried, that Parliament was very much worried that they might take away all this 3,500 square miles of territory. So I do not want that kind of defeatist mentality to prevail. Why should we be afraid? If our case is just, if our maps are right, if our boundary line is correctly drawn—I have no doubt it is—I have consulted many records myself in the past few days—I see no reason why we should object to or in any way hesitate in referring it to an international body.

That brings me to the last point—I do not want to take more time of the House—and it is this. Now there is going to be no meeting of the Foreign Ministers of Pakistan and India.

I might be pardoned; there are very many senior Members in this House; my knowledge about war strategy and political acumen is very limited but I personally would have thought, in the context in which we are seeing this Kutch Agreement, when Government is so clear in its mind that the happenings in Kashmir have nothing to do insofar as the Kutch Agreement itself is concerned, I for one was rather distressed to find that there was not going to be a meeting of the two Foreign Ministers, I would have thought that, when we had come to an Agreement then whatever flows from that Agreement, we might follow. I am sure Pakistan, by sending its Foreign Minister to India, would not have budged one inch from their stand that the territory which they claim theirs is—up to the 24th Parallel. I admit all that but,

at the same time, if they had said so once again, I do not think it would have injured our cause. Of course so far as the sentiments of the country were concerned, they would be still more injured because of the mistake of the Minister of Pakistan himself in saying what he said—I was rather sorry to read that. He said somewhere, in relation to Kashmir, that although Pakistan was not interested, or was not involved in the people who were going and infiltrating into Kashmir and causing all this trouble, still Pakistan had a lot of sympathy for oppressed people everywhere. I do not like to bring in that issue here, and I believe, in a way, perhaps it serves him right to be told—for his attitude about Kashmir—that perhaps it is best that he does not come to the conference table here and the dispute as such goes directly to the Tribunal.

Now one word about the Tribunal, and I would submit that we have to be very careful on whom we put the burden of representing India's case in the Tribunal itself. I think that is a point which must be very carefully thought out. I do not know what Pakistan's attitude might be. After the British Government had come in as a mediator between Pakistan and India, there was criticism of the British Prime Minister and of the British people, that they sided with Pakistan and that therefore they have done this, it is their draft, and so on. Well, in a way it might be true—I do not know—but if we look to the other side, we will be quite clear, and let us be quite clear in our mind that Britain, in spite of its position now—the position it occupies in the world now is not the position which it held once; it had empires and so on—still, is the senior partner of the Commonwealth, a Commonwealth of which we are a member still, and as such, if Mr. Harold Wilson, as a senior member of the Commonwealth Prime Ministers' entity, if he sent a proposal, there was nothing wrong, and we should not say that we won't touch it, because it emanated from the British\*

[Shri Anand Chand.]

Now I do not know, Madam Deputy •Chairman, as to whom Pakistan would select as their referee on the Tribunal, but if I am to be allowed to make a suggestion, my suggestion to the Government would be that we should •very seriously consider as to who should be our nominee on the Tribunal, and I hope I am not transgressing my limits if I would suggest two names, and the first name that comes to my mind automatically is the name of the Union of Soviet Socialist Republics. I think we should ask if they would be interested in sponsoring our cause in this particular dispute. The Prime Minister has been there recently; the Soviet stand has been that they stand for an amicable settlement of the dispute between India and Pakistan in the Kutch area. I do not see why, if they are so interested, they would not agree if we ask them to be one of the referees from our side. And if for certain reasons the Soviet Union is not prepared to come and act, then I would turn my eye inwards into the Commonwealth countries themselves. Of course there are countries in Africa with whom we have very close relations. There are countries elsewhere also, but my mind wanders and it goes to Canada; I would suggest the name of Canada for two reasons; one, that Canada is not so deeply involved in the European and Asian troubles, in all the conflagrations here, as other countries of the Commonwealth are; two, that it has been working with us in Vietnam and we have close association insofar as the Vietnam trouble is concerned, and the approach of the Government of India and the Canadian Government on the bombing in North Vietnam has been identical. So, Madam Deputy Chairman, if for some reason or the other, we are not able to persuade the U.S.S.R. to come to our side in this particular Tribunal, I would suggest that we ask Canada to be the sponsor insofar as our case before the Tribunal is concerned.

This is all I have to say. Thank you.

**श्री अटल बिहारी वाजपेयी :** महोदया, 3 मई को इस सदन ने एक संकल्प किया था, वह एक पवित्र संकल्प था जो सर्वसम्मति से किया गया था। उस संकल्प का अन्तिम भाग मैं पढ़ना चाहूंगा :

•'With hope and faith, this House affirms the firm resolve of the Indian people to drive out the aggressor from the sacred soil of India.'

आज जब हम कच्छ समझौते पर विचार कर रहे हैं तो पहली कसौटी उस समझौते को कसने की यह है कि क्या 3 मई का हमारा संकल्प उस समझौते से पूरा होता है ? क्या पाकिस्तान रण कच्छ को पूरी तरह से खाली कर के चला गया ? क्या अब रण कच्छ में पाकिस्तान का अस्तित्व नहीं है ? क्या रण कच्छ में पूरी तरह से हमारा प्रभुत्व कायम हो गया ? आज प्रधानमंत्री जी ने सवेरे कहा कि सारा रण कच्छ खाली हो गया है। क्या सारे रण कच्छ में वह 20 मील की पट्टी नहीं आती जिसमें पाकिस्तान को गश्त करने का अधिकार दिया गया है ? क्या वह रण कच्छ का हिस्सा नहीं है ? क्या वह पवित्र नहीं है ? प्रधानमंत्री ने कहा था :

"There is no question of surrendering any part of our territory not an inch of it"

यही भाषा गृह-मंत्री श्री बुलजारी लाल नन्दा ने बोली थी। 14 मई को जब इस सदन की बैठक स्थगित होने जा रही थी, तब उन्होंने कहा था :

"We will not succumb to pressure. There is no question of succumbing to any force, to any aggression and there can be no question of our surrendering even an inch of our sacred soil anywhere else."

क्या 20 मील एक इंच से भी छोटा होता है ?

कोई भी यह नहीं कहेगा कि इंच इंच को आक्रमणकारी के चंगुल से मुक्त कराने की हमारी प्रतिज्ञा पूरी हो गई। प्रधान मंत्री जी कहते हैं कि रण कच्छ से पाकिस्तान की सेनाएं हट गईं। सेनाएं तो हमारी भी हट गईं। पाकिस्तान की सेनाएं इसलिए हट गईं कि वे आक्रमणकारी सेनाएं थीं, वे जबरदस्ती कच्छ रण में घुसी थीं। मगर रण कच्छ से हमारी सेनाएं क्यों हट गईं? यदि रण कच्छ हमारा है, यदि भारत का भाग है, तो हमारी सेनाएं वहां से क्यों हटीं?

कहा जाता है कि 1 जनवरी, 1965 को हमारी सेनाएं वहां नहीं थीं। यह तारीख कैसे आई, मैं इसकी चर्चा बाद में करूंगा। लेकिन मैं पूछना चाहता हूं कि यह ठीक है कि 1 जनवरी, 1965 को हमारी सेनाएं वहां नहीं थीं, मगर क्या हमें वहां अपनी सेनाएं रखने का अधिकार भी नहीं था? क्या आज वह अधिकार कायम है? क्या आज हम चाहें तो रण कच्छ में सेनाएं भेज सकते हैं? कोई जमीन किसी देश का अंग है या नहीं इसको जानने की जो बहुत सी कसौटियां हैं उनमें एक कसौटी यह भी है कि वह देश उस जमीन पर अपनी सेना रख सकता है या नहीं। यह सर्वप्रभुता की एक निशानी है। रण कच्छ हमारा है, मगर हम वहां सेना नहीं रख सकते। हम ने सेना रखने के अधिकार का परित्याग कर दिया। पाकिस्तान के आक्रमण के बाद हम वहां फौज नहीं रखेंगे। क्या समझौते की यह शर्त हमारी प्रभुसत्ता पर एक अतिक्रमण नहीं है? क्या यह 3 मई की शपथ के खिलाफ नहीं है? उस समय हम ने सेना नहीं रखी; क्योंकि हम ने सेना रखने की आवश्यकता नहीं समझी। वह निर्णय हमारा अपना निर्णय था, वह एक स्वतंत्र देश का निर्णय था, वह किली के दबाव में आ कर, किसी के बलप्रयोग के सामने झुक कर नहीं किया गया था। मगर आज का निर्णय हमारा अपना निर्णय नहीं है। पाकिस्तान ने कच्छ में आक्रमण किया, उस आक्रमण के लिए

उसको सजा देने के बजाय हम उसके पाप पर पर्दा डाल रहे हैं, अपनी सर्वप्रभुता के अधिकार का परित्याग कर रहे हैं और प्रधान मंत्री जी चाहते हैं कि हम इस स्थिति की ओर से आंख मूंद लें।

प्रधान मंत्री ने कहा, कच्छ के रण में हमारी पुलिस है। कच्छ के रण में पुलिस तो पाकिस्तान की भी है, फर्क इतना ही है कि उनकी पुलिस थोड़ी जमीन पर है और हमारी पुलिस ज्यादा जमीन पर है। वे हमारी जमीन पर क्यों हैं? उन्हें हमने गश्त का अधिकार कैसे दिया? दूसरे, हम जितनी पुलिस चाहें कच्छ के रण में नहीं रख सकते। इस अपमानजनक समझौते में यह कहा गया है कि छदबेट में जितनी पुलिस हमारी 1 जनवरी, 1965 को थी हम उतनी पुलिस रख सकते हैं, ज्यादा नहीं। हम कंजरकोट में चौकी कायम नहीं कर सकते, गश्त करने के लिए जा सकते हैं, चौकी नहीं बना सकते, इसलिए कि पहले हमारी चौकी नहीं थी। पहले चौकी न रखने का हमारा अपना निर्णय था, उसमें पाकिस्तान भागीदार नहीं था। अब हम छदबेट के अलावा कहीं चौकी नहीं बना सकते। हम छदबेट में जितने सिपाही रखना चाहें नहीं रख सकते। हम बियरबेट में चौकी नहीं बना सकते। हमारे बहादुर जवानों ने सरदार चौकी, विगकोट चौकी को अपना जोर अजमा कर वापस लिया था, लेकिन अब वहां हम चौकी नहीं कायम कर सकते। प्रधान मंत्री ने 15 अगस्त को लालकिले पर झंडा फहराया। मैं पूछना चाहता हूं कि क्या कंजरकोट में तिरंगा झंडा फहराया गया? कोई माई का लाल कंजरकोट में झंडा फहराने के लिए होना चाहिए था। प्रधान मंत्री कहते हैं कि हमने कंजरकोट वापिस ले लिया। किस अर्थ में वापिस ले लिया? हम वहां चौकी नहीं बना सकते, हम वहां तिरंगा झंडा नहीं फहरा सकते और पाकिस्तान को भी हम ने कंजरकोट तक गश्त करने का अधिकार दे दिया।

[श्री अटल बिहारी वाजपेयी]

आज स्थिति क्या है ? पाकिस्तान की सेनाएं अंतर्राष्ट्रीय सीमा पर जमी हैं, वे पीछे नहीं हटीं, वह युद्ध के लिए सन्नद्ध हैं और हमारी सेना कच्छ के रण को खाली कर के पीछे आ कर खड़ी हैं। यदि परिस्थिति बिगड़ गई, फिर आक्रमण हो गया तो सेनाएं न रखने की जो सजा हमें कच्छ में पहले आक्रमण के समय मिली क्या वह फिर से नहीं भुगतनी पड़ेगी ?

महोदया, यह समझौता एक और भी आधार पर आपत्तिजनक है। प्रधान मंत्री जी कहते हैं कि मैंने वचन दिया था कि 1 जनवरी, 1965 की स्थिति जब तक कायम नहीं होगी पाकिस्तान से बात नहीं करूंगा और 1 जनवरी, 1965 की स्थिति कायम हो गई। मेरे लिये यह अभी भी रहस्य है कि 1 जनवरी, 1965 की तिथि कैसे आई ? यह इसलिए आई कि सरकार ने कहा था कि कच्छ के रण में पाकिस्तान पहली बार 25 जनवरी को घुसा। मैं 1 जनवरी, 1965 की स्थिति के कायम होने का यही अर्थ समझ सकता हूँ। वह केवल आक्रमण के आरम्भ की तिथि थी, 1 जनवरी, 1965 से पहले पाकिस्तान का कच्छ पर आक्रमण नहीं था, उसकी गश्त नहीं थी, उसकी घुसपैठ नहीं थी, घुसपैठ शुरू हुई 25 जनवरी से, यह सरकार की ओर से इस सदन में कहा गया था और इसलिए हम ने 1 जनवरी, 1965 पर आपत्ति नहीं की। हमारा माथा ठनकना चाहिए था कि प्रधान मंत्री 1 जनवरी, 1965 की रट बार बार क्यों लगा रहे हैं। लेकिन जब सरकार की ओर से यह वक्तव्य दिया गया कि पाकिस्तानी पहली बार 25 जनवरी को घुसे हैं तो हम ने आपत्ति नहीं की और हम ने समझा कि आक्रमण के पूर्व की स्थिति कायम होगी। मगर ऐसा नहीं हुआ। आज हम वहाँ सेनाएं नहीं रख सकते। इसका समर्थन किया जा रहा है 1 जनवरी 1965 के नाम पर, पाकिस्तान के गश्त

करने के अधिकार की बकालत की जा रही है 1 जनवरी, 1965 के नाम पर, और कहा जा रहा है कि प्रधान मंत्री ने अपना वचन पूरा कर दिया। प्रधान मंत्री जी ने अपना वचन पूरा नहीं किया है। 1 जनवरी, 1965 की बात इसी संदर्भ में कही गई थी कि पाकिस्तान की घुसपैठ 25 जनवरी से शुरू हुई है और अगर 1 जनवरी, 1965 की स्थिति आयेगी तो पाकिस्तानी किसी भी रूप में कच्छ में विद्यमान नहीं होंगे। लेकिन मैं यह जानना चाहता हूँ कि क्या 1 जनवरी, 1965 की बात कहने से पहले गुजरात की सरकार से विचार-विमर्श किया गया था ? क्या इस समझौते पर दस्तखत करने से पहले गुजरात सरकार से कहा गया था कि पाकिस्तान ने 1 जनवरी, 1965 से पहले गश्त करने के जो प्रमाण दिये हैं उन प्रमाणों का गुजरात सरकार खंडन करे। प्रधान मंत्री जी ने कल लोक सभा में कहा कि हमारे अफसरों की बात हुई थी, मगर जब समझौता हुआ तब हम ने गुजरात की सरकार को नहीं पूछा। मैं जानना चाहता हूँ कि लन्दन में समझौते को अपनी प्रारम्भिक स्वीकृति देते समय और जब पाकिस्तान की सरकार ने गश्त के अधिकार के बारे में ब्रिटेन की सरकार को सबूत पेश किया तो क्या प्रधान मंत्री ने गुजरात की सरकार के सबूत को उनके सामने रखा ? कुछ जानकारी मेरे पास है जिसे मैं सदन के सामने रखना चाहता हूँ और जिससे स्पष्ट होगा कि कच्छ के जिस क्षेत्र में हम ने पाकिस्तान को गश्त करने का अधिकार दिया है वह अधिकार उनके रिकार्ड से साबित नहीं होता। मैं नहीं जानता पाकिस्तान ने कौन से रिकार्ड दिखाये। कहते हैं उन्होंने कुछ गश्त के रजिस्टर दिखाये। क्या रजिस्टर जाली नहीं बन सकते ? जो लोग व्यापार करते हैं वे जानते हैं कि रजिस्टर कैसे बनते हैं, कैसे बदलते हैं। और अगर उनका रजिस्टर देखा गया तो क्या हमारा रजिस्टर देखा गया ? गुजरात की जो बांडर की रिजर्व पुलिस है वह किन किन तारीखों में रण कच्छ में गश्त

करती रही ? अब ये तारीखें कोई रहस्य का विषय नहीं हैं। उन तारीखों का उद्घाटन हो चुका है। मैं सब तारीखें नहीं गिनाऊंगा। मैं एक ही तारीख की ओर संकेत करता हूँ। 5 फरवरी को भारत की प्रार्थना पर पाकिस्तानी रेन्जर्स के एक इन्स्पेक्टर की और छदबेट में हमारी गैरीसन के एक आफिसर कमान्डेंट को बैठक हुई जिसमें पाक आफिसर ने माना कि जो पहियों के निशान हैं वे ताजा निशान हैं और उसने यह भी माना कि पहले कुछ ऊंट निकले थे। लेकिन डिग सूरवाई की सड़क पर, पट्टियों पर, पहियों के निशान नहीं थे। 7 जनवरी को हमारे गश्त करने वाले गये—वहाँ कोई सड़क नहीं थी। हमारे गैरीसन के असिस्टेंट कमान्डेंट वहाँ गये थे, उन्होंने रिपोर्ट नहीं दी कि वहाँ सड़क देखी गई है। बाद में वहाँ एक हेड कान्सटेबल गश्त करने गया था; उसने भी निशान नहीं देखे। इसीलिये हमारी सरकार ने कहा था कि 25 जनवरी से पहले वहाँ पाकिस्तान की गश्त नहीं थी, पाकिस्तान घुसा नहीं था। मैं जानना चाहता हूँ, प्रधान मंत्री इस सबूत पर अड़े क्यों नहीं ? उन्होंने क्यों नहीं कहा कि जो भी गश्त शुरू हुई वह 25 जनवरी या उसके बाद शुरू हुई, 1 जनवरी के पहले नहीं?

यदि यह मान भी लिया जाये कि पाकिस्तान 1 जनवरी से पहले गश्त करता था तो वह गश्त चोरी-छिपे करता था। वह गश्त एक आक्रमण था, वह गश्त 1960 के समझौते के खिलाफ थी, क्योंकि समझौते में जो ग्राउन्ड रूल्स बने उसमें कहा गया है कि :

“Each side will inform the other about actual patrol by it or any change thereto if it falls within fifty yards of the boundary”.

अगर सीमा के 50 गज के भीतर भी गश्त हो तो पाकिस्तान को हमें खबर देनी चाहिये थी। यह गश्त तो हमारी सीमा पार करके होती थी। उन्होंने ग्राउन्ड रूल्स का उल्लंघन

कर दिया, एक दृष्टि से यह धरती पर आक्रमण किया। चोरी-छिपे वह काम चलता रहा और सरकार को पता नहीं लगा, या लगा तो हमें पता नहीं लगने दिया। दोनों दृष्टियों से सरकार का निकम्मापन साबित होता है। अगर पाकिस्तान 1 जनवरी, 1965 से पहले कच्छ के रण में गश्त कर रहा था तो यह सरकार अपने पद पर रहने के योग्य नहीं है, यह सीमाओं की रक्षा करने में समर्थ नहीं है, यह सरकार “इंच इंच भूमि की हिफाजत हम करेंगे” यह कसम खाने लायक नहीं है। इस सरकार में अगर स्वाभिमान है तो इसे अपना इस्तीफा दे देना चाहिये। या फिर शास्त्री जी कहें कि मुझे मालूम नहीं था। यह भी आत्म-निन्दा करना होगा। और अगर मालूम नहीं था फिर भी लन्दन में अड़ सकते थे। जो ट्रेंसपास था उसे कानूनी जामा नहीं पहनाया जा सकता; जो चोरी से घुसपैठ थी उसे अधिकार का रूप नहीं दिया जा सकता। वह कच्छ के रण में चोरी से घुसे थे, हमें अधिकार में रख कर घुसे थे। हम दिन दोपहरी में वह अधिकार नहीं मान सकते। अगर पाकिस्तान कच्छ के रण को खाली नहीं करता तो हमें परिणामों को भुगतने के लिये तैयार रहना चाहिये था। किन्तु शास्त्री जी मान गये। मुझे सन्देह है, यह समझौता दिल्ली में हुआ है या लन्दन में हुआ है ? यह मंत्रिमंडल के कमरे में हुआ है, या बकिंघम पैलेस के किसी कमरे में हुआ है ? इस समझौते में ब्रिटेन का दबाव कितना है ? क्यों नहीं प्रधान मंत्री जी को 3 मई की प्रतिज्ञा याद रही, क्यों नहीं देश को दिये गये आश्वासनों का उन्हें स्मरण रहा ? देश का मनोबल अगर बनाये रखना है, तो यह बचन भंग करके नहीं हो सकता।

महोदया, प्रधान मंत्री जी ने बार बार इस सदन में कहा कि हम कच्छ के रण में कोई क्षेत्रीय विवाद नहीं मानेंगे। 1959-60 के समझौते का स्मरण उन्हें विरोधी दलों ने दिलाया है, सरदार स्वर्ण सिंह ने नहीं, जो यह अपमानजनक और गलत समझौता करके

[श्री छटल बिहारी वाजपेयी]

आये थे। उन्हें सदन में जवाब देना चाहिये कि आज जिस 1959-60 के समझौते का हवाला देकर कच्छ में पाकिस्तान के पाप पर परदा डालने का प्रयत्न किया जा रहा है, वह समझौता कैसे किया गया? समझौते में यह तो कहीं लिखा नहीं है कि पाकिस्तान ने 3,500 वर्ग मील पर दावा किया था, अन्यथा हम उस पर आपत्ति करते। लेकिन सरदार स्वर्ण सिंह को मालूम था कि पाकिस्तान का दावा क्या था। अपना दावा पाकिस्तान और तरीकों से भी बता चुका है। दो साल पहले जब प्रेसीडेंट अयूब अमेरिका गये थे तो पाकिस्तान की इम्बेसी ने एक ऐसा नक्शा बांटा था जिसमें आधा रण कच्छ नहीं, पूरा रण कच्छ उनके हिस्से में दिखलाया गया था। वह नक्शा वाराणसी से प्रकाशित "आज" के मालिक नई दिल्ली लाये थे। आज के प्रधान मंत्री उस समय मंत्री नहीं थे, वे कामराज योजना में पद-त्याग कर गये थे। वह नक्शा उन्होंने देखा, वह विदेश मंत्रालय को उन्होंने भेजा। मगर विदेश मंत्रालय ने उस नक्शे पर क्या किया, कोई नहीं जानता। प्रधान मंत्री को 1959-60 के समझौते का स्मरण नहीं रहा, जब हमने उन्हें स्मरण दिलाया तो कहा गया कि उस समझौते में हमने क्षेत्रीय विवाद नहीं माना; हमारी सीमा तय है, नक्शे पर तय है, केवल यह तय होना बाकी है कि जो नक्शे पर है वह धरती पर कहाँ लाई जाय। केवल सीमांकन होना है, सीमा का निर्धारण नहीं होना है। शास्त्री जी ने बार बार कहा कि हम कोई क्षेत्रीय विवाद नहीं मानेंगे। फिर शास्त्री जी इस बात पर अड़े क्यों नहीं?

कहा जाता है, 1959-60 का समझौता हमारे मार्ग में बाधक था। क्या पाकिस्तान ने 1959-60 के समझौते का पालन किया? मैंने उदाहरण दिया है कि उसने आउटड रूल्स तोड़ दिये। समझौते की एक शर्त यह भी थी कि भारत और पाकिस्तान में से कोई

बल प्रयोग नहीं करेगा, कोई यथास्थिति को नहीं बदलेगा। आक्रमण करने का तो सवाल ही पैदा नहीं होता। किन्तु पाकिस्तान ने कच्छ के रण पर खुला आक्रमण किया। हमारे प्रतिनिधि श्री षक्कर्वती ने यूनाइटेड नेशन्स में चिट्ठी लिख कर कहा कि यह खुला आक्रमण है, पाकिस्तान का दावा बेहूदा है और अपने बहूदा दावों को मनवाने के लिये वह बल प्रयोग कर रहा है, कच्छ कोई क्षेत्रीय विवाद नहीं है। हमने 1959-60 के समझौते को भंग क्यों नहीं कर दिया? क्या समझौते एकतरफा होते हैं। दूसरा पक्ष समझौते का पालन न करे, उन्हें तोड़ता जाय, तो क्या हम एक तरफ से समझौते में बंधे रह सकते हैं? सारा देश प्रधान मंत्री का साथ देता, सभी विरोधी दल सरकार की इस नीति का समर्थन करते कि कच्छ के रण में पाकिस्तान ने आक्रमण करके उन समझौतों को ही तोड़ दिया है और अब उन समझौतों के पालन का कोई कारण पैदा नहीं होता। किन्तु यह नहीं किया गया।

मैंने आज प्रातःकाल जो कुछ कहा था उसको मैं दोहराता हूँ। 1959-60 के समझौते से भी प्रधान मंत्री आगे बढ़ गये हैं। न्यायाधिकरण को मामला सौंपा जा रहा है। मगर यह न्यायाधिकरण वह नहीं है जो सरदार स्वर्ण सिंह और शेख के समझौते के अन्तर्गत परिकल्पित किया गया था। तीनों जज विदेशी जज होंगे, उनका निर्णय हम पर लागू होगा, हम उस निर्णय से बंधे होंगे और किसी भी आधार पर उस निर्णय को चुनौती नहीं दी जा सकेगी। दुनिया में ऐसे न्यायाधिकरण कहीं नहीं बनते। अगर ट्राइब्यूनल का कोई सदस्य अपने टर्म्स आफ रेफरेन्स का अपने अधिकारों का, या अतिक्रमण करे पूरा ट्राइब्यूनल टर्म्स आफ रेफरेन्स का अतिक्रमण करे, तो क्या होगा? कोई सदस्य भ्रान्त हो जाय, भ्रष्ट हो जाय, तो क्या होगा? मान लीजिए ट्राइब्यूनल एविडेन्स को देखने से इन्कार कर दे; समझौते में यह शर्त है

कि एविडेन्स देखेगा, मगर क्या ट्रिबुनल बिना एविडेन्स देख कर फैसला नहीं कर सकता ? मुझे डर है, मैं अपना डर कहना चाहता हूँ। ये आपके सबूत, ये आपके रजिस्टर धरे रह जायेंगे। पाकिस्तान कहेगा, यह जमीन नहीं है, यह धरती नहीं है, यह "सी-बे" है यह समुद्री मार्ग है और समुद्र में आधे बीच में, मझदार में, रेखा तय होती है ; भारत का नक्शा रहने दो, ठीक है कच्छ के रण पर भारत का प्रभुत्व था, अधिकार था मगर आपको सीमा तय करनी है और यह सी बे है और सी बे में बीच में सीमा तय होती है।

यदि कहीं ट्रिबुनल ने पाकिस्तान की बात मान ली और हमारे एविडेन्स को देखने से इन्कार कर दिया तब भी हम उस के फैसले को ठुकरा नहीं सकते क्योंकि हमने अपने को जकड़ लिया है, अपने को चारों तरफ से बांध लिया है। ट्रिबुनल, जब तक हम समझौते के निर्णयों को अमल में नहीं लायेंगे, तब तक बठा रहेगा, तथा देखता रहेगा कि इन निर्णयों को अमल में लाया जाता है या नहीं।

क्या प्रधान मंत्री को ऐसा समझौता करने का अधिकार था ? संसद की पीठ के पीछे और देश को बिना विश्वास में लिये भारत की क्षेत्रीय अखण्डता को, भारत की प्रभुसत्ता को विदेशी 'च' फैसले के लिए सौंपना संविधान की खुली अवज्ञा है, लोकतन्त्र का अपमान है और संसद के विशेषाधिकार का हानन है। प्रधान मंत्रीजी को इस तरह का समझौता करने का अधिकार नहीं था। क्या इस सदन को, इस संसद को, सरकार के गलत समझौतों पर मुहर लगाने की मशीन समझा गया है ? आज हमसे कहा जाता है कि आपको समझौता पसन्द नहीं है तो आप उसे ठुकरा दीजिये। क्या प्रधान मंत्री समझते हैं कि बहुमत मेरे साथ है, कांग्रेस पार्टी के सदस्य प्रचुर मात्रा में विद्यमान हैं और मैं कैसा भी समझौता करूँ, अपने वचन से मुकर

भी जाऊँ, कोई मेरे खिलाफ बोलेगा नहीं। लोक सभा में बोला नहीं, यह बात सच है। इसलिये मुझे लोकतन्त्र के भविष्य में आशंका पैदा होती है। अगला चुनाव निकट आने वाला है, टिकट बंटने वाले हैं। एक बड़े कांग्रेस के नेता ने बंगलौर में कहा कि कांग्रेस के सदस्य आज आत्मा की आवाज को दबा रहे हैं, वे हाई कमान्ड के सामने मुंह नहीं खोल सकते, क्योंकि हाई कमान्ड उन्हें अगले चुनाव में टिकट नहीं देगा। मैं यह आरोप नहीं लगाता। लेकिन सदन का अपमान करके, संसद् की अवहेलना करके, अपने वचनों का खुला उल्लंघन करके जो समझौता हमारे माथे पर मंडा जा रहा है उसे कोई सम्मानजनक बताने की भूल तो न करे। आप कह सकते हैं कि गलतियाँ हो गई, प्रधान मंत्री लन्दन की चमक दमक में आ गये, ब्रिटेन की कूटनीति में फँस गये और शायद इस समझौते की धाराओं को ठीक तरह से समझ नहीं पाये।

महोदया, आपको जान कर आश्चर्य होगा कि इस समझौते पर हमारे कानूनी विशेषज्ञों की राय नहीं ली गई। जिस समय यह समझौता हुआ था उस समय हमारे ला मिनिस्टर मंत्रिमंडल की बैठक में नहीं थे। हमारे अटार्नी जनरल मास्को में बैठे थे। यह समझौता एक कानूनी समझौता है और इसकी हर एक धारा का पूरी तरह से अध्ययन होना चाहिए था। मगर एक राजनैतिक फैसला किया गया और आज सदन से कहा जाता है कि यह फैसला मानो। हम यह फैसला कैसे मान सकते हैं ?

महोदया, समझौते का इस आधार पर समर्थन होता रहा है कि इसके फलस्वरूप भारत-पाकिस्तान में मित्रता कायम होगी, सद्भावना बढ़ेगी और नये सम्बन्धों का अध्याय शुरू होगा। कौन सा अध्याय शुरू हुआ, यह काश्मीर में देखिये। जब यह समझौता लिखा जा रहा था, जब नई दिल्ली में बैठ कर इस समझौते पर दस्तखत हो रहे थे



### [श्री अल बिहारी वाजपेयी]

तब पाकिस्तान काश्मीर में आक्रमण की योजना बना रहा था और अपने सशस्त्र सैनिकों को काश्मीर में भेज रहा था। क्या यह पाकिस्तान की ईमानदारी का सबूत है? अभी समझौते की स्याही सूखने भी नहीं पाई, इस समझौते पर संसद की मुहर भी नहीं लगी कि पाकिस्तान ने काश्मीर में हमला कर दिया। प्रधान मंत्री जी कहते हैं कि कच्छ और काश्मीर का क्या सम्बन्ध है। यहाँ तक पाकिस्तान के साथ बातचीत करने का सवाल है, मैं यह मानने को तैयार हूँ कि हम काश्मीर के सम्बन्ध में कोई बात नहीं करेंगे, लेकिन कच्छ और काश्मीर दोनों ही एक देश के हिस्से हैं। कच्छ और काश्मीर पर आक्रमण करने वाला एक ही है और उस आक्रमण का सामना करने के लिए जिस 45 करोड़ जनता को संगठित, जाग्रत और तैयार करना है वह जनता भी एक ही है। कच्छ में युद्ध विराम और काश्मीर में युद्ध का श्रीगणेश! कच्छ के ऊपर पाकिस्तान के साथ प्रेमालाप और काश्मीर की घाटियों में गोशियों की बीछार! युद्ध और शान्ति दोनों साथ साथ नहीं चल सकते। प्रेमालाप और शस्त्रों की झंकार साथ साथ नहीं सुनी जा सकती। विदेश मंत्रियों की बैठक को स्थगित कर दिया गया है, यह ठीक ही किया। मगर हम ऐसे अपमानजनक समझौते से कैसे बंधे रह सकते हैं?

मान लीजिये अधिकांश सदस्य इस समझौते की हिमायत में थे। कारण व्यक्तिगत हो सकते हैं, दलगत हो सकते हैं, विचारगत भी हो सकते हैं। लेकिन काश्मीर में जो नई परिस्थिति पैदा हो गई है उसमें हमारा कतव्य क्या है? क्या हम इस समझौते से चिपके रहें? अगर दिल्ली में कुछ होता है तो काश्मीर की जनता पर उसका असर होगा।

दिल्ली में हम पाकिस्तान के विदेश मंत्री से बात करें और पाकिस्तान की सुनें और दूसरी ओर काश्मीर की घाटी में पाकिस्तानी हमारे नन्दन-वन को जलाने की कोशिश करें, हमारे जवानों को गोशियों का निशाना बनायें, इस तरह की बात नहीं चल सकती। यह देश को युद्ध के लिये तैयार करने का तरीका नहीं है। यह देश की एकता को कायम करने का भी तरीका नहीं है। सरकार को फैसला करना होगा और मैं इस सदन के सदस्यों से अपील करता चाहता हूँ कि काश्मीर में जो नई परिस्थिति पैदा हो गई है उसके प्रकाश में इस समझौते को देखें। हम इस समझौते से एकतरफा बंधे नहीं रह सकते हैं। कहा जाता है कि यह एक अन्तर्राष्ट्रीय समझौता है। मैं पूछना चाहता हूँ कि क्या "वाइस आफ अमरीका" का समझौता अन्तर्राष्ट्रीय समझौता नहीं था और क्या उस समझौते से हमने अपने को अलग नहीं कर लिया। अभी प्रोफेसर मुकुट बिहारीलाल जी ने उदाहरण दिया कि जर्मनी और रूस के बीच जो समझौता था, जब जर्मनी ने आक्रमण किया तब रूस ने समझौते को तोड़ दिया। कोई भी समझौता एक पार्टी को नहीं बांध सकता। एक हाथ से कभी ताली नहीं बजती। जैसे लड़ने के लिए दो चाहियें, वैसे शान्ति के लिए भी दो चाहिये: अगर दूसरा पक्ष आक्रमण पर तुल्य है तो लड़ाई नहीं टल सकती।

जिस तरह से हमने कच्छ में हथियार डाल दिये, समर्पण कर दिया, उससे शान्ति की रक्षा नहीं होगी। कच्छ में जो कुछ हुआ उससे हमारे जवानों का मनोबल नहीं बढ़ा, हमारे देश की प्रतिष्ठा नहीं बढ़ी। उससे हमारी गरिमा को, हमारे सम्मान को चोट लगी है। जो गलती हो गई उसे सुधारा जा सकता है, कच्छ का समझौता हमेशा के लिए अलमारी में बन्द किया जा सकता है तथा पाकिस्तान से कहा जा सकता है कि तुम जब तक नेकनीयती का सबूत नहीं दोगे तब तक

कोई समझौता नहीं होगा। अगर समझौता तोड़ने के हाथ लिए जा रहा है तो समझौता करने का कोई अर्थ नहीं है। पाकिस्तान को नीयत पर हमें सन्देह है और प्रधान मन्त्री ने भी कहा कि पाकिस्तान शान्ति नहीं चाहता, ऐसा दिखाई देता है, हम कच्छ के समझौते से क्यों बचे रहें।

प्रधान मन्त्री जो कहते हैं कि हमारे संविधान को धारा 51 में लिखा हुआ है कि हम अन्तर्राष्ट्रीय समस्याओं को पंच फौज से हल करने का प्रयत्न करेंगे। कच्छ में हम यही कर रहे हैं। फिल्टु काश्मीर में नहीं करेंगे क्योंकि काश्मीर का मतलब अलग है। मैं मानता हूँ कि काश्मीर का सारा अलग है, लेकिन कच्छ के सम्बन्ध में ऐसा समझौता क्यों मानते हैं जो हमारे विरुद्ध काश्मीर में प्रयुक्त किया जा सके। विदेशों में कुछ लोग ऐसे हैं जो कहते हैं कि काश्मीर में भी इसी तरह का हल चाहिये हमारे देश के भीतर भी कुछ लोग ऐसे हैं जो कहते हैं कि कच्छ में जो कुछ हुआ, वही काश्मीर में भी किया जाना चाहिये। लेकिन मैं उनसे कहना चाहता हूँ कि कच्छ में या काश्मीर में हम कहीं भी ऐसा समझौता नहीं कर सकते।

बस काश्मीर के सम्बन्ध में हम अन्तर्राष्ट्रीय राय को ठुकरा कर अपनी अड़भट्टा और अपनी प्रभुसत्ता पर कायम नहीं? मुझे आश्चर्य है कि अड़भट्टा के सम्पादकों लेखों का हवाला दिया जाता है और दुनिया को राय का हवाला दिया जाता है और कहा जाता है कि कितने तरह से कच्छ के समझौते को सबने स्वाकार किया। कहा जाता है कि इस समझौते को अमरोका ने, ब्रिटेन ने और रूस ने भी स्वाकार किया है।

THE DEPUTY CHAIRMAN: You have taken over half an hour.

श्री अटल बिहारी वाजपेयी : महोदय, मैं अपना भाग समाप्त कर रहा हूँ। यह

विषय मेरे हृदय का विषय है और मुझे अपनी बात कहने का पूरा मौका दिया जाना चाहिये।

SHRI G. RAMACHANDRAN (Nominated): There are other speakers.

श्री अटल बिहारी वाजपेयी : संसार के कुछ ऐसे देश हैं जो दूसरों को कोमत पर शान्ति को कायम देखना चाहेंगे। कौन ऐसा होगा जो हमसे कहेगा कि पाकिस्तान से लड़ो? कौन होगा जो हमसे लड़ने में अपनी टांग अड़ायेगा? किसी भी कोमत पर हम पाकिस्तान से शान्ति कर लें, तो हमारे प्रधान मन्त्री शान्ति के अवतार कह कर पुकारे जायेंगे, इसमें मुझे कोई सन्देह नहीं है। मैं शांतिपूर्ण तरीकों से समस्याओं को हल करने के खिलाफ नहीं हूँ। अगर अन्तर्राष्ट्रीय समस्याएं शान्ति के तरीके से हल होती हों, तो होनी चाहियें। मगर क्या कच्छ में कोई अन्तर्राष्ट्रीय समस्या पैदा हो गई थी या काश्मीर कोई अन्तर्राष्ट्रीय प्रश्न है? कच्छ में आक्रमण किया गया। अगर पाकिस्तान आक्रमण न करता तो दोनों देशों के आक्रामक मिलते, बात करते, सर्वेयर्स की भेंट हंती, सबूत देखे जाते, नक्शे देखे जाते और 1959-60 के समझौते के अनुसार जो हमारी दृष्टि से गलत थे, लेकिन जिनसे हम बच गये थे, उन समझौतों के पालन का मैं विरोधी नहीं हूँ, लेकिन आज आक्रमण पूरी तरह हटना चाहिये, आक्रमण के लिये पाकिस्तान को सब्बा मिलनी चाहिये, हमने आक्रमण पर पर्दा डाल दिया। इस समझौते के द्वारा आक्रमणकारी और जिस पर आक्रमण हुआ है, वे एक ही तराजू में रख दिये गये। दुनिया वाले हमें समझ रखते हैं, तो हमें दुःख होता है और हम कहते हैं कि वे पाकिस्तान को हमलावर कहने से इंकार कर रहे हैं। हमने स्वयं क्या किया है? हमने भी अपने को और पाकिस्तान को एक ही स्तर पर रख दिया है। यह शान्ति कायम करने का तरीका नहीं है।

महोदय, जो युद्ध से भागता है, युद्ध उसके पीछे भागता है। आक्रमणकारी के

### [श्री अटल बिहारी वाजपेयी]

सामने समर्पण करने से उसकी भूख बढ़ती है। शान्ति कायम करने का एक तरीका चैम्बरलेन का है जो भूमि देकर हिटलर को सन्तुष्ट करना चाहता था, मगर जिसने विश्व के महायुद्ध की नींव डाल दी। शान्ति कायम करने का एक तरीका कैनेडी का है जिसने अपनी सीमा से 90 मील दूर क्यूबा में रूस के हथियारों को अपने राष्ट्र के लिये चुनौती समझा और रूस को मजबूर कर दिया कि वह हथियारों को वापस ले जाय। उससे शान्ति आ गई और युद्ध टल गया। पाकिस्तान से किये गये समझौते युद्ध निकट लाते हैं, पाकिस्तान की आक्रामक प्रवृत्तियों को बढ़ाते हैं और इसलिये कहीं न कहीं लक्ष्मण रेखा खींचनी होगी और आज वह समय आ गया है।

महोदया, प्रधान मन्त्री जी ने एकता की अपील की है। एकता को किसने तोड़ा है? देश के होसले को किसने पस्त किया है? हम जब समझौते का विरोध करते हैं, तो राज-नैतिक कारण हमारे सामने नहीं हैं। आप मेरा 3 मई का भाषण उठा कर पढ़िये। सब सदस्यों ने उसको सुना था। मैंने सरकार का पूरा समर्थन किया था, उन विरोधी दलों की निन्दा की थी जो सरकार के मार्ग में बाधा डाल रहे थे। मगर मैंने एक बात कही थी कि हमारी सरकार लड़बड़ायेगी, तो हम डट कर उसका मुकाबिला करेंगे। कच्छ समझौते के बिनाफ हमारा आन्दोलन इसी लिये चल रहा है। यह दलगत आन्दोलन नहीं है। राष्ट्रीय एकता हमारे लिए श्रद्धा का विषय है, लोकतन्त्र में हमारी आस्था है और अगर प्रधान मन्त्री एकता कायम रखना चाहते हैं, तो मैं उनसे कहूंगा कि देश को दिये गये वचनों का पालन करना सीखें, देश के मनोबल को बनाये रखने का तरीका सीखें। आज देश में असन्तोष है, जनता क्षुब्ध हो रही है, परिस्थिति विस्फोटक है, कहीं अन्न की कमी है, कहीं चीजों के दाम बढ़ रहे हैं, कहीं प्रान्तीयता और साम्प्रदायिकता सिर उठा

रही है। इस संकटकाल में देश को राष्ट्रीयता के आधार पर ही एक रखा जा सकता है।

देश के कौने कौने से दिल्ली में लाखों लोग आये किन्तु दिल्ली में एक भी घटना नहीं हुई। गृह मन्त्री बड़े चिन्तित थे कि आप लाखों लोग ला रहे हैं, क्या होगा। किन्तु एक भी घटना नहीं हुई। अनुशासन में बंधे हुये, देशभक्ति से आतप्रोत लोग संसद् का दरवाजा खट-खटाने आये थे क्योंकि उनकी शान्तिपूर्ण तरीकों में, लोकतन्त्र के मार्ग में निष्ठा है। लेकिन अगर संसद् अपना कर्तव्य नहीं करेगी और शासन संसद् की पीठ के पीछे जनता की भावनाओं की अवहेलना करके अपमानजनक समझौते करेगा, तो फिर लोगों की भावनाओं को वश में नहीं रखा जा सकता। हम एकता की अपील का स्वागत करते हैं, लेकिन एकता कायम करने का तरीका प्रधान मन्त्री को समझना चाहिये। धन्यवाद।

SHRI G. S. PATHAK (Uttar Pradesh): Madam Deputy Chairman, I share the feelings of anger expressed by the Members of this House at the abominable conduct and behaviour of Pakistan, but it is on occasions like this that it is necessary that we should judge the matters before us with a little cool thinking. Madam, there are two questions before us. One is whether the Government acted rightly in entering into the Kutch Agreement and the other is whether it would be proper to revoke that Agreement at this stage. Now, this Kutch Agreement cannot be considered in isolation. It has got a history. It is a sequel to something which had gone before it. The partition which took place in 1947 brought about a number of border disputes and the circumstances in which this partition took place made them inevitable. They started or their disposal or settlement started with the Bagge Commission. There was the Berubari Agreement. Then, there was the Agreement of 1959. According to the language used by Pakistan itself that is a border agreement. It is an agree-

ment not for the settlement of territorial disputes, but for the settlement of boundary disputes. The word 'border' is there. Then, we have got the agreement of 1960. In that agreement Pakistan uses the word 'boundary' and that agreement specifically refers to the border dispute in Kutch. The Agreement with which we are concerned today is the agreement which is a sequel to these prior agreements and it cannot be considered in isolation. And, therefore, the question that one has to consider is whether there was any territorial dispute involved. If the question arises before the Tribunal and Pakistan ever says that a territorial dispute is involved and that they are entitled to a certain territory, the answer would be that in 1959 Pakistan had said that it was a boundary dispute, that in 1960 Pakistan again said it was a boundary dispute. In the present Agreement Pakistan says three or four times that it is a border dispute and no one will listen to Pakistan if Pakistan ever says that they want to claim the territory of Gujarat State. All that will happen is: Where does the boundary lie, where does the border stand? That is why the word 'alignment' was used today and it was not used for the first time. I may tell my hon. friend, Mr. Patel, that it was used in their correspondence by Pakistan itself before this Agreement was entered into. Therefore, we are concerned solely with the question as to where did the border lie and that entirely depends upon the question: Where was the border when there was a border between the British territory and the territory of the Ruler of Kutch State? That would be the question and that is going to be the sole question. It will not be open to the Tribunal to go into another question and to treat it as if the Tribunal were deciding that the Rann of Kutch belongs to Pakistan. The sole question will be what was the border between British India and the State of Kutch. That will be the sole question. Therefore, to treat this as a matter as if it is a matter involving I

some territorial dispute is entirely an erroneous approach.

SHRI DAHYABHAI V. PATEL: I was quoting from the agreement. The word in the agreement is not alignment. Determination is the word.

SHRI G. S. PATHAK: Determination and demarcation.

SHRI DAHYABHAI V. PATEL: Not alignment.

SHRI G. S. PATHAK: Alignment means nothing but fixing the line. That is alignment. Well, I have got a short time. So we could not give up our policy of settlement of disputes by peaceful means. We are wedded to this policy. How can we advocate and preach this policy at the United Nations and everywhere and yet, when there is a dispute of border, we should say we shall have war? We never had war on border disputes and every endeavour was made by us to have our border disputes settled by negotiation or by arbitration. This has been the history of border disputes here.

Madam, we cannot forget the practice of nations. We are a nation which has to recognise what international practice is. It must be known to everybody that in the 19th century this practice grew up, and it is being maintained up till today in international affairs, that is, wherever there is a border dispute it must be decided by negotiation or by agreement and in case agreement is not possible then by arbitration. I could quote many instances of such agreements and such arbitrations. That has been the international practice. Can India behave in a manner which makes it a unique country, a singular instance of a country which will fight a war while all the other nations of the world will have the matter decided by arbitration or by agreement? We cannot do this. We cannot act contrary to the international practice. Therefore, it is necessary for us in every such case to adhere to the international practice and to have our border disputes decided according to that practice.

[Shri G. S. Pathak.] There is not sufficient time for me to go into the question whether having regard to the situation as it existed in June 1965 this agreement was a proper agreement, i.e. whether the Government was right in arriving at the judgment that this agreement should be entered into. Today in the speech of Mr. Vajpayee and in the speech of Prof. M. B. Lai emphasis has been laid on how did we agree to withdraw our military force; how did we agree to allow a patrol. We did not agree to have this on a permanent basis. Whenever there is an agreement of reference to arbitration, the parties in order to arrive at a peaceful settlement agree for 3 temporary period to a certain situation. Supposing the tribunal without any evidence, as my distinguished friend, Mr. Vajpayee, said, without any evidence decides it, it will be open to us to say that we never contemplated that they would decide without any evidence, and such an award would not be binding on us.

SHRI ATAL BTHARI VAJPAYEE: On any ground you cannot challenge their verdict.

SHRI G. S. PATHAK: It is not so. There should be valid grounds. It does not mean that arbitrarily they could say that the territory belongs to Pakistan without looking into evidence. You will find in the context of the agreements that evidences have to be looked into. Therefore, such a situation can never arise. If any arbitrator or any tribunal without looking into any evidence arrives at an arbitrary decision, such a decision will not be binding on India. Further, we must not mix up this question of the Kutch border with the question of Kashmir. There is in international practice a very clear distinction drawn between cases where the question is merely what is the line which is the border between two States and a case where sovereignty is involved. The principle is that where there is sovereignty involved and somebody

claims a particular territory as belonging to that party without any question of where the border lies, then the international practice is that such a matter will not be referred to arbitration. There is no question of border dispute so far as the Kashmir question is concerned. They are attacking our sovereignty. They have got no sovereignty themselves, they have got no claim whatsoever themselves. We cannot enter into any arbitration or agreement with regard to Kashmir. That is international law, that is international practice. No nation has entered into an arbitration agreement in cases where sovereignty is involved and there is no border dispute, and we adhered to that practice, and that is why other nations have not been able to say that we are wrong in not entering into an agreement of arbitration with reference to Kashmir. Therefore, it has been our policy to draw this distinction between Kashmir and border disputes. We must adhere to this policy. To mix up the two would be running contrary to this policy and to weaken our case unnecessarily where our sovereignty is involved. We must keep them separate.

I will at once come to the other matter, namely, whether it is proper to revoke it. Mr. Vajpayee has drawn a picture of this agreement as if we have permanently decided that our forces shall not go there, as if, if this agreement is violated by Pakistan, our forces have no right to go there. There is no question of any right belonging to our forces or belonging to us in this agreement. It is merely a temporary phase. We have the right to send our forces into our territory. At the time of the agreement when we agreed to refer it to a tribunal, we could not finally decide whether the line lay. Therefore, temporarily we agreed to that thing. Not that we have no right to send our forces but until the tribunal decides the matter we shall not send our forces. To say that we shall not send our forces is not to say that we have no right to send our

forces. Similarly with regard to patrol in the small area. When an agreement is entered into, you do so because you cannot judge where the line is to be drawn. Then what is the use of sending it to the tribunal? If the other party is accepting your decision, then there is no question of going to the tribunal. Therefore, the fallacy, if I may say so, underlying the whole argument of Mr. Vajpayee is that he thinks that at the time when an agreement is entered into whatever is then decided is the final decision. Therefore, this picture that he has drawn is rather misleading and I think that at the present moment there is no justification whatsoever for revoking this agreement, no justification in international law and practice.

Prof. M. B. Lai referred to the Russo-German agreement during the war period. That is a very different kind of agreement, agreement of friendship.

PROF. M. B. LAL: May I know from the learned jurist whether there is not a similarity between the agreements of 1959 and 1960 and the Russo-German pact?

SHRI G. S. PATHAK: I will accept from you the contents of that agreement if you have read it.

PROF. M. B. LAL: Which agreement?

SHRI G. S. PATHAK: The Russo-German Agreement. I say, there is no similarity . . .

PROF. M. B. LAL: Why?

SHRI G. S. PATHAK: Because there was no question of any border dispute being decided between Germany and Russia at that time. I am speaking from recollection. I can bring that treaty.

PROF. M. B. LAL: But the question . . .

SHRI A. D. MANI: Here it is a question of fact.

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SHRI G. S. PATHAK: I will tell you what the position is. A non-aggression agreement is very different from a border agreement. The law in international practice on this point is this. If a term of the treaty is violated by a party to the treaty, it does not become null and void automatically. It is open to the other party to cancel it and give notice of cancellation.

PROF. M. B. LAL: That is what my contention was. I am giving a declaration to the effect . . .

SHRI G. S. PATHAK: Kindly hear from me more. There has been no war technically between us and Pakistan. War itself does not automatically annul all treaties. Treaties of alliance, treaties of friendship may be annulled. A border treaty like this has never been known to have been annulled even when the parties are at war. If you want, I will give you references from the books on it. Therefore, it is entirely a wrong supposition. There was a breach of faith on the part of Pakistan—but not with regard to this treaty—you cannot say that any term of this treaty has been violated by Pakistan.

THE ATAL BIHARI VAJPAYEE: The Preamble.

SHRI G. S. PATHAK: The preamble is not a term and the Preamble says "all borders between India and Pakistan." The cease-fire line is not a border between India and Pakistan. The border is on the other side of the cease-fire line; on the side of Pakistan, that is the border. It does not say 'cease-fire line'; it says 'border'. And if they violate the cease-fire line, that is not the border, even if you treat the Preamble as a term. Therefore, before the international world we could not say that if the Preamble was violated by Pakistan, any term of it was violated. How is it possible for us then to say that we have got a right to terminate this treaty? We have got to take

[Shri G. S. Pathak.]

into account the world community; we have also to take into account what other people will think about our conduct, knowing what our policies have been. Therefore, there is absolutely no justification for saying that we are entitled to treat this treaty as revoked or cancelled on the ground of violation of any term of this treaty by Pakistan. So far as war is concerned there is no declared war between us and Pakistan. But even if there were a war, the law and practice is not that a war cancels all treaties. There may be some kinds of treaties like treaties of alliance and treaties of friendship. They would be cancelled, other treaties are not cancelled.

Therefore, this argument which has been advanced is not tenable at all, and we cannot and we shall not be justified in revoking this agreement. Then our conduct will be inconsistent with international law and practice and it will be inconsistent with the position we have taken with regard to Kashmir.

Now, there is the question of honour involved. Will not our position in the international world become weak if, without pointing out which clause or which term of the treaty has been violated by Pakistan, we say that we shall have it annulled? And I submit that this is not wise either to divert our 'energies from places where they require to be concentrated. Those who think of revoking treaties must also think not only of something which may appeal to you in a fit of emotion, but also whether such a thing is proper in the entire circumstances with which we are faced.

Now, Madam, the object of the attack on the Kutch area was frustrated by entering into this treaty. This treaty secured a position which

we might have secured by expelling the attacker because the attacker agreed to withdraw his forces from that area, of course, subject to the decision of the Tribunal. I am not saying that the attacker's rights are not subject to the decision of the Tribunal but when you refer a matter to a Tribunal, you have got to accept that position namely, that whatever the Tribunal decides on the evidence, that will be binding on us. But what is the subject-matter of enquiry will be merely this, where is the line to be drawn having regard to the line which existed during the British period between the British territory of Sind and the Ruler of Kutch? Nothing else.

Now, Madam, there is just one-more submission which I have to make. The situation today is that atrocities are being committed by Pakistan in Kashmir as were done in the year 1947. Reference has been made to infiltration and other things by the speakers who have gone before me. The cease-fire line is a continuous firing line and there is violation of international law. There is crime committed by Pakistan in Kashmir when you consider what Pakistan has done and is doing, and we have got to consider one thing and that is this. You do not have decisions by international bodies—not like the Tribunal on Kutch—like the Security Council—on the merits of the problem; their interests colour the decisions and it does appear—if you have regard to the various resolutions passed by the Security Council not only with regard to Kashmir but also with regard to other matters—that they recognise aggression when, they like and they just overlook aggression at other places. This is a most dangerous phase which may be extremely harmful to the United Nations. The United Nations is really on trial in this matter. At some-places they would say that there is aggression; at other places they would just overlook the aggression..

SHRI A. D. MANI: They have never defined aggression.

SHRI G. S. PATHAK: Aggression is undefined. You do not define the beauty of a woman.

Madam, I am sorry I have to . . .

THE DEPUTY CHAIRMAN: I did not hear it because you turned round and said it.

PROF. M. B. LAL: No notice will be taken of these words.

SHRI G. S. PATHAK: Madam, we have got to face the situation. We must meet Pakistani propaganda. I am addressing the Government now and also addressing the other Members of the House. We are apt to believe in the justness of the cause; we forget that other nations are motivated by their own interests and by considerations other than the merits of the case. Therefore, it is necessary that we should activate our publicity and we should do something more in this respect so that the people of the world may know how Pakistan has been behaving and Pakistan must be exposed.

Now, unity inside is important and on this appeal has already been made. I am not adding anything to that. I am submitting that it is necessary for us to strengthen the hands of our Army. Madam our Army has given a very good account of itself. It is a very brave Army. It is a very strong Army and we can give strength to our Army only if we sink our differences inside and unite on a national matter like this and do not allow controversial matters to arise or to deflect the energies of the Government and of these who want to work in order to secure the safety of the people.

Madam, just one word more before I sit down. Prof Mukat Behari Lai mentioned the name of Mahatma

Gandhi. I agree with him that Mahatma, Gandhi's non-violence never meant that in case there was an attack on your honour, there was an attack on your territory, you should be non-violent. So far as my reading of Mahatma Gandhi's writings is concerned that was his view. I am definite that he once said: "Our young people do not deserve to live if they cannot save the honour of their womenfolk and of their country".

SHRI P. N. SAPRU (Uttar Pradesh): Very difficult to interpret Gandhiji.

SHRI G. S. PATHAK: Therefore, those who preach non-violence against Pakistan when Pakistan wants to destroy our sovereignty, I submit, they are not doing the correct thing.

So far as attack or counter-attack or retaliation—these expressions are used—is concerned, I agree that we have got a right in law to self-defence and, in the exercise of that right, we are entitled to destroy the bases and the installations of Pakistan. But how to judge from which base these intruders or their armies come? We must remember that the judge of when and to what extent this right has to be exercised would be the operational military. We cannot take a decision here that somebody should go there. We must leave it to our Generals who have their dialogues with other Generals.

PROF. M. B. LAL: I have no objection.

SHRI G. RAMACHANDRAN (Nominated): Madam, this is a democracy in which we live in India. The ruling party claims—and may be, rightly—that they are running a democracy in this country. If that is so, the role of the Opposition is of tremendous importance in a democracy. You have had stated on the floor of the House most emphatically the Government version of this Kutch



[Shri G. Ramachandran.] Agreement No one could have spoken with greater clarity, humility, and emphasis at the same time than the Prime Minister. It was good to listen to him because while he was speaking, his voice was not strident, but his mind was firm on basic principles. It is equally good that we heard the Opposition. One listened to my friend, Mr. Vajpayee, sharing the emotion that so deeply moved him, and I could see from the faces of the Government Members that they too shared that emotion. It is not a question that the Congress people who are running the Government alone are the patriots and those who point out certain flaws in this agreement are the enemies of the country. I hope there is no such idea anywhere. This Government and the Opposition are equally united together in the defence of this country and in the maintenance of the honour and the integrity of the nation. Personally, taking into consideration all the circumstances that then obtained, I think the Kutch agreement is an excellent agreement. You cannot have an agreement unrelated to circumstances. If you had asked Mr. Shastri or Shri Swaran Singh to sit down and draw up an ideal agreement, I have no doubt that they would have drawn up an ideal agreement, but that would not be related to the circumstances. But even after I have said that it is a good agreement under the circumstances, I am not sure that the Government of India have taken care of every word in that agreement and every comma and full-stop in it: Some masterly hand has drafted the agreement, and I share with my friend, Mr. Vajpayee, the inquisitiveness to find out where this was drafted. I suppose that will remain a mystery.

When I compare, Madam, what happened over this Kutch business and the sequence of events which overtook us over the incident with China, I think this time we reacted more

quickly, more vigilantly than we did over the Chinese incident. We took *no* time to recognise what was happening and we reacted to it vigorously. There was even the story that the Government of India—I do not know how much it is correct—was thinking of opening a second front somewhere else if aggression in Kutch was not vacated. We reacted quite quickly and vigorously. We yielded nothing as the negotiations went on as one could see. I do not know if anybody tried to pressurise us because all these are secrets to which a common man on the floor of this House can get no access. But one does not see the sign of any pressure in the document except that somebody has drafted it so cleverly that one or two things seem to have escaped the careful attention of the Government of India.

Madam, what is the line of attack of the Opposition on this Kutch Agreement? Let us study that carefully. Let us be tolerant of this criticism, and see with sympathy what is in the minds of our fellow Members who took upon this Agreement with a little suspicion. Firstly we have allowed the Pak police to patrol a certain road . . .

SHRI A. D. MANI: That is the newspaper quotation.

SHRI G. RAMACHANDRAN: . . . , and we are told that this does not mean any infringement of sovereignty. My friend here who interprets sovereignty in all the fine nuances in which he is a specialist feels that even if over a number of miles of Indian territory the Pak police can now travel to reach from one post to another of their posts, there is no infringement of sovereignty. But surely there is a certain weakness attaching to this concession and I do not want the Government to run away from admitting this weakness, this concession which has been made. It disturbs the people.

SHRI P. N. SAPRU: There is a delusion of sovereignty

SHRI G. RAMACHANDRAN: We i have also limited our own patrols in our own patrols in our own area. This is even more serious that we allowed i<sub>n</sub> this Agreement that in regard to territory indisputably ours, we accepted certain limitations of patrolling—another weak concession we have made in this Agreement. We talked about the *status quo ante* and I remember how often the Prime Minister came back to this expression *status quo ante*. It almost became a joke. Now this *status quo ante* has become a double-edged monster which has caught us by the tail at the other end. We now discover that on the date which is mentioned in reference to the *status quo ante* Pakistan had done something and we are now called upon to accept that something as part of the *status quo*. Now all these are weaknesses, are concessions, which we have made. Then we agreed there would be three foreigners in the Tribunal, there would be no Indian or Pakistani. That is a very reasonable thing. Otherwise as the Prime Minister said, there will be two lawyers arguing against each other and there would be only one man finally deciding the issues. Supposing my friend, Mr. Vajpayee represented India and Mr. Bhutto represented Pakistan, you can imagine what would happen at that meeting. In a few minutes, words would be giving place to fists. I suppose. So it is good that not an Indian and not a Pakistani would be there and the third who would be selected by both would also be a foreigner. If you want arbitration there is no other way of getting an arbitration.

SHRI A. D. MANI: Would you suggest the same for the Himalayan border also?

SHRI G. RAMACHANDRAN: You ot going to draw me across with a red herring like that. You leave me to develop my own case. I was saying that there are weaknesses in this settlement. Ther<sub>e</sub> are the words 'determination of the border'. We could have avoided that and said 'delineating

border' or 'demarcating the border\* which would have been better. That is why I have a feeling that the Government of India did not take adequate care of the wording and in an Agreement, like this every word counts. We could have and should have taken greater care of the wording. What I would like the Government to do now is to fairly and squarely admit that this is a compromise and a compromise means giving something and taking something. You cannot have a settlement of this kind avoiding the cataclysm of a war without giving something and taking something.

SHRI A. B. VAJPAYEE: Taking what?

SHRI G. RAMACHANDRAN: I am coming to that. Taking what? Yes, I will answer that challenge squarely. The Pakistani forces had occupied posts inside Indian territory. Pakistan had brought up a lot of military paraphernalia to support their aggression. They had to vacate. That is 'taking it'. If anybody suggests that this Agreement is all surrender, may I say in all humility that that somebody would be talking nonsense? We have made certain concessions and the other party also has had to make concessions. I have a notion that if somebody can go and do some reasearch in Pakistan, he will find hundreds of people there raging against this Agreement. So we gave and took. It is a good thing we did that and avoided the catastrophe of a war. It is said that we must keep Kashmir apart from Kutch. I agree but I want to ask the Government the question: 'Have you yourseli kept Kashmir apart from this Kutch business?' If you did so and if you thought that Kashmir and Kutch were two separate issues why have you cancelled the meeting of the two foreign Ministers? So in your own mind even while on the one hand you are saying that these two things are separate, you have not acted on that assumption.

SHRI A. D. MANI: It is on account of the Jana Sangh demonstration.

SHRI G. RAMACHANDRAN: I do not think that the Jana Sangh demonstration had anything to do with it. It was a grand demonstration but it has nothing to do with it. But let me come back to the point. You cannot keep these things separate. There is something that happened in Kutch from which you came out with an Agreement but hardly was the ink dry on it when something else happened somewhere and even the Government reacted to it by saying that the proposed meeting of the Ministers was cancelled. Let me tell you I am not happy that this meeting of Ministers is cancelled. If I had my way, I would have had this meeting of the Ministers. Let Mr. Bhutto come and let him raise the issue of Kashmir, if he wished. We would not. We would have dealt with the issue of the Kutch Agreement on its own and nothing else. So I am not sure whether in the mind of the Government itself the Kashmir infiltration and all that has since happened are not egging them on to other ways of thinking, to other ways of doing. I should like that not to happen.

Within the short time at my disposal I have only one or two things more to add. I said on the whole this is a good Agreement. We have avoided a war. The consequences of war are inconceivable. There are tin-pot Field Marshals among us who think they can have a war as though war today is a kind of big joke. War today is a terrible thing. It will not be merely war between India and Pakistan. A conflict, an open conflict and a total war between the two countries will, within no time, become a world war and the consequences would be terrible. We must make a peaceful approach to this problem. I am glad one of the Members here emphasised the need for a peaceful and civilised approach to this problem. In 1965 and onwards, you cannot solve such a problem by military action. Even President Johnson, the mighty man, the President of the U.S.A. is finding that he cannot solve the problem of little South Viet Nam with all

his weapons on the ground and in the air. No such problem in this present time of ours is going to be solved on a military basis. Occasionally a little military action saves a little situation here and there but when it comes to the question of a total war between two nations, then it never is going to be solved by military action. There is no such thing as victory or defeat possible for any power in the world in 1965 and onwards. We must become civilised people, approaching these problems in a civilised way and the only civilised way is that of negotiation and arbitration. Somebody thinks that arbitration infringes sovereignty. There can be nothing more ridiculous than that idea. Arbitration is necessary more among sovereign nations than between anybody else because there is not yet a clear Inter-national Law nor its effective instruments. So we must sit together and talk together and if two heads do not get down to a peaceful arrangement we ask a third man to come and help. There is nothing derogatory in arbitration.

Let me close by saying that there was a very serious situation in Kutch. The Shastri Government dealt with it firmly and with restraint, combining firmness with restraint. This is the tradition we inherit from Pandit Nehru. When Pandit Nehru in the past acted with similar restraint and firmness, the very people who are attacking the Government today attacked him. I can remember the attacks of Mr. Vajpayee even then, on Pandit Nehru. The same people now attack again but we must remain inflexible in our policy of firmness combined with restraint. The Government have done well and they deserve the congratulations of this House and the whole country. But they must take care of every word in an agreement. When a draft is made they must take care of every word and every comma and full stop. Otherwise they simply expose themselves to attacks from the Opposition. I wish the Government and the Opposition well and I think they have both done well. Thank you, Madam.

SHRI K. V. RAGHUNATHA REDDY (Andhra Pradesh); Madam, irrespective of the niceties of the words used in the Agreement or in the language used in various letters of correspondence, the question that remains before this House is whether this House is going to accept the proposal of the Government to refer the question of Kutch to a Tribunal exercising powers of arbitration. The Tribunal has to consider what the border with Pakistan was; in August 1947, when Kutch acceded to India. In short the Tribunal is to give a finding on this very limited question without extending its jurisdiction to any other collateral or external issues connected with it. Therefore, Madam, the question is asked why the Indian Government had chosen to refer this matter to the Tribunal in pursuance of this Agreement? If we do not refer this matter to the Tribunal, it amounts to abrogating the entire Agreement. Either we will have to abrogate the entire Agreement or we will have to pursue the logical consequences of all the terms that are found in this Agreement. That is the reason why the Government of India has come forward for the purpose of taking the approval of this House for referring this matter to the Tribunal. It had been the practice of Governments to come before the Parliament to have its approval for various issues like this. Then only the Government will get the power, and the world would recognise that a proper approach had been made in this regard, and then only the Tribunal also will get the proper jurisdiction to deal with the matter because, in the dynamics of international relations, approval of Parliament is necessary for the purpose of the exercise of the Tribunal's jurisdiction notwithstanding the fact that the two Governments might have entered into agreements. Madam Deputy Chairman, the question is often asked why the Indian Government is so cowardly that they have been resorting to this kind of diplomacy by conference and not diplomacy by compulsive reprisals. The Indian Government has been guided, Madam Deputy Chairman, by the

interests of peace, by the policy that peace is indivisible, for an underdeveloped country like India peace is absolutely necessary for its economic development. As Mr. Ramachandran said, there can be any number of drum-beaters and breast-beaters in favour of war, but if war breaks out, the colossal consequences of war cannot be easily realised unless one experiences them. It is very easy to talk about war but very difficult to face the consequences. That is the reason, Madam, why had been the practice in the history of international relations to refer matters of this type to arbitration. This is not a case of adjudication before a judicial tribunal but it is arbitration by the chosen, representatives of the Government of, say, two or three for the purpose of giving a finding of fact on a question that is placed before them. This has been the practice, Madam, from the time of the Hague Convention, and one would recall, any student of international relations would recall, that in 1903, when England and France entered into an agreement called the Anglo-French Agreement of 1903, in that agreement there were specific provisions relating to the issues which could be referred to arbitration tribunals, for the purpose of deciding questions.

But Madam Deputy Chairman, there are questions like the vital interests of a nation—the independence of a nation, the honour, and dignity of a nation these are the three issues which cannot be referred to any tribunal for the purpose of arbitration, but on all other issues of a subsidiary character and of a legal nature, it has been the international practice from time to time, ever since the Hague Convention, to refer these matters to the international tribunals for the purpose of arbitration. And if we once give up the principle of arbitration and take to the policy of the gun, Madam Deputy Chairman, we will be violating not only the established principles of international law and the United Nations Charter but also principle of human adjustments by mutual consultation and diplomacy by confer-

[Shri K. V. Raghunatha Reddy.] •nee. This is the reason, Madam Deputy Chairman, why the Government of India had been induced to take up this attitude in this direction. Madam Deputy Chairman, in this regard one should not confuse the issue of Kashmir with that of Kutch. It is asked: If once we concede the principle of reference to an arbitration tribunal regarding the Kutch issue, will not this principle have a dangerous extension to that of Kashmir? Now as far as the question of Kashmir is concerned, Madam Deputy Chairman, it is not an issue that can be determined as in the case of Kutch. As far as Kashmir is concerned, there is no doubt about the territory, about any part of the territory. The main question regarding Kashmir is altogether of a different character, the question being whether Kashmir, as such, should belong to Pakistan or to India and that is a different question altogether. If we try to confuse these two issues, we will be only playing directly into the hands of Pakistan because, there, it is not relatable in any way to any dispute of territory or to any principle international law. If we inadvertently mix-up these two issues, we will be only playing into the hands of Pakistan, and it is against the Interests of India. Therefore I would appeal to the hon. Members and the Government not to mix these issues and commit the error of what we call the misjoinder of issues and it would only lead to confusion and injustice.

Thank you, Madam, for the opportunity you have given me. I support the motion proposed by the Government.

श्री पंडरीनाथ सीतारामजी पाटील  
(महाराष्ट्र) : उपाध्यक्ष महोदया, कच्छ  
समझौते का जो प्रस्ताव सभा सदन के सामने  
आया है, उसके बारे में मैं कुछ अपने विचार  
आपके द्वारा सदस्यों के सामने रखना चाहता  
हूँ। पिछले कुछ वर्षों से जो देखने में आ रहा  
है उतने ऐसा मालूम हो रहा है कि पाकिस्तान

सरकार भारत की भूमि पर प्रथम अचानक  
सैनिक कार्यवाही करके कुछ भाग अपने कब्जे  
में कर लेती है और बाद में वह यह कह कर  
शोर मचाती है कि वह भू-भाग विवादग्रस्त  
क्षेत्र है। और जब भारतीय सैनिक उसका  
मुकाबिला करते हैं, तब हमारे जो पश्चिमी  
मित्र राष्ट्र ह, वे बीच में आ करके मध्यस्थता  
करते हैं और हम उनके फेर में सदा आ जाते  
हैं और यह उसका ही परिणाम कच्छ को जो  
अभी मामला पैदा हुआ है, ऐसे मामले खड़े  
हो जाते हैं।

#### STATEMENT *RE* FINANCIAL AND ECONOMIC SITUATION IN THE COUNTRY

THE DEPUTY CHAIRMAN: Please give way to Mr. Bhagat who has to make a statement.

THE MINISTER OF PLANNING (SHRI B. R. BHAGAT): Madam, on behalf of Shri T. T. Krishnamachari, I beg to lay on the Table of the House a copy of the speech made by the Finance Minister in the Lok Sabha today on the financial and economic situation and the proposals that he has made in connection therewith. (See Appendix LIII, Annexure No. 23.)

SHRI A. D. MANI (Madhya Pradesh) : Madam, may I request the hon. Minister to give us an idea of these proposals, because they are very important? I don't want him to read the whole thing, but he can give us the gist of it.

SHEI B. R. BHAGAT: Copies are available.

THE DEPUTY CHAIRMAN: It is laid on the Table and it will be circulated to you.