

**MOTION RE INDO-PAKISTAN
AGREEMENT RELATING TO GUJARAT-
WEST PAKISTAN BORDER—continued.**

श्री पंडरीनाथ शीतारामजी पाटील :
इसी ढंग से बेरुबारी का भू-भाग लेकर के
पाकिस्तान ने पहले उसका फायदा लिया है
और तब से उसकी इस तरह की आदत पड़
गई है।

[THE VICE CHAIRMAN (SHRIMATI TARA
RAMCHANDRA SATHE) in the Chair].

इसी कारण से कच्छ पर उसने एक दम
से पिछली अप्रैल के महीने में फौजी घावा बोल
दिया, उसके कुछ भू-भाग पर कब्जा किया
और फिर जब भारतीय फौजों ने उसका
मुकाबिला किया और रण क्षेत्र से भागने की
मूसीबत उसके ऊपर आ गई, तो उसने सदा
की भांति इंग्लैण्ड के प्रधान मन्त्री को बीच में
ढाला और फिर कच्छ के समझौते का यह
सवाल उसमें से पैदा हुआ है। इस तरह का
जो पाकिस्तान का रवैया है, उसको हमें
बदोस्त करना मुश्किल है और बदोस्त करना
भी नहीं चाहिये। उसी के कारण से अभी
काश्मीर में पाकिस्तान ने अपने छापामार
लोग भेज कर के गड़बड़ मचा दिया है। पिछले
तीन महीने से काश्मीर में बराबर पाकिस्तानी
सैनिक लोग आ करके छिप कर बसे और वहां
बे तोड़फोड़ की कार्यवाही और भारत के
विरोध में अलग अलग मंसूबे करते रहे।
पिछले दो दिन से खुलमखुला पाकिस्तान ने
काश्मीर के ऊपर फौजी हमला बोल दिया है
और सम्भव है कि अगर हम सतर्क न रहे तो
असम और पश्चिम बंगाल की सीमा के
ऊपर भी खतरा पैदा होने का डर है।

मैं एक गम्भीर बात सरकार के सामने
रखना चाहता हूँ और उस पर हमारी सरकार
को तुरन्त ध्यान देना चाहिये, वह यह है कि
पाक के घुसपैठियों का जो घपला हमारे देश
की सरहदों पर होता रहा, तो यह कैसे होता
रहा, इसको हमें गहराई से सोचना चाहिये।

जब काश्मीर की सरहद के ऊपर संयुक्त
राष्ट्र संघ के निरीक्षक लोग बैठे हुए हैं और
हमारी भी फौजें वहां पर तैनात हैं, तो फिर
पाकिस्तानी आक्रमणकारी काश्मीर में कैसे
आए? हमारी फौज क्या कर रही थी? संयुक्त
राष्ट्र संघ के निरीक्षक लोग वहां क्या कर रहे
थे? काश्मीर की सरकार क्या कर रही थी
तथा हमारी भारत सरकार का बड़ा खुफिया
पुलिस का विभाग क्या कर रहा था? क्या
सो रहा था? जो कुछ अभी तक हुआ है उसके
ऊपर किसी का ध्यान क्यों नहीं गया। यह
बड़े सोचने की बात है और हमारी भारत
सरकार को सतर्क होने की आवश्यकता है।
कहीं न कहीं हम गलती कर रहे हैं, कहीं न
कहीं धोखा खा रहे हैं। इससे भी हम कुछ
नहीं सीख सकेंगे तो हमारे देश के ऊपर ससे
भी बड़ा खतरा आने की सम्भावना है। अस्तु,
यह हमारा पहला अनुभव नहीं है। ढाई वर्ष
पूर्व चीन ने भी हमारे ऊपर फौजी हमला किया
तो उसका भी पता हमारी खुफिया पुलिस को
नहीं लगा। कितने आश्चर्य की बात है कि कच्छ
के ऊपर दुश्मन का फौजी हमला हुआ और हमारी
खुफिया पुलिस को पता नहीं चला कि हमला
होने वाला है। जब हमला हुआ तब हमारी
खुफिया पुलिस को पता चला, हमारी सरकार
को पता चला। तो ऐसा हमारा निष्कर्ष
कारोबार चल रहा है। हमारी जो यह गल-
तियां हो रही हैं उनको हमें तुरन्त सुधारना
चाहिए।

मैं अब आखिर में ज्यादा नहीं बोलूंगा
क्योंकि मेरे लिए समय भी थोड़ा है। मैं
सरकार से यही एक महत्वपूर्ण बात
कहूंगा कि हमारे देश के सिपाही लोग यानी
सैनिक वीर बड़े बहादुर हैं। उन्होंने आज तक
हमारे देश की ऊंची परम्परा तथा इज्जत
रखी है और वह चाहते हैं कि अपने देश के जो
भी भाग दुश्मन के हाथों में चले गए हैं उनको
वापस लें, लेकिन हमारी सरकार उनको जकड़
कर रखती है। आज तक उनको बसा रखा
गया है। यह ठीक नहीं है। रण क्षेत्र में हमारे
फौजी अफसर जो कार्यवाही ठीक समझते

[श्री पंडरीनाथ सीतारामजी पाटील]
होंगे, बाजिब समझते होंगे वह उनको करने देना चाहिए। अगर ऐसा न हुआ तो हमारे दुश्मन देश ज्यादा फायदा उठावेंगे।

आज तक भारत ने पाकिस्तान को पड़ोसी तथा छोटा भाई समझ कर उसके साथ क्षमा बरती या भलाई का बर्ताव किया है, लेकिन हमारी सहिष्णुता और समझौते की प्रवृत्ति को वह हमारी कमजोरी समझता रहा है और इससे उसे लाभ भी हुआ है और इसी कारण से सदैव नए नए झगड़े वह पैदा करता है। अस्तु, पाकिस्तान का जन्म ही द्वेष और घृणा से हुआ है। इसलिए वह भारत के साथ शान्ति से रहने में विश्वास नहीं करता। यह हमारा 18 साल का अनुभव है। इतने लम्बे अनुभव के बाद भी अगर हम उसे अपना मित्र मानने की कोशिश करें तो वह हमारे लिए समझदारी की बात नहीं होगी।

कच्छ सिन्ध समझौता पाकिस्तान के पक्ष में होने पर भी, पड़ोसी के साथ सौहार्द रखने की भावना से उसे हमने स्वीकार कर लिया, किन्तु इसके बाद भी हमारी सौहार्द एवं सहिष्णुता का सही मतलब अभी तक पाकिस्तान ने नहीं लगाया है तो फिर हमारे लिए अब एकमात्र रास्ता, विकल्प यही शेष रहता है कि हम पाकिस्तान के साथ पाकिस्तान की भाषा में ही बोलें और अब पाकिस्तान के प्रति अपने इस संकल्प पर हम अविलम्ब अमल करें यानी उसकी गोली का जवाब उसको हम गोली से ही दें, क्षमा से नहीं। सारे देशवासियों का यही दृढ़ संकल्प है। सारा भारत आज शासन के पीछे दड़ता से खड़ा है। भारत की जनता आक्रमण और आक्रमणकारी इन दोनों को अब एक क्षण भर भी सहने को तैयार नहीं है। आक्रमणकारियों का अपराध घोर है अर्थात् दण्डनीय है और भारत उसके लिए आज कटिबद्ध है क्योंकि यह उसके स्वाभिमान का सवाल है, उसके अन्तर्राष्ट्रीय चारित्र्य की कसौटी है, उसकी भावी पीढ़ी के जन्म-मरण, प्रगति या पतन तथा पुरुषार्थ या पराभव की यह कठोर एवं अन्तिम परीक्षा है।

SHRI A. D. MANI: Madam Vice-Chairman, in intervening in this debate I should like to make a reference to the very able and plausible defence of the Agreement put forward by my hon. friend Shri Pathak. Mr. Pathak argued that a border agreement cannot be nullified on account of developments, short of war. His point of view was that there was no declared war between India and Pakistan and, therefore, the agreement reached in 1960 and the earlier agreement reached in 1959 with regard to the settlement of border disputes were still valid. But I would like to point out that after the conclusion of the Second World War, a new-pattern of warfare has come into vogue in all parts of the world. As I see the future, there is going to be no declared war between one country and another for a long time, unless there is going to be a nuclear holocaust. It is well-known, for example, that the Chinese Government is behind the Vietcong in Vietnam; but there is no declared war between China and Vietnam or for that matter, between China and the United States of America. What we have to see at the present time is that there is an undeclared war between India and Pakistan whatever description we may give for the infiltration, for the disguised infiltration of Pakistani raiders into Kashmir. Under these circumstances the main question before the House is not whether this Agreement flows from the earlier undertakings or the earlier agreements concluded between the Government of India and the Government of Pakistan but whether such an agreement should have been concluded at all. Madam, I have put down an amendment asking the Government of India to inform the Government of Pakistan that they do not hold themselves bound by the earlier agreements reached in 1960 with regard to the settlement of border disputes. I quite concede that as the situation stands, in terms of law, the Government was within its rights in concluding this Agreement. But law is not the only factor which should be taken into account. It may also be

correct to say that the Government of India has not sprung a surprise on the public or on the Opposition. In 1960 the agreement was notified to both Houses of Parliament. Very able Members of Parliament were there, -including my very good friend, Shri Vajpayee, who was then a Member of the other House. But there was no discussion whatever on this extraordinary principle of arbitration which had been agreed to in the communique issued in 1959. The Government might well have drawn the conclusion that as there was no discussion on the communique of 1959 and the agreement of 1960, they were justified in concluding this Agreement. But I would like the hon. Prime Minister to bear in mind the atmosphere of the discussion in this House and the other House when we discussed the question of Pakistani aggression. It was made clear to the Prime Minister at that time that this country cannot accept the *bona fides* of Pakistan and that, therefore, every step ought to be taken to rid the territory of the aggressor. When such was the case, it is my humble opinion that the Prime Minister should have convened an emergent session of Parliament to consider the proposals of Premier Wilson because the entire negotiations leading to this Agreement started in London and the Prime Minister should have told the British Prime Minister that as Parliament was gravely concerned about the *bona fides* of Pakistan, he would not consider himself bound to follow the procedure laid down in the 1959 and 1960 agreements. If that had been done, we would not have been faced with this spectacle of finding the ink not yet dry on the Agreement before Pakistan started assive infiltration by raiders into our territory in Kashmir. Now, the question may be asked as to whether we have gained much or lost in respect of this Kutoh Agreement. I may mention here that if you read the Hansard of those days, 1958, 1959 and 1960, of both the Houses of Parliament you will find that Pakistan had staked a claim for Chadbet. Though I

this has been the subject of negotiation between the two Governments now, under the Agreement, that claim has more or less been given up and our forces can move up to that area. If it is a question of balancing one agreement about another, it is always a difficult operation. I may say that we have concluded a much better agreement, as far as this Kutch Agreement with Pakistan is concerned, then the agreement we concluded with China in relation to the Colombo Proposals. As I said, whatever may be the advantage of this Agreement, this does not mean that the Government of India should have agreed to enter into this agreement without a settlement of the overall question of our relations with Pakistan. Madam, I may be in a minority of one . . .

SHRI P. N. SAPRTJ: You are not.

SHRI A. D. MANI: ... but I have always felt that the Pakistan question cannot be solved piecemeal, we cannot come to an agreement in one sector and allow Pakistan to carry on hostilities in another sector. This settlement of the question with Pakistan has got to be an overall one and we must have satisfactory evidence that the Government of Pakistan accepts the internationally accepted principle of good neighbourly relations. We have got conclusive evidence to show that Pakistan is a past master of treachery, perfidy and duplicity.

SHRI P. N. SAPRU- We should also be prepared for . . .

SHRI A. D. MANI: Agreements are always between gentlemen and not with those who do not know the value of the plighted word. It is on this question that I feel that the situation which has arisen today calls for a drastic overhaul of the policy of the Government of India. Madam, I would like to draw the attention of the House to this agreement of 11th January 1960, the West Pakistan-India Border Ground Rules. In my amendment, I have asked for the abroga-

[Shri A. D. Mani.]

tion of the ground rules. I can concede that if two countries have to live as neighbours, they have to maintain a certain measure of peace on their borders but we are not in the position of neighbours. We are today in the position of a country which has to face an undeclared war which has been more or less forced on us by Pakistan. Madam, there are certain extraordinary provisions and my hon. friend, the Minister for External Affairs, was one of those who concluded this Agreement. Para seven says:

"Notwithstanding the provisions of paragraph 6 above, both sides may go right up to the *de facto* boundary in hot pursuit of the offender."

Then it goes on to say in paragraph three:

"The *de facto* boundary is generally known to the security forces of both sides and the local population. In case of a dispute arising in any sector regarding the *de facto* boundary, the *status quo* will be maintained by the local post commanders."

They make a clear distinction between what is called *de jure* and *de facto* boundary. It is an unfortunate fact that though Pakistan has continued its hostile activities on our frontiers, the Government of India did not take active steps to patrol this Kutch after 1947. According to my information when I went to Ahmedabad—I do not want to mention the names of persons who gave the information to me—the Government of Gujarat frequently and constantly asked the Government of India to take steps to see that this border is effectively patrolled. No action was taken. We did not know where our border was in that area and it is also an unfortunate fact that as we were concerned so much with Berubari, both Houses of Parliament did not give sufficient atten-

tion to the India-West Pakistan boundary. I have tried to go through the Parliamentary proceedings to find out whether this issue was raised in any concrete manner. Madam, this is all a legacy of the past. We are paying very heavily for the ineffectiveness of the foreign policy of the Government of India in so far as Pakistan is concerned. It may not be fair to hold the Prime Minister of the present day responsible for what has happened. We have to blame ourselves for not being vigilant also because when these agreements are placed on the Table of both Houses of Parliament, it is expected that vigilant Members of Parliament would take up this matter and agitate in the proper way.

Madam, I would like to go on and refer to this question of arbitration. I can concede that in a world which is not dominated by power, arbitration is the only solution for international disputes. Arbitration has also been recommended for industrial disputes but unfortunately the Government of India does not accept arbitration as far as its own servants are concerned. It is all very well-known that the labour policy of the Government of India does not permit of arbitration in regard to the pay and emoluments of millions of its employees. Now, I can conceive that in the perfect world which we are seeking fifty years hence, a hundred years hence arbitration would be the only acceptable international method of solving disputes.

SHRI P. N. SAPRU: They will have to have devolution of sovereignty as we progress towards a world State.

SHRI A. D. MANI: But I am sure the Minister of External Affairs knows that in regard to the payment crisis which has arisen in the United Nations neither the United States nor the Soviet Union is prepared to accept arbitration. Each would stick to its own position. Why should we be....

SHRI AKBAR ALI KHAN (Andhra Pradesh): That issue has been settled.

SHRI A. D. MANI: But not completely.

SARDAR SWARAN SINGH: There was no talk of arbitration in that respect.

SHRI A. D. MANI: I am only asking whether anybody could have accepted that the Government of the United States would not have accepted arbitration. Why should this Government be a Messiaiah of humanity? Why should we accept the principle of arbitration when no other country has accepted it in regard to its boundary dispute? I would like the hon. Prime Minister, the hon. Minister for External Affairs to tell me whether any country in the world has accepted arbitration in regard to the settlement of a territorial dispute. Now, the question is that a lot of play is being made on this phrase "delimiting, determining the boundary and demarcation." Madam, I am sure that this would shock Mr. Vajpayee if I were to inform him that the authorised text of the Kutch Agreement is in English only. The hon. Minister for External Affairs will bear me out when I say that the text which both the Governments have accepted is the text in English, not in Urdu or Hindi. Now, it is very clear that the word "determination" has occurred for the first time in all these negotiations. I want the Minister of External Affairs to tell me whether at any stage in his negotiations in 1959 or 1960, the word "determination" occurred? For the first time the word 'determination' occurs. The determination of a boundary, as a student of English language, I may say, means that we have first to determine which part of the territory belongs to one side and which part belongs to another. It is not demarcating on the ground and I think that the Government of India has . . .

SARDAR SWARAN SINGH: In the earlier agreement the word was settle-

ment and settlement and determination are not. Very much different.

SHRI A. D. MANI: These words mean a lot in law as my hon. friend, Mr. Sapru, would bear me out.

SHRI AKBAR ALI KHAN: That is true. If the document would have been in Urdu or Hindi probably it would have been more difficult.

SARDAR SWARAN SINGH: Settlement and determination mean the same thing.

SHRI A. D. MANI: The British are pastmasters in compromises, are past-masters in diplomatic nuances. When Premier Wilson suggested the word 'determination' we accepted it not realising the implication . . .

PROP. M. B. LAL: I think we realised it. Why should we think that our Prime Minister was not conscious of the meaning of the word 'determination'?

SHRI A. D. MANI: The hon. Sardar Swaran Singh was there.

SHRI P. N. SAPRU: I think it is not necessary for us to impute any motives to Prime Minister Wilson. I have a very high regard for him personally.

SHRI A. D. MANI: I am just saying that the matter has been put to us in a way which commits us to this position that the entire Rann of Kutch is an open question, and it is no longer determination and demarcation.

SOME HON. MEMBERS: No, no.

SHRI A. D. MANI: I will answer that point. I have got the Agreement here. In Article 3 it says:

"India claims that there is no territorial disputes 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"

[Shri A. D. Mani]

This is India's case. Then it goes on:

"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 ..."

Both sides are put in this Article. It means that they have not come to any conclusion on the very basic question whether it is a territorial dispute or a boundary dispute. It is kept as an open question and I feel therefore that the Agreement which has been concluded in the circumstances which existed even then and which continue to exist today can be quite harmful to our future settlement of the dispute.

Now the question will be asked: what do you suggest in regard to this matter? May I ask the Prime Minister, by accepting a tribunal which will consist of one person nominated by the Government of Pakistan, one person nominated by the Government of India and a Chairman mutually acceptable to both of them

SHRI P. N. SAPRU: Or by the Secretary-General.

SHRI A. D. MANI: Yes; or by the Secretary-General, whether we have not run the risk of Pakistan nominating the Government of China as its representative? May I ask the hon. Minister for External Affairs whether in that event at least we will say, 'No; we will have nothing to do with this tribunal because we cannot allow a prejudiced party to be a member of the tribunal on behalf of Pakistan.'? I am afraid under the terms of the Agreement which they have concluded they would not be in a position to object to the Government of China being a nominee of the Government of Pakistan. Can he object to it? I

would like to ask the hon. Minister for External Affairs.

PROF. M. B. LAL: No, no. I think the Minister should not reply.

SHRI A. D. MANI: I would like the Prime Minister to tell us very clearly—I know that he is going ahead with this Agreement—at least whether he will salvage the Agreement by saying that any country which is not friendly to India or which has a dispute with India cannot be a member of the tribunal.

SHRI P. N. SAPRU: Mr. Mani assumes that Pakistan will nominate China. We may take it for granted that Pakistan will do nothing of the sort because she values, howsoever much she may pretend to be a friend of China, the friendship and support of the United States.

SHRI A. D. MANI: The hon. Mr. Sapru has many qualifications but I do not think he has any qualification of being the spokesman of the mind of Rawalpindi. I am certain that he cannot speak for the Government of Rawalpindi sitting in this Chamber and say that Pakistan is not likely to nominate China. I would like therefore to say that the situation with which we are faced today is that we are no longer bound by this Agreement because of the *mala fides* of Pakistan. The point of view raised by Mr. Pathak—I wanted to ask him at that time but he did not like interruptions—is that until there is a declared war every Agreement stands but in law, in international practice, the *bona fides* count a good deal, and as long as the *bona fides* are not there on the part of Pakistan we will be landing ourselves in trouble always and we will be walking into the trap if we bow before the tribunal. And it may well happen—I am not going to forecast the future—that circumstances may arise when we may have to withdraw the case from the tribunal which will place us in a worse Pakistan. Can he object to it? I

that we should abrogate the 1960 Agreement. I do not want to sit in judgment on The propriety of the Prime Minister entering into that Agreement in 1960. I am prepared to concede for the sake of argument that at that time perhaps there was justification for thinking that the procedures outlined in 1960 might be dutifully followed but today an entirely new situation has arisen and it is very difficult for us to carry on almost hostilities with that country and also go before a tribunal to settle a border dispute with it.

Madam, a question may be asked: what about the future? I quite believe that the people of India and Pakistan have to live as neighbours. History and destiny have cast them for this part. It so happens that there is no democracy in Pakistan and it is under a military dictatorship. We have a democratic system functioning in our country and on account of this these mutual imbalances between India and Pakistan have arisen. It is likely that we may have to go to the fire of war if necessary and may have to come to a better understanding with Pakistan. I do not shudder at the word 'war' as some persons do. All this talk of peace, this talk of ahimsa, this principle of non-violence, this idea of appearing reasonable to all the people, has brought us to this condition that the will to fight is getting suppressed. The brave men of our Army who are fighting in Kashmir deserve the warmest support, warmest emotional support of the population. The demonstration which was staged by the Jana Sangh was not the demonstration of a party. It was the demonstration of the outraged feelings of a people and I therefore humbly submit to Government that

before they proceed with the tribunal they should consider the serious consequences which will arise. If this case is argued before a tribunal we have to appear in the role of a party producing evidence for our side of the case and Pakistan will have to produce evidence for its side of the case.

There is only one more point.—I am glad that you have been kind enough to give me time—and that is, I read a statement of the Prime Minister in the other House. I have very great respect for him and I know that he is doing a good deal to maintain internal stability in the country. He made a statement that one of the reasons why we accepted this tribunal was that we might press our point of view along with the representative of Pakistan as perhaps there may be fighting among us also. I know that he did not mean every word that he said. We are all quite confident of our case and there is no question of our fighting with anybody. If anybody is going to fight with us it is the Government of Pakistan because they do not want to accept the reasonableness of our case. Therefore I would like to tell the Prime Minister not to put his acceptance of the tribunal on the ground that we will fight amongst ourselves. He has been driven to accept the tribunal because of past commitments and the legacy of the entire question from 1947, Thank you, Madam.

THE VICE-CHAIRMAN SHRIMATI TARA RAMCHANDRA SATHE) : The House stands adjourned till 11 00 A.M. on Monday the 23rd August, 1965.

The House adjourned at half-past five of the clock till eleven of the clock on Monday, the 23rd August, 1965.