

the cease-fire line is a United Nations responsibility. In that situation it is for the United Nations, representing world opinion, to take action against Pakistan.

I conclude with this one remark. Mr. Vice-Chairman, only a few days ago we celebrated India's Independence Day, the 15th of August. The man whom we constantly describe as the Father of the Nation, said on that day, 18 years ago, that for him it was a day of mourning; because on that day brother parted from brother and the breaking up of one great country in which two brothers, Hindus and Musahmans, had lived together for centuries, broke the father's heart, and in a few months' time he died as the loneliest man on earth. When the Father died, Jawaharlal Nehru said that they in Pakistan shed as many tears for him as we did in India and there could be no greater tribute paid to that extraordinary man. We must continue to believe that those tears were genuine tears. We must not give up the hope that today's enemy may become tomorrow's friend.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA); The House stands adjourned till 2-30 P.M.

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

The House reassembled after lunch at half past two of the clock, THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair..

MESSAGE FROM THE LOK SABHA

THE BANKING LAWS (APPLICATION TO CO-OPERATIVE SOCIETIES) BILL, 1965

SECRETARY: Sir, I have to report to the House the following Message

received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Banking Laws (Application to Co-operative Societies) Bill, 1965, as passed by Lok Sabha at its sitting held on the 18th August, 1965."

Sir, I lay the Bill on the Table.

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

श्रीमती सरला भट्टारिया (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, किसी भी देश की सरकार और उसके प्रधान मंत्री को क्या संज्ञा दी जाये जो लगातार अपने वचन को भंग करे और फिर जनता के मनोबल को ऊंचा करने की बात कहे। ये दोनों ही परस्पर विरोधी बातें प्रतीत होती हैं—अपने वचनों को लगातार भंग करते जायें और उसके लिये कभी अफसोस जाहिर न करे, बल्कि अकड़ें और गर्वोन्नत होकर चले। ऐसी सरकार या ऐसे प्रधान मंत्री कभी भी किसी देश की जनता के मनोबल को ऊंचा नहीं कर सकते हैं और न ही राष्ट्र का कल्याण कर सकते हैं। मेरे अपने विचार से, पिछली दफा सदन को जो बैठकें हुई हैं, उनमें जो विश्वास दिलाया गया था कि कच्छ के रण का कोई भी समझौता बिना पाकिस्तान से अपनी एक एक इन्च भूमि वापस लिये नहीं होगा, और यद्धवंदी भी नहीं होगी, इन दोनों बातों का जो विश्वास दिलाया था, उस विश्वास को उन्होंने पूरा नहीं किया। दोनों बातें पूरी नहीं हुई हैं। इससे न यथास्थिति कायम रही है और न देश का, राष्ट्र

[श्रीमती सरला भदौरिया]

का, सम्मान ही बढ़ा है। अपने देश की सीमाओं की सुरक्षा करना किसी भी स्वतंत्र देश का कर्तव्य है और अपने देश के सम्मान को कायम रखना सबसे बड़ा महान् कर्तव्य है। भारत सरकार ने बार बार यह घोषणा की कि हम किसी भी युद्ध को आमंत्रण नहीं देंगे, लेकिन अगर हमारे ऊपर कोई आक्रमण करता है तो हम उस आक्रमण का पूरी बहादुरी के साथ मुकाबला करेंगे। लेकिन आज हम देखते हैं कि वह वायदा पूरा नहीं होता है। और उन्होंने जो यह कहा था कि अगर हमारे ऊपर हमला होता है तो हम युद्ध करने में हिचकिचाएंगे भा नहीं, और जो यह विश्वास दिलाया था, यह बात भी पूरी नहीं की है। कच्छ के रण के विषय में समझौता करके जो विश्वास हमको दिलाया था वह भी विश्वासघात किया है। संसद् में यह प्रश्न पिछली बार अनेकों बार उठाया गया लेकिन जो विश्वास दिलाया गया और जो प्रश्न हमारे सामने उठाए गए थे, जिसे जनता ने भी बार बार दोहराया था, उसको उन्होंने पूरा नहीं किया। यदि हम विश्व के किसी भी देश को देखें, उसके इतिहास को पढ़ें, तो आप पावेंगे कि प्रत्येक मुल्क जो उस देश की जनता के पेट को नहीं भर पाता है, उसके मनको हमेशा भरने की कोशिश करता है। भारत ही एक ऐसा अभाग्य देश है जिसकी सरकार, देश की जनता के मन और पेट दोनों को ही मारती है। भारत की जनता कच्छ के रण के इस शर्मनाक और नापाक समझौते से शास्त्री सरकार के प्रति क्षुब्ध है। सरकार के द्वारा किया गया जो समझौता है, इसमें मेरी राय से ब्रिटिश कूटनीति का हाथ है, इसमें भारत की पराजय और ब्रिटिश कूटनीति की विजय छिपी हुई है। वास्तव में यह समझौता राष्ट्र-हित-विरोधी और भावी युद्ध का आमंत्रण है। इस समझौते के पीछे एक तर्क शास्त्री सरकार का बार बार सुनने में

आया है कि हमने शांति की स्थापना और युद्ध को टालने के लिये यह समझौता किया है, लेकिन कोई भी देश, कोई भी राष्ट्र अपने निर्बल और अस्थायी विचारों से, निर्बल और अस्थायी नीतियों से, न युद्ध से देश को रक्षा कर सकता है और न राष्ट्र का कल्याण ही कर सकता है, यह मेरा निश्चित मत है। यदि कांग्रेस सरकार यह समझती है कि कच्छ के रण को देकर हम पाकिस्तान को खुश कर लेंगे तो यह भी उसका भ्रम है। पाकिस्तान कच्छ के रण को लेकर भी कभी प्रसन्न हो जाये, हमला करना या लड़ाई करना बंद कर दे, इसमें मेरा विश्वास नहीं है; क्योंकि जब कच्छ के रण को हम दे देते हैं तो उसके बाद काश्मीर को लेने की बात करेगा और काश्मीर को लेने के बाद क्या करेगा? काश्मीर का तो युद्ध उसने शुरू ही कर दिया है। अगर काश्मीर को भी हम दे देते हैं तो पूर्वी पाकिस्तान और पश्चिमी पाकिस्तान को जोड़ने के लिये एक गलियारे की भी मांग हो सकती है और जब वह गलियारा मंजूर कर दिया जाये या उस मांग को भी मान लिया जाये तो वहाँ पर भी, उनके स्टेशनों पर उनकी पुलिस चौकियां बननी चाहियें— इस तरह की मांगें बराबर उनको चलती रहेंगी और उनकी मांगों की शृंखला कभी टूट ही नहीं सकती है। और न वह कभी इससे शांत हो सकते हैं। मुझे ऐसा प्रतीत होता है कि जब तक पूरे हिन्दुस्तान को पाकिस्तान में परिवर्तित नहीं कर देंगे, वे ऐसा करते रहेंगे।

श्रीमन्, इसी प्रकार इस संदर्भ में मैं इस सदन में आपके माध्यम से जनता तक यह बात पहुंचा देना चाहती हूं कि हिन्दुस्तान और पाकिस्तान का यह युद्ध हिन्दू और मुस्लिम का युद्ध नहीं है। आज जो यह पाकिस्तान का युद्ध और हिन्दुस्तान का युद्ध हुआ है, इस तरह के हमले पहले भी हुए

हैं और यह देश पर विदेशी हमले की तरह है। हिन्दुस्तान के मुसलमान अगर इसको हिन्दू और मुस्लिम की लड़ाई समझते हैं तो फिर इससे देश का कल्याण नहीं हो सकता है और राष्ट्र उन्नति नहीं कर सकता है।

श्री अकबर अली खान . बिल्कुल नहीं समझते ।

श्रीमती सरला भट्टरिया . नहीं समझते तो अच्छा ही है, मैं वही कहना चाहती हूँ। पिछले आक्रमण जो हुए, जैसे चंगेज खा या नादिरशाह के हुए, या अहमदशाह अब्दाली या यूनान के सिकन्दर या गजनी और शोरी के आक्रमण हुए, ये देश पर परदेशियों के हमले थे। उसी तरह से यह पाकिस्तान का हमला भी, देश के दो हिस्सों में बट जाने के बाद विदेशी है। इन तथ्यों के साथ साथ मैं एक और तथ्य भी आपके सामने रखती हूँ, इसका भी इसकी सत्यता प्रमाणित होती है। जब नादिरशाह का हमला हुआ था उस समय दिल्ली में जो कले आम हुआ था उसमें हिन्दुओं की संख्या से मुसलमानों की संख्या मरने वालों में कहीं ज्यादा थी। इस तरह से कभी भी कोई मुस्लिम अगर हमला करता है तो वह नहीं देखता है कि हम मुस्लिम को नहीं मारे, या मुस्लिम को नहीं सताये या दबायें। इस तरह से जो आज हमला हिन्दुस्तान के ऊपर हो रहा है उसका हम पूरी शक्ति और पूरी मजबूती के साथ मुकाबला करें और उनकी उन नीतियों का विरोध करें जो हर समय हमारे देश की भूमि को दबाते आते हैं। इसलिये अब हम अपने सोचने का तौरतरीका या दृष्टिकोण बदलना होगा।

जो हमारे देश में मुसलमानों के पूर्वज हुए हैं, जैसे रहीम, कबीर, रजिना, मलिक मुहम्मद गाँवा, हमारे देश में जो आज मुस्लिम आबादी के साथ रहते हैं, जो मुस्लिम आबादी के साथ हैं, वे हमारे उन्हीं पूर्वजों और बुजुर्गों की भाँति हैं। हमें जिस प्रकार

उनके प्रति आदर, विश्वास और प्रेम है उसी प्रकार का भाव हमें मुस्लिम भाइयों के प्रति रखना चाहिये, पाकिस्तान का हमारे ऊपर हमला होते हुए भी ।

इसी दृष्टिकोण से हमको काश्मीर और कच्छ के रण में जो आक्रमण हुआ है, उसको देखना और सोचना है। इस देश की रक्षा के हेतु चीन से लड़ते हुए जो स्थान शहीद होशियार सिंह या शैतान सिंह का है, उससे अधिक उच्च स्थान माननीय स्वर्गीय रफी अहमद क़िदवाई का है और काश्मीर की पिछली लड़ाई में लड़ते हुए ब्रिगेडियर उममान ने जो कुछ किया वह उससे गौरव के पात्र हुए और हमारे राष्ट्र की रक्षा हुई तथा उसका सम्मान बढ़ा है। कच्छ का रण सम्बन्धी इस प्रकार का निन्दनीय और शर्मनाक समझाता करके देश के 4-5 करोड़ मुसलमानों के लिए नया संकट ला दिया गया है। इसलिए इस विषय में मैंने आपको बताया है कि वह लोग कितने निकम्मे और घटिया हो सकते हैं जो कच्छ के रण सम्बन्धी समझौते के सिलसिले में यह दलाल देते हैं कि चीन के मुकाबले में तो हमने अच्छा ही किया। क्योंकि जहाँ पर चीन ने 25 हजार वर्ग मील भूमि या देश की घरेलू रौंदी और उस पर अधिकार किया वहाँ पर तो पाकिस्तान केवल 3,500 वर्ग मील भूमि ही ले सका। मैं तो 3,500 वर्ग मील भूमि क्या, सिर्फ 35 इंच या पाँच 5 इंच भूमि देना गुनाह और नापाक समझती हूँ।

आज भारतवर्ष के प्रधान मंत्री श्री शास्त्री जी अयूब खा को खूश करने के लिये देश की 3,500 वर्ग मील भूमि देकर समझौता कर लेते हैं। लेकिन अपने देश के अन्दर गरीब विद्यार्थियों की फीस के प्रश्न पर निहत्थे विद्यार्थियों पर अश्रुगैस का प्रयोग कराते हैं और गोली चलवाते हैं। हमारी सरकार भूखी जनता पर रोटी के मामले पर उनके साथ क्या व्यवहार करती है, यह आपको

[श्रीमती सरला भदौरिया]

अच्छी तरह से मालूम है और आज क्या यह बात शास्त्री सरकार की जान के अनुरूप है ?

आज जब देश को और उसकी सर्वसत्ता-प्राप्त संसद् को अच्छे रचनात्मक दृष्टिकोण रखने वाले विरोधियों की आवश्यकता है, वहां पर यह सरकार अपने पाप पर पर्दा डालने के लिए डा० लोहिया और संयुक्त सोशलिस्ट पार्टी के कार्यकर्ताओं को भारत रक्षा कानून के नाम पर तजरबन्द करती है। सत्य तो यह है कि इस सरकार को अब भारत रक्षा कानून के नाम को बदल कर कांग्रेस सरकार रक्षा कानून नाम रखना चाहिये; क्योंकि मन और पेट की मार सहते सहते जनता भी इस सरकार से ऊब चुकी है और इस सरकार के रहते देश के निवासियों की जान और जमीन दोनों खतरे में है।

अन्त में मैं यह बताना चाहती हूं कि देश के विभाजन के बाद देश के अकुशल नेतृत्व ने प्रारम्भ में ही काश्मीर का एक चौथाई हिस्सा पाकिस्तान के सुपुर्द कर दिया था और अभी थोड़े समय पूर्व चीनी अजगरों ने देश की 25 हजार वर्ग मील धरती निगल ली। अब पाकिस्तान सरीखे छोटे मुल्क से भी हम अपनी सीमा की सुरक्षा नहीं कर पा रहे हैं और 3500 वर्ग मील धरती दे बेटे हैं।

इस मन की मार के साथ ही साथ देश के अन्दर भयंकर भुखमरी और अकाल से जनता पीड़ित है। जिसके कारण इन्दौर, इलाहाबाद, पटना, बिहार, कोल्हापुर, महाराष्ट्र और आज के समाचार-पत्र से कलकत्ता तथा बंगाल में भी अहिंसक विरोध की यह सब एक के बाद दूसरी कड़िया हैं।

मैं पटना गई थी, इसलिये मैं वहां की बात आपको बतलाना चाहती हूं। वहां तो मुझे कोई नहीं जानता है, लेकिन यहां से जब

मैं चली तो इटावा की सी० आई० डी० ने वहां ट्रंक काल कर दिया एम० पी० को कि मैं आ रही हूं। इसलिए जब मैं पहले गई तो मुझे किसी ने नहीं टोका, न किसी ने रोका और न किसी ने पहचाना ही। मैं वहां जाकर सारे समाचार ले आई तथा वहां के लोगों से मिली। मैंने वहां की स्थिति जानी और मालूम किया कि वहां पर किस तरह से विद्यार्थियों पर गोली चलाई गई। वहां पर जो विद्यार्थी मर चुके हैं, उनकी लाशों को छिपा दिया और लाशों का कोई पता नहीं है।

SHRI RAJENDRA PRATAP SINHA (Bihar): No, no, this is a very wrong statement. An absolutely wrong statement she is making.

श्रीमती सरला भदौरिया: मैं सिर्फ यह बताना चाहती हूं कि कच्छ के रण में समझौता करके और काश्मीर में इस समय जो स्थिति है, अगर उसमें जनता का सहयोग सरकार चाहती है, समर्थन चाहती है तो फिर जनता के मन और पेट की भूख को दवाया नहीं जा सकता है और वगैर इसके वह सहयोग भी प्राप्त नहीं कर सकती है। मैं आपको यहां पर बताना चाहती हूं कि बिहार में बाहर की पुलिस फोर्स बुलाई गई है। वहां पर यू० पी० की स्पेशल पुलिस और बंगाल स्टेट की पुलिस फोर्स है; क्योंकि बिहार की पुलिस वहां की सरकार को कोई मदद नहीं दे रही है। मैं आपको वहां की जो सही स्थिति है, उसका चिट्ठा बतला रही हूं।

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव): आपका समय पूरा हो चुका है।

श्रीमती सरला भदौरिया: मैं एक मिनट में अपना भाषण समाप्त कर दूंगी और अधिक समय नहीं लूंगी। मैं सिर्फ यह बताना

देना चाहती हूँ कि आपकी सरकार ने, बिहार में कांग्रेस हुकूमत ने, वहाँ के देशभक्त कपूरी ठाकुर को, जो तपे तपाये देशभक्त थे, जो तपे तपाये सैनिक थे, इतना मारा कि वे लाठियों की मार से बेहोश हो गये। इसी तरह से रामानन्द जी तिवारी को जो इतने बड़े देशभक्त हैं कि जिनके ऊपर कभी भी संदेह नहीं किया जा सकता है कि वे हिंसात्मक कदम उठावेंगे, किसी तरह की गड़बड़ी करेंगे, जिस आदमी के ऊपर कभी किसी प्रकार संदेह करने की गुंजायश नहीं है, उन्हें भी लाठियों से मारा और वे बेहोश हो गये। यह काम बाहर की पुलिस ने किया, बिहार की पुलिस ने नहीं किया। इस तरह से इलाहाबाद में जनेश्वर मिश्र को भी मारते मारते खून में रंग दिया। इस तरह से बाहर की पुलिस ने जो इस तरह का काम किया, वह ठीक नहीं किया।

डा० राम मनोहर लोहिया, जो इस सर्व मान्य संसद् के सदस्य भी हैं, उन्हें रात के 12 बजे गिरफ्तार करके थाने में ले गये और सुबह 5 बजे तक कुर्सी पर बैठा कर रखा।

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव): अब आपको समाप्त करना चाहिये।

श्रीमती सरला भट्टारिया: दो मिनट और दीजिये। 5 बजे तक उन्हें कुर्सी पर ही बैठा कर रखा और उन्हें लेटने तक नहीं दिया गया। इस तरह की वहाँ पर जो घटनाएँ हुई हैं उससे वहाँ की जनता के मन में काफी रोष है। मैं आपका अधिक समय न लेकर इतना ही कहना चाहूंगी कि आज यह राष्ट्र-विरोधी सरकार जनता का हित नहीं कर पा रही है। यह इस तरह का व्यवहार करती है कि मैं यह विश्वास करती हूँ कि वह अपने कर्तव्य को पूरा नहीं निभा पा रही है। अब तो उसे फिर अपने पदों से भुक्ति ले लेनी चाहिये; क्योंकि वह उन

स्थानों पर बैठ कर के अपनी विदेश नीति और गृहनीति में असफल रही है जिससे देश का हित होना संभव नहीं है। इसलिए जान और जमीन दोनों की सुरक्षा के लिए ऐसी * * * * सरकार को हटाना ही श्रेयस्कर होगा।

SHRI T. CHENGALVAROYAN (Madras): Mr. Vice-Chairman, I should have satisfied myself with casting a silent vote in support of this motion for the acceptance of the Indo-Pakistan Agreement on the Kutch border dispute. But the vitriolic vehemence with which my esteemed comrade, Shri Vajpayee, thought fit to denounce and decry this Agreement has rather drawn me to this position of a defensive statement rebutting some of the points of criticism that he has chosen to level against the acceptance of this Agreement. Mr. Vice-Chairman, may I at the outset and with very great respect, state that his arguments are untenable, his analysis unreal and his apprehensions unwarranted? I request that this House will consider this Agreement in the rapidly changing sequence of events commencing from the time when Pakistan violated the Kutch border and when our beloved Prime Minister made his famous policy statement on 28th April. Ever since that time this House, indeed the whole nation, has applauded the dignified and gallant stand that the Government of India has taken in respect of this very important question. Since then, Mr. Vice-Chairman, there have been criticisms, both in the Press and on the platforms. Some of them were very complimentary and some of them were condemnatory. But the consensus of world opinion was much in support of India's stand. Therefore, I beg of this House to analyse, to assess and then to approve of this Agreement, from the point of view of how far and to what extent this Agreement complies with the declaration and the demands which our Government has made.

****Expunged as ordered by the Chair.

[Shri T. Chengalvaroyan.] Firstly, Mr. Vice-Chairman, we demanded that there must be ceasefire. Secondly, we insisted that the *status quo ante* as on 1st January, 1965 should be restored. Thirdly, we desired that the procedure envisaged in the 1960 Agreement should be adopted. May I respectfully invite the attention of this House to the Preamble of this Agreement and to the three opening paragraph? which clearly indicate the acceptance and compliance with this triple demand that the Government had made? Therefore, Mr. Vice-Chairman, if we begin to analyse the matter when considering this question of the acceptance of the Indo-Pakistan Agreement, we would certainly not be digressing into other and extraneous considerations. Nevertheless, Mr. Vice-Chairman, there have been very violent criticisms made against the acceptance of this Agreement.

It has been stated that the Government of India has no constitutional competency to enter into this Agreement. May I most respectfully invite the attention of this House to article 2 and article 3 of the Constitution which only relate to the territory of India and to the alteration of boundaries between State and State and as such will not at all apply to the present context? On the other hand, may I most respectfully draw the attention of hon. Members to Entry 14 in the Seventh Schedule, List I, where it is clearly stated:

"Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries."

Therefore, this subject is certainly and exclusively for the consideration of the Union. And article 73 of the Constitution, Mr. Vice-Chairman extends the power of the Union to all matters on which and over which Parliament has by law the authority to legislate. May I, therefore, appeal

to this House and to those people who have raised this constitutional objection, to read article 73, with Entry 14 of List I so that they can see that the cumulative effect of such an appreciation is that the Government of India has full constitutional competency to enter into this Agreement? Thus the argument that this Agreement is constitutionally invalid, because it has been entered into by the Government of India, will not at all be upheld and, therefore, is not tenable.

Secondly, Mr. Vice-Chairman, it has been suggested that this kind of a reference of this particular dispute to a tribunal may open the door for Pakistan to raise all sorts of disputes that exist between India and Pakistan. May I respectfully draw the attention of the House to the most restrictive Covenant in the Agreement itself which in its opening paragraph says that it is with regard to the Gujarat-West Pakistan border? Therefore, Mr. Vice-Chairman, if any other dispute is brought into the discussion or for consideration in this enquiry, I am sure that any Tribunal worth its salt will not countenance the raising of such an issue. If the Tribunal were to concede the discussion of an issue extraneous to this Agreement, then we will be in a position to denounce it as totally and absolutely and completely illegal award.

There is another point, Mr. Vice-Chairman, which has been raised, namely, that there is parity between the aggressor and the aggressed, with regard to this Agreement. May I respectfully draw the attention of this honourable House and of all those hon. Members who feel in that way, that in all police courts and in criminal proceedings, the complainant and the criminal are treated alike for the purpose of the enquiry.

There is another point, Mr. Vice-Chairman. It has been stated that this term "*status quo ante*" can be

given wider interpretation, that is to say, anything can be brought into it. My respectful answer to this is that *status quo ante* relates only to a particular set ^{of} facts ^{or} circumstances and you can neither add to nor take away anything from that. Therefore, that argument that this *status quo ante* is too wide that it is so wide that it will not be precise and that it will be very helpful in the hands of Pakistan to get all sorts of confusing issues into the context of this situation—that argument has no basis.

There is the other question, Mr. Vice-Chairman, which is raised, namely, that a third party has been introduced into the whole issue. We do regret very much that this had to be done, if we could have achieved agreement between India and Pakistan by ourselves, then there need not have been any third party here. But because we could not agree, necessarily we have to go to arbitration and arbitration always implies the intervention of a third party.

There is a very vital argument which is levelled against this Agreement, Mr. Vice-Chairman, and that is, we do not know whether it is a case of determination of the border or the demarcation of the border. May I most respectfully submit to this House that there are two clauses in this Agreement which show that India has declared that the border runs exactly in the way in which the pre-partition maps and documents indicate, whereas Pakistan declares that the border runs exactly along the 24th parallel? The question is, what is the determination of this boundary or this border, as it is called. May I bring to your kind notice, Mr. Vice-Chairman, that in international law there are three stages. First, we have the delimitation of the border. Secondly, we have the determination of the (border, and thirdly we have the question of the demarcation. Delimitation is territorial, determination is relating to the direction and demarcation is the

physical fixation. I submit with very great respect that this Agreement deals only with the third aspect, namely, demarcation.

Then, there is another argument, Mr. Vice-Chairman, that has been raised, that there is the question of what may be called negotiation or surrender of our sovereignty or disputing our sovereignty over this territory. May I invite the attention of this House to the Article in this Agreement where we have declared that there is no territorial dispute with regard to this question between Pakistan and India and what is needed is demarcation on the ground? Therefore, Mr. Vice-Chairman, I submit with very great respect that this Agreement does not at all surrender any sovereignty over any territory and there is no question of any such thing toeing considered within the scope and ambit of this Agreement.

One other point, Mr. Vice-Chairman, was raised and it was raised so forcefully and with a certain amount of emotion that it is apt to impress people. That argument is that in view of Pakistan's conduct in relation to our Kashmir territory, this Agreement, whatever might have been its benefits, whatever might have been the justification for entering into such an agreement, this Agreement should be completely abrogated and repudiated in the face of the conduct of Pakistan. Mr. Vice-Chairman, we on this side of the House are second to none in our desire and our determination to stand for our territorial integrity in Kashmir. We have been waiting for long long years, with patience and faith that sooner or later, sooner perhaps than later, wisdom would dawn on Pakistan. But we find that except for the paper "Dawn" nothing has dawned upon Pakistan. In spite of all these incidents we have been waiting for adjudication and for the appreciation of our dispute in the whispering galleries of the world, but,

[Shri T. Chengalvaroyan.]

nothing has turned out. What is it that we find in Pakistan? Pakistan cannot understand the philosophy of peace. It only knows the alphabets of aggression. But may we take this opportunity of giving our complete acceptance to this Agreement, and to tell Pakistan and the world that India today is determined to do all such things as are necessary in order to safeguard the integrity and sovereignty of our country? We have been -waiting long. We shall tell Pakistan and the world that this country of ours, Mr. Vice-Chairman, has raised a great many monuments of extinction to such invaders. Beneath your very Chair, Mr. Vice-Chairman, many such invaders were buried. Let not your Chair open once more to devour those who believe in aggression. Therefore, I feel, whatever may be the criminal conduct of Pakistan, we should not repudiate this Agreement, because we come of a different stock. We have a different tradition. We have got a different purpose. We have got a different destiny in the world. Therefore, Mr. Vice-Chairman, I most respectfully appeal to this House and say that this Agreement is in full consonance with all the things that we have demanded. We demanded ceasefire and that was done. We demanded the restoration of *status quo ante* and that was restored. We demanded the approval of the procedure laid down in the 1960 agreement and that has been agreed to. We demanded the withdrawal of all posts and patrolling and that was done, including the removal and withdrawal from Kanjarkot. We also demanded the settlement of the boundary with reference to international considerations and we also stated that we have got the right to re-occupy the posts after the agreement and after the ejection but such a right has not been given to Pakistan. I, therefore, submit with very great respect, Mr. Vice-Chairman, that this agreement is uncompromising in its tone, unyielding in its tenor and unbending in its tenets. I only

appeal that we accept this agreement as a token of the grim determination that India today has taken in the face of the Kashmir crisis. I realise, Mr. Vice-Chairman, that a bold consideration of this agreement, particularly of the acceptance of this agreement, is very much shadowed by the criminal conduct of Pakistan in Kashmir. Pakistan has been named an aggressor once in the U. N. Report and Pakistan today is called an aggressor by virtue of this agreement. Perhaps Pakistan will ever be an aggressor in the history of the world. We shall do nothing that will derogate the dignity and the great traditions to which our nation is wedded. What is Pakistan? Pakistan was born in sin, Pakistan was nurtured in sin and Pakistan grew in sin. What else but sinful conduct can Pakistan exhibit in regard to every question but the Indo-Pakistan Agreement on the Kutch Border is a document of great dignity that will vindicate the position of India at the bar of world opinion and on this occasion, Mr Vice-Chairman, I will only conclude with this appeal, if I may, that this kind of conduct of Pakistan in Kashmir shall be certainly resented and we shall show to the world that we are determined and we will say, in the words of the poet—and that is what we have come to feel—

"It were better that in fiery flames our
roofs should thunder down.

Than that a foreign foe should trample
in the town."

That is our determination, Mr. Vice-Chairman, we have sacrificed much during the epic struggle for our freedom and many of us have had to lay down our lives but the time has come—and I think the hour is also struck—when everyone of us is deter-

mined to lay our lives at the altar of defending the territory of India that is Kashmir with the comrades in Kashmir themselves. We shall do so cheerfully. With this hope and trust we shall have to preserve our freedom for one thing. Mr. Vice-Chairman, "Who lives if India dies? Nobody dies if India lives".

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice-Chairman, we are considering a particular agreement which has been arrived at between our country and Pakistan. Right at the beginning, I should like to say that we should like to discuss this agreement on its merits and that it should not be confused with the broader question of India's basic stand of peace and good-neighbourly relations with Pakistan. When we discuss this subject, we have to do it not only keeping in view the larger perspective but also having regard to what is happening and the possible consequences of an agreement of this kind. I should like to say that in this matter the Government is open to very severe and serious criticism. The Congress Members, the hon. Members opposite, are in a bandwagon of the official Party and I sympathise with them. Because I understand their difficulties. A Minister who has toppled over the agreement in Buckingham Palace or White Hall has to be supported by the obliging partymen in this Parliament, in this House and the other. As far as we are concerned, we shall try to examine it as to what it means legally and politically. We have to go into the background in which the agreement was signed or brought about and also the manner in which it was arrived at. We shall, of course, examine the terms of the agreement which are of fundamental importance. Mr. Vice-Chairman, the preamble of the agreement spells out the sentiments when it says that "This"—meaning the agreement—"may also contribute to the reduction of the present tension all along the entire Indo-Pakistan border". Today we are discussing in exactly opposite conditions, not that

the agreement is responsible for it but certainly Indo-Pakistan relations have been seriously aggravated by the unilateral action of the Pakistan armed forces masquerading as infiltrators coming into our territory inspired by U.S. imperialism and equipped with their weapons. It is in this situation that we are discussing this matter and similarly the agreement was signed also in a situation when under the false pretences of mediation, the British imperialists and possibly Americans also wanted India to be drawn into entanglements of an agreement which has far-reaching implications. In this very House, time and again we asked the hon. Prime Minister and the Foreign Minister to tell us something about the agreements but they systematically and deliberately fought shy of taking Parliament into confidence. Sometimes we were entertained at some private confidential meetings, in the rooms of the Prime Minister where the Opposition Leaders were called not so much to be informed on the development but to be persuaded into silence when the matter would come up before the House. I would like to know from the hon. Minister why the Opposition Leaders were not invited into the Cabinet Room for a confidential discussion about the lines or guiding lines to the agreement. Why were we not told exactly as to what the British had written or wanted to be written, what their proposals were and along what lines the Government was acting in this matter. Nothing of that kind was done. *A fait accompli* was presented to us in the form of the agreement in the statement by the Prime Minister of the country. Mr. Vice-Chairman, therefore, we have some quarrel over it and that is how an incompetent Government which has no faith in the people wants to utilise the credulity of the people but does not have the courage to get their counsel for this, I am not surprised, but here. Mr. Vice-Chairman, I should also like to mention this fact that it is true that there is no legal connection between the two, between the agreement and

[Shri Bhupesh Gupta.] what has happened in Kashmir but the fact remains that when in May and June the agreement was on the anvil, under discussion, Pakistani forces and the Pakistani authorities, not without the knowledge of the British Government, certainly not without American arms and British arms, were preparing for the veiled invasion which is going across the cease-fire line into the territory of our country. On the one hand they were inviting Shri Shastri and Mr. Swaran Singh for discussions and confabulations over an agreement the original draft of which had been prepared in Whitehall while on the other hand they were investigating and perhaps encouraging also the Pakistani authorities to prepare for this kind of invasion. At any rate, they certainly know that Pakistan was preparing for it. Surely, the British had their own Intelligence in West Pakistan and surely the Americans also know how the armies were being moved and how the military preparations were going on. It cannot be thought of even for a single moment that they did not know at that time in May, June or July that the Pakistani authorities were making full-scale preparations for an invasion of the kind that is taking place in Kashmir today. Therefore, I should like to emphasize the point that those people who still believe in the *bona fides* of the British and the Americans in matters such as these are living in a fool's paradise and sometimes fools are even more responsive to commonsense than some Ministers of this Government. Mr. Vire-Chairman, that is a point that I wish to make. Do not try to wriggle out of where you have landed with wordy battles against us. We know the strength on your side is the voting power that you have got and we know that the strength on our side is logic, comprehension, arguments and weight of reason which we can command but which is not recorded in these boards that are before us.

Mr. Vice-Chairman, this agreement was signed and I should like to add

a word or two about the background. Kutch is not a sudden development; it had been going on ever since the end of last year and the beginning of this year and I know it for a fact, a fact which the Government dare not contradict, that even in April when we met somewhere, shall we say in 'these precincts of Parliament, in the company of some august people holding portfolios, we were told that there was nothing that was going to happen and that Pakistan would not advance any more; the situation would not deteriorate till the winter or till after the monsoon. But hardly before these words had melted in the ear we found¹ that Pakistani forces were coming deeper into the Rann of Kutch, defying all international law, defying their own agreement which they had signed in 1959 and 1960 and whatever was laid down therein. Therefore, this Government suffers from utter complacency born, not out of stupidity generally but out of misconception of the entire thing. Behind the Pakistani mobilisation they never see the hand of imperialism, American and British; behind the Pakistani forces . . .

SHRI C. D. PANDE (Uttar Pradesh): And Chinese.

SHRI BHUPESH GUPTA: You can add any name; don't disturb me.

Behind the Pakistani forces they do not see the Patton tanks and so on. Their intelligence does not want to see all these. How can they because the entire armada of the Intelligence force of the Government is utilised in suppressing the Opposition and in witchhunt within the country against the political opponents. How can that Intelligence either equip itself organisationally or be morally and politically inspired to look after the frontier? When the Pakistanis were nibbling at our frontiers in the Rann of Kutch, when the aerodromes on the other side of the border were being equipped with radar weapons, when posts were being set up, when Kanjarkote was being occupied by them, when patrolling was going on in violation of the 1960 agreement, our

Intelligence Services of Shri Nanda and of the Government were perhaps searching for certain trade union leaflet in Kerala or Madras . . .

SHRI M. P. SHUKLA (Uttar Pradesh): Internal enemies of the country.

SHRI BHUPESH GUPTA: That is what the Government was doing. I know how you behave. You may put many of the Opposition people in prison but mile after mile, square mile after square mile, hundreds of square miles of territory will have been gone. I do not know if the hon. Member will get consolation from the fact that they have put the Opposition in jail. Therefore, I, say that the Government has failed in this matter.

Mr. Vice-Chairman, in this connection I should like to point out that when the 1960 agreement was being violated, you should have known it. If you had known it, what did you do? Did you take it up diplomatically with the American authorities, with Pakistan, with Britain and did you take Parliament into confidence? If you did not know, you are open to the charge that you were not looking after the border under the pretension of looking after the border and the moneys sanctioned for the protection of our border have been placed in entirely wrong hands and are being wasted. Was it ignorance or was it an attempt to hide unpleasant facts which now has gone to the advantage of Pakistan? That is the point I would like to make. The background itself is a condemnation of this Government. After that a lull came and we all looked forward that the lull would be taken advantage of with a view to bringing about a cease-fire agreement which is honourable, which is without any flaw and which will be drafted by Indians, and if not by Indians alone by Pakistanis and Indians together but here Mr. Wilson prevailed upon them. Sir, they still suffer from what is called a kind of inferiority complex when they look at the British. Sardar Swaran Singh, you are the Foreign Minister of a great country. You and

I may not be great men but your country is great. Do not suffer from that inferiority complex the moment you come up against a British Minister. In what way are you inferior to a British Minister. If there is any deficiency, there is ample talent on this side and on that side and we will make up that deficiency. If we know difficult mancing in the matter of planning we should also know how to fill up the deficiency in your Ministry. You never took us into confidence. You went on the assurances of the British. I put it to the House that the agreement was prepared by the British and the original thing was even worse than this. They haggled, they bargained and 'demarcation of the boundary' was not the thing they got but 'determination of the boundary' 'Determination' is a very wide term and the whole thing can go very far. It is not for you to interpret as you like. Pakistan has taken full advantage and the British consciously and deliberately has offered this advantage to Pakistan. Do you realise that a dispute about demarcation and alignment of a boundary has been turned into a dispute of what they now call, determination of boundary? The Indian legal experts were not even consulted. I should like to know— was the Attorney-General of India consulted? Was the Solicitor-General Of India consulted? Was the opinion of Mr. Gajendragadkar, if necessary privately or otherwise, sought over the implications of this term? Nothing of that kind was done. Even when the Cabinet discussed this matter, the Law Minister was not even present; even if he was present before the higher personalities he forgot law and remembered his¹ portfolio. This is the position; therefore, this is a very serious matter. I consider it beneath our national dignity and honour that for an agreement that we want to sign with the other country, we do not write it here, we do not produce it here, we do not have the draft in our hand, but we go to a third party to procure a draft, a party which is prejudiced, biased,

[Shri Bhupesh Gupta.] hostile over this matter as far as India is concerned and which has been revealed time and again in the Security Council discussions over Kashmir and if they needed any new evidence when the Patton tanks were there. Even so the Government did not bother to wake up. Therefore, the Government here failed and here again they have signed it— I shall now read out another portion of the Agreement. About the word 'determination' I have already mentioned it. Mr. Lai Bahadur Shastri in his speech said 'alignment of border'. I would tell the Prime Minister that the word 'alignment' does not occur here at all. It is 'demarcation and determination'. That is what we get here and Pakistan has put in its claim. What is that claim? Their border is on the 24th parallel, involving 3,500 square miles of territory. What does it mean? That is to say, a vast chunk of India! territory involving 3,500 square miles has now become justiciable. I am not saying that you have given it away I am not saying that you want to give it away, but today who is to determine where this territory belongs— not this Parliament. Who will determine where this territory should remain—not this Parliament, nor this Government, unless, of course, there is a big change here. This will be settled by a Tribunal.

We know when the Tribunal's award is given, what will happen. The decision of the Tribunal shall be binding on the Governments and shall not be questioned on any ground whatsoever. Therefore, you have committed before the bar of international opinion that this Agreement shall not even be questioned. The Government is precluded from questioning a colourable award, if a colourable award is given. Is it not signing away the honour and dignity of the country? Why was particular clause necessary? After all, according to the convention of the International Commissions, even arbitral awards can be questioned. It can be questioned on the ground of corruption on the part of a member of the Tribunal. It can be questioned

if it is shown that the Tribunal has exceeded its power. It can be questioned also if it is shown that the Tribunal has departed from the accepted rules of fundamental procedure. These have been established in various other disputes. It was attacked in the North-Eastern Boundary dispute between the U.S. and Canada. The U.S. questioned the arbitral award. There are other similar examples. I will give you another example where it was questioned. In the well-known case, that of the Chamizal tract between the U.S. and Mexico, Washington protested against the award of June 1911 because it divided the tract instead of deciding title to it. Therefore, we would have been within our right to have insisted that this particular proviso should not have been included because it is not known what the award will be. Assuming that the award is found to our satisfaction to be coming under any of these prohibited categories of corruption and so on, we are entitled even under the existing international law to question it. The Government has precluded itself from questioning it and the Government by its conduct sought to preclude Parliament from questioning it. In what a difficulty are we placed here today. Suppose we feel, many of us here feel, that the award is colourable, that it was brought about by corruption, we, under the Agreement, are not in a position to question it. Now, if we want to question it, we have to come to grips with the Government and the Government will not do so unless it is prepared to violate this solemn Agreement. Such is the embarrassing position in which we, especially the Members opposite, have been placed. Is that the way to deal with international matters. I should like to know from this Government. Therefore, here again you find that the Government has gone wrong. I know that is in our Constitution that there is a provision for arbitration in certain cases. We are not concerned with the general principles here. We are concerned with this, whether the Agreement which has been signed related

to a certain boundary. Here you will find, in the earlier Agreements of 1959 and 1960, you will find the words 'border disputes'. It is an agreement on the frontier. The de facto boundary is generally known to the security forces of both sides and the local population. If the dispute was of such a nature that it involved 3,500 square miles, it would not have been put in the form in which it had been put, namely: "Both sides know". That is to say, when the 1960 Agreement was signed, there was not much material disagreement over the question of alignment. Only the demarcation part remained. Today, when we signed another Agreement, we forgot that thing, instead of pointing out that as far as the Agreement now we are signing is concerned, it relates to a certain agreement and that agreement says that it is more or less known. Well, on that score the Government should have insisted on the words 'alignment and demarcation' and should have stoutly opposed the word 'determination'. This Government failed. I should like to know from Sardar Swaran Singh why that happened. Mr. Vice-Chairman, my feeling is this that the Government acted on the advice and the pressures of the British, and I give you a secret.

SHRI M. RUTHNASWAMY (Madras) : It is a Socialist Government.

SHRI BHUPESH GUPTA: Do not talk about socialism.

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh) • They are a Socialist Government.

SHRI BHUPESH GUPTA: Now, you two false brothers meet. Now, they acted. Why? I will now tell you the secret. When the dispute was on, the fighting was on, these gentlemen sounded England—the British Government: What would be your attitude if it developed? The British Government plainly told them that if you pursue the matter in this way, then, of course, we may have to support Pakistan openly. Secretly they were, of course, doing it. Now, I would like to

know from the hon. Minister whether enquiries were made as to their attitude with regard to the fighting that was going on in the Rann of Kutch.

SHRI G. RAMACHANDRAN (Nominated)
: What is the source of your information?

SHRI BHUPESH GUPTA: My source of information is Shri Gulzarilal Nanda.

THE MINISTER OF EXTERNAL AFFAIRS (SARDAR SWARAN SINGH) : I am sorry to interrupt, but I want to scotch any such suggestion. There was no question of our sounding the British as to what would be their attitude if this escalated and his suggestion is absolutely unfounded.

SHRI BHUPESH GUPTA: Many things will come out in full. You never divulged the CBI report. I may say that some day from the British papers we shall show you, at least an indication of that kind of thing. Anyhow, at that time the British Press was 'clearly evasive. Similarly, on this thing I am expressing their opinion. Therefore, it is wrong. Here again, when they violated certain patrol arrangements and so on, you did not do anything. You did not take any step before. Therefore you are legitimately open to the criticism that you have bungled and bungled. You have bungled through the entire situation and you have brought the country to a position whereby we have accepted this arbitration clause, whereby you can leave the question of so much boundary into the hands of certain arbitrators.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Bhupesh Gupta, you have taken 25 minutes. Please wind up.

SHRI BHUPESH GUPTA: A few minutes. Therefore, I say these are matters which should not be glossed over. We want an agreement and so on in order to settle this. Our approach is peaceful. But you have to be frank and a little self-critical in this. Why do you not admit that you

[Shri Bhupesh Gupta.] are bungling? You are bungling everyw bra. You should not fight shy of it. You bungled on the food front. You bungled on the price front. You bungled everywhere and it is but natural that such great bunglers will also bungle over the agreement. Why are you shy? On the contrary, if you admit that you have bungled, we will have a little faith in your honesty .. .

SARDAR SWARAN SINGH: I now suggest for your consideration that he shou'd not make a confession that he is bungling a great deal in his speech.

SHRI BHUPESH GUPTA: Naturally, naturally a bungler par *excellence* sees everything that is said from this side as an example of bungling.

SARDAR SWARAN SINGH: That is why j ou say it, because you are bungling yourself.

SHRI G. RAMACHANDRAN: May I ask Mr. Bhupesh Gupta one more thing? Having swallowed the big camel in the stalemate over the Himalayan border, why is he straining so very much at this gnat of Kutch?

SHRI BHUPESH GUPTA: Now, Mr. Ramachandran sometimes puts very interesting questions, but if you are to answer, you have to get into philosophy. We can have a debate on it in the Gandhi Foundation. Now, Mr. Vice-Chairman, therefore, here the Government is wrong. The arbitration clause is preposterous. It has been conceived of with mischief on us and it has been designed carefully by the British and not by us. On reading the agreement I find even their style of English, because the gentlemen there do not write this sort of English, which is typically Anglo-Saxon English. Here they bungl_e even when they write, I tell you that much. There is no bungling as far as the British design is concerned. Under the pretensions of being very innocuous they have put in a lot of poison into it. As far as the tribunal clause is concerned, they have thrown you into a trap in order that you can fall into

their clutches again just as you fell before. Now, this is a very serious situation, and we oppose this arbitration clause. Generally, we agree that restoration of the *status quo ante* was necessary, and also we agree that we should have followed it by a proper type of agreement in order to settle the matter through bilateral talks. But here we are not concerned with merely the restoration of the *status quo ante*. What we are concerned with is something more than that, the particular terms of the agreement, and we are discussing the terms of the agree, ment and we are pointing out the shortcomings and implications, serious implications.

Today as Kashmir is not a territorial dispute or border at all, it does not come in. But what is the guarantee that they will not create similar situations in Tripura, Assam, West Bengal and in other parts of the border and then get us into this kind of mess? We will not allow you easily to fall into a trap of this kind. But you being what you are, we are afraid that you may fall into this kind of trap. How long must we go on rescuing you? You land yourself into a mess and leave it to your party to rescue you. They are doing as best as they can, but it is difficult even for good experts to rescue you from the bungs of your own creation. Pakistan is establishing a precedent here. Precedent in what? That certain territorial claims can be brought in through the backdoor as a border dispute and made justiciable on the pretext of having pursued this method, followed this kind of procedure, in regard to the Rann of Kutch. That is the danger. I am not saying they will succeed, but today they are in a position to say: "If we follow this method in the Rann of Kutch, why not in the East Pakistan-West Bengal border? Let us follow this thing." Internationally your case gets weakened. This is what I say. And when you go to sign the agreement, you may be asked as you had signed the agreement in June 1966 over the Rann of Kutch business, why

not a similar agreement over Pakistan's other claims in regard to other borders?

Mr. Vice-Chairman, therefore, I say it is extremely dangerous, and I put it to you that Pakistan knew that bilateral talks would not take place because it was preparing for a veiled aggression in Kashmir. Therefore, they knew that the process of this thing could be easily secured as India would be provoked into doing this thing. Once that is done, Pakistan would argue that if the bilateral talks had not taken place, it was not their fault. That is what Pakistan will argue—well, they may not succeed in impressing anybody—and the only thing remains is the tribunal. Therefore, you see that even without firing a shot Pakistan has succeeded after signing the agreement in taking it straight to a tribunal, into which the British have led you, and that for your folly. This is the situation, Sir. Do you think that Mr. Bhutto did not know all this thing? "He knew this thing. He knew that and the sequence of events clearly show that Pakistan had been acting with a clear design, with its mind quite clear, as far as this kind of nefarious designs go; but this Government, incompetent, blind Government, willy-nilly moved into position's which compromised our country. That is the position, Mr. Vice-Chairman. Sardar Swaran Singh is here. May I say, Sardar Swaran Singh, why did you commit that original sin . . .

AN HON. MEMBER: Please address the Chair.

SHRI BHUPESH GUPTA; May I address Sardar Swaran Singh through the Chair, Mr. Vice-Chairman, and ask why did he commit the original sin in 1960 by not taking enough care to see that that agreement was properly worded? Now we are told that Parliament will discuss it. Parliament did not discuss that. At that time the situation was not like that . . .

592—RS—6.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Did you read that? It was published.

SHRI BHUPESH GUPTA; That we read like many things.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Every Member is as much responsible as the hon. Minister.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, you have a dictionary before you. Does it mean that you know English? We may have an agreement. It does not mean that we have studied it and understood it. That is the task of the Government. Government having signed the agreement owes it to Parliament to tell Parliament the implications of it and take the initiative in getting the opinion of Parliament on it. But they did not do anything of the kind. It is like my presenting a dictionary to you and then forgetting everything.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It is time for you to wind up. You have taken more than half an hour.

SHRI BHUPESH GUPTA; I am winding up. Your interruptions are very exhilarating. Therefore, I said this thing. But I say, Mr. Vice-Chairman, finally, taking your guidance, that the Kutch agreement has brought out two things. On the one hand, certainly in a way as far as an agreement for peaceful settlement goes, it reflects the robust desire and sentiments and urges of our people to settle—going as far as possible, walking an extra mile if necessary—the problems with Pakistan peacefully. But in order to make peace you require two. The other side does not believe in it, and that is exemplified in the fact that it does not accept our proposal for a no-war pact. The noble sentiments of our people, sentiments of friendship, sentiments of good neighbourliness, sentiments of peace, the highest traditions of our civilisation and our

[Shri Bhupesh Gupta.] freedom movement are today in a way projected when we go in for seeking peaceful methods in the settlement of matters with Pakistan. But the other side of it is there also. Here is an incompetent Government which does not know its mind—careless before the event, careless during the event, careless after the event, but none the wiser after it. Here is such a Government, and that Government, dependent on the Americans and the British, guided by the British in matters like this, still having an enormous and boundless faith in Mr. Wilson and in the Buckingham Palace, submitted itself to their trickery and the treacherous terms of this agreement. We have got a Government and certainly it should be given all assistance and encouragement in order to seek peaceful settlements of problems with other nations and proper good neighbourly relations, but we cannot allow this Government to barter away certain sovereign rights of ours at the behest of foreign imperialists like the British in this particular case.

SHRI RAJENDRA PRATAP SINHA: Sir, I want to ask him a question.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let him finish.

SHRI RAJENDRA PRATAP SINHA: One question. I would like to know whether my hon. friend has consulted his *Guru* in Moscow about this agreement.

SHRI BHUPESH GUPTA: It is a sixty-four thousand dollar question.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You please try to finish. Do not go into his question.

SHRI BHUPESH GUPTA: You allowed him to ask the question.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You finish your speech.

SHRI BHUPESH GUPTA: The discipline of Premier Wilson should not

ask this question. Mr. Vice-Chairman, therefore, I say that we are now somewhat perturbed and concerned about this Government. Not that we are not for peace, nor that we are not for peaceful solution of problems, but what causes us worry is that this Government is not conscious of the machinations, of the deeper machinations of the Anglo-US. imperialists.

SHRI RAJENDRA PRATAP SINHA: What is the view of the Russians about this agreement?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order, please.

SHRI BHUPESH GUPTA: Under the cover of manoeuvres, we know, they have failed to protect our border when the Pakistani forces entered it in the Rann of Kutch, and we now get another example . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Bhupesh Gupta, I am afraid I will not allow you . . .

SHRI BHUPESH GUPTA: Let me finish the sentence. I am reminded of the dictionary again. They failed to protect the sovereign rights, the sovereign honour, even our political wisdom and the interests of the country when they signed that agreement. They failed the country on both counts, in fight as well as in our efforts for peace. Such a Government is worthy of condemnation by all who cherish the honour and dignity and the sovereignty of the country.

Thank you.

DIWAN CHAMAN LALL (Punjab): I have a great deal of regard for my friend, Mr. Bhupesh Gupta. I have always maintained that he carries on the tradition of the late Sir Surendranath Banerji in the matter of oratory but unfortunately, on occasions, he goes off the rails as he has gone off the rails now,

[THE VICE-CHAIRMAN (SHRI AKJJAR ALI KHAN) in the Chair]

SHRI BHUPESH GUPTA: You support me privately, I know.

DIWAN CHAMAN LALL: I do not support a single word of Mr. Bhupesh Gupta either privately or publicly.

SHRI BHUPESH GUPTA: At your heart.

DIWAN CHAMAN LALL: I think he is entirely mistaken. He has delivered an irrelevant speech which has nothing whatever to do with the realities of the problem as we face them today,

SHRI ARJUN ARORA (Uttar Pradesh) : That he always does.

DIWAN CHAMAN LALL: I do not agree with my hon. friend, Mr. Arora. I do not think that Mr. Bhupesh Gupta is always irrelevant.

SHRI G. RAMACHANDRAN: Sometimes he is.

DIWAN CHAMAN LALL: Some times he is irrelevant as he was to day. May I remind Mr. Bhupesh Gupta of an article in our Constitution, article 51-----

SHRI BHUPESH GUPTA: I mentioned it.

DIWAN CHAMAN LALL: You mentioned it, but you probably have not understood the significance of this particular article. It says:

"The State shall endeavour
»o . . .

To do what? To—

"(a) promote international peace and security;"

I take it that Pakistan is no longer a part of India; Pakistan has an international boundary with India. Therefore, anything that is done by the Government towards securing peace—international peace—and security is to be praised and not to be

condemned by my friend, Mr. Bhupesh Gupta. (*Interruptions*) I heard somebody speaking about territory.

SHRI G. MURAHARI (Uttar Pradesh) : I said, not at the cost of your own territory surrendering everything for peace.

DIWAN CHAMAN LALL: If only my hon. friend waits and listens to what I have got to say, he will regret the fact that he got up to interrupt me.

"(b) maintain just and honourable relations between nations;"

If we are in adverse possession of anybody's territory, it is up to us to render that territory back. If anybody else is in adverse possession of our territory, it is up to them to render that territory back to us. If not, we shall take necessary steps in order to obtain that particular territory. (*Interruptions*).

"(c) foster respect for international law . . .

My hon. friend forgets this clause in this particular article of the Constitution—

"foster respect for international law."

What he says is, tear off all the treaties that have been entered into. Which treaties? The treaty of 1958, the treaty of 1959, the treaty of 1960 and now the treaty of 30th June, 1965. Tear them up, he says. This is the manner in which he would like us to foster respect for international law.

"... and treaty obligations in the dealings of organised peoples with one another."

SHRI G. MURAHARI: Not a dishonourable treaty. We want that the Government . . .

DIWAN CHAMAN LALL: My Lord! Mr. Vice-Chairman, I wish you ask my hon. friend . . .

SHRI BHUPESH GUPTA: But is it proper for the hon. Member to address you, Sir, as 'Lord'?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): NO.

DIWAN CHAMAN LALL: I said, "My lord". I am sorry that my hon. friend, Mr. Bhupesh Gupta, has misunderstood my English. I said 'My lord' for this reason—I might have said 'My god'—but it does not mean that it refers to the Vice-Chairman or it refers to Mr. Bhupesh Gupta or the gentleman sitting behind him.

"foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and

(d) encourage settlement of international disputes by arbitration."

This is what the Constitution says. In what manner has the hon. Minister of External Affairs or the Prime Minister acted in violation of these particular clauses of article 51?

SHRI BHUPESH GUPTA: I ask you one thing.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): YOU have had your turn. Let him go on.

SHRI BHUPESH GUPTA: I want to understand from him. He is a very informed man.

SHRI ARJUN ARORA: On a point of order. The Rules of Procedure of the House do not provide for any questions being put to speakers. Questions are put to the Ministers during Question Hour.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Is it a point of order, Mr. Gupta?

SHRI BHUPESH GUPTA: Not a point of order. I wanted to ask one thing. He has yielded. May I make an interruption?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You address me. If I feel like, I will permit you.

SHRI BHUPESH GUPTA: May I know from him through you, Mr. Vice-Chairman one thing? It is not a question of arbitration, it is something else. Here it is a question of parting away with a part of our territory, a large chunk of our territory. Government says that our territory is justiciable by a tribunal, not a demarcation of any border and so on.

DIWAN CHAMAN LALL: I say that; my hon. friend is labouring under some misapprehension obviously as he is often in the habit of labouring under some misapprehension whenever it does not suit him or his purpose. He said a little while ago—and he was obsessed with talking about imperialism, British imperialism . . .

SHRI C. D. PANDE: Chinese imperialism.

DIWAN CHAMAN LALL: No, no, not about Chinese imperialism but British imperialism and American imperialism. He has got it in his brain, this idea of imperialism, like the Chinese. The Chinese friends are always talking about American imperialism. Wherever I have been and contacted the Chinese, they have always been talking of imperialism—American imperialism and British imperialism. So, he is obsessed with the fact of British and American imperialism but when my hon. friend here interrupted him and talked about Chinese imperialism, he was entirely silent. He said, no, no, do not interrupt me. He said, do not interrupt me, because he is himself entirely devoid of any interest for his own country. He has an interest for his party but no interest for his own country. If he had any interest for his own country, he would be standing behind the Prime Minister, standing behind the External Affairs Minister, in what they have done.

They have done an honourable thing, they have prevented war. What is the other alternative?

(Interruptionj)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No interruption please.

DIWAN CHAMAN LALL: He says that he did not ask for war.

SHRI BHUPESH GUPTA: A different type . . .

DIWAN CHAMAN LALL: What did he ask for? He asked for— either you go to war, as you would have gone in Kutch or else you go to . . .

SHRI ABDUL GHANI (Punjab): Both are sailing in the same boat.

DIWAN CHAMAN LALL: I do not know what my hon. friend over there is grumbling about. He is in the habit of grumbling all the time. May I ask my hon. friend . . .

SHRI BHUPESH GUPTA: A different type of agreement.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Bhupesh Gupta, you do not want, others to interrupt you. You must respect others also.

SHRI BHUPESH GUPTA: I want very much others to interrupt me.

(Interruptions)

DIWAN CHAMAN LALL: Sir, let me for a moment refer to what the Prime Minister said on the 3rd of May 1965. He said:

"We shall not depart from the position that along with cease-fire there must be restoration of the *status quo ante*."

Now when he mentioned the question of *status quo ante*, was there a single Member on the floor of this House. Mr. Vice-Chairman, who objected to

this particular statement? Not one of them. But they come here now after the *status quo ante* has been reached objecting to it.

شری عبدالغنی : یہاں پر کئی
ممبروں نے کہا وہ کہتے ہیں ایک
نے بھی نہیں کہا -

†[श्री अब्दुल गनी : यहां पर कई मेम्बरों
ने कहा । वे कहते हैं एक ने भी नहीं कहा ।]

وائس چیرمین : (شری اکبر
علی خان) : آپ اپنے موقع پر کہئے -

†[वाइस चेयरमेन (श्री अकबर अली
खान) : आप अपने मौके पर कहिये ।]

DIWAN CHAMAN LALL: My hon. friend has the habit of interrupting through his ignorance. I am sorry to say that if a man interrupt me because of knowledge, I can bear him but if a man interrupts me because of his utter ignorance, I am not prepared to allow him to interrupt me. "We shall not depart"—this is what the Prime Minister said—"from the position that along with cease-fire there must be restoration of the *status quo ante*."

Again, he says:

"We will have no objection to 'ordering a cease-fire on the basis of a simultaneous agreement for the restoration of the *status quo ante*.'"

Now, is that what has happened? Of course, it has happened exactly as the Prime Minister stated on the floor of the House on the 3rd May, and not one Member got up to object to this statement that he made. It is an after-thought that some of our friends . . .

SHRI ATAL BIHARI VAJPAYEE: May I explain? I did not want to interrupt him. Diwan Chaman Lall is perfectly right that we did not object to the restoration of the status *quo* as it existed on 1st January 1965 because we were informed by the Government that the Pakistanis entered the Indian territory on the 25th January. There was no sense in objecting.

SHRI G. MURAHARI: It is a wrong statement.

DIWAN CHAMAN LALL: My learned friend, Mr. Vajpayee, said at that time on the 3rd May. On page 176 of the Debates, he said:

"There should first be a restoration of the status *quo ante* and then only there should be a cease-fire."

He said that at that particular time. He also said that there would be automatically a cease-fire. Mr. Mani said that the status *quo ante* should be restored first and then the ceasefire will follow because we will have nothing to fight about. Now having said this both these gentlemen, Mr. Vajpayee on the one side and Mr. A. D. Mani on the other, come before us here now after the agreement has been reached raising an objection to the status *quo ante*.

SHRI ATAL BIHARI VAJPAYEE: Even now we claim that the status *quo ante* has not been restored because we have given patrolling rights to Pakistan.

DIWAN CHAMAN LALL: My hon. friend should realise what the basis of that right is. As the Prime Minister has explained elsewhere, both Ding and Surai are in Pakistan. It was established as a fact that we had the right of patrolling in the Rann of Kutch while they had the right of patrolling the small area between Ding and Surai. (Interruption by Shri Bhupesh Gupta) Do not interrupt me now. And the principle that we accepted was this that the status *quo*

ante has to be established somehow or the other, and it was established on a factual basis. We were patrolling the Rann of Kutch and they were patrolling in this particular area. And we were perfectly right and we would have been dishonourable if we had not accepted this particular position, namely that those who were patrolling in any particular area at that particular time were entitled to go on and claim that particular territory.

SHRI ATAL BIHARI VAJPAYEE: What time?

DIWAN CHAMAN LALL: On the 1st of January 1965. (Interruption by Shri Bhupesh Gupta) My hon. friend Mr. Bhupesh Gupta, I do not know. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please do not listen to him.

DIWAN CHAMAN LALL: I am quite ready to accept any interruption, Mr. Vice-Chairman, provided it is an intelligent interruption. But an interruption of this particular nature is an interruption which nobody should take any notice of. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You ignore it.

DIWAN CHAMAN LALL: . . . nor do I take any notice of it.

The question regarding the dispute of the Kutch boundary was raised, as hon. Members know, originally in the year 1875. It was raised again in the year 1926, and the dispute that has now arisen arose because the Diwan of Kutch, in the year 1947, wrote that it was settled in 1881, 1882 and again in 1883 and 1884. Now, Pakistan thereupon immediately raised the matter on the 14th July 1948 and we said in reply to Pakistan that a compromise had been reached in 1913 and sanctioned by the Government of Bombay under the resolution No. 119a

of the 24th February 1914. This is what it said:

"The boundary between Kutch and Sind should be the Green Line in the accompanying map going up to the purple patch."

Purple patch being what is now Sind. The Survey of India also said that this boundary was surveyed "rigorously" in 1937-38 and this was the boundary and there was no question about it. We have got ample evidence in regard to this matter. My hon. friends need not be exercised in regard to this particular matter. We have got ample evidence to show that the boundary is where it is and where we claim it to be. It is not the 24th Parallel because, as I said on the last occasion, if the 24th Parallel is taken, then a portion of Sind would come into Indian territory. We are not claiming that portion of Sin^e because we do not accept the position that the 24th Parallel is the boundary. So, Sir, the next question that arises is about the international tribunal that we have accepted.

Now, you will recall, Sir, that as far as the dispute between Pakistan and India was concerned, in the past we have already accepted this. Not only we accepted the 1960 agreement but we have accepted the Bagge Tribunal of 1951. As you will remember that the late Prime Minister offered to the Chinese Government that he would be prepared to go to the International Court of Justice at The Hague in order to settle the Sino-Indian border dispute. He went as far as that. Now having gone to that extent, surely it is up to us now to accept the same principle that was laid down at that particular time.

We are thankful, Sir, that a ceasefire has been arrived at. Let me say quite frankly. But I am of the opinion that a very serious situation has arisen in Kashmir, the same sort of situation that arose in 1947. In 1947, Mr. Vice-Chairman, we got the information on the 4th October, that Pakistan within a fortnight was attempting to attack

Kashmir, that the late Mr. Liaqat Ali Khan, was sitting in Rawalpindi really directly the attack that was going to come *on* Kashmir. And for three solid hours this particular individual who brought the information was closeted with the late Prime Minister in his house to give him all the information. Fortunately this attack did not come within the period of 14 days as was stated.

It came three days later— 4 P.M. enough time for us to be able to do something in this particular matter. The same sort of situation is arising to day and I am very happy that the Prime Minister in his statement to the New York Times, which is reported in the press today, has stated categorically that India may be compelled by the circumstances to cross the cease-fire Line. I am very sorry that a situation like this should have arisen but I want to warn the leaders of Pakistan that the situation in India is such that the people are behind, entirely behind, unlike what Mr. Bhupesh Gupta says, the people are one hundred per cent. behind this Government and this Prime Minister in regard to this matter and they are willing to support the Prime Minister in any step that he may take in order to vindicate the honour of India.

SHRI BHUPESH GUPTA: May I ask one question of the Prime Minister?

HON. MEMBERS: No.

SHRI BHUPESH GUPTA: Would he enlighten us with regard to the statement which is reported to have been made?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I would leave it to the Prime Minister.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): I want a ruling on this point. When such matters of policy of the Government are referred to by any hon. Member in the House, is it proper for any other Member to get

up and ask for a clarification from the Minister immediately, when the other item is not on the agenda and we are not discussing it? So Mr. Gupta is not authorised to put the question.

श्री जगत नारायण (पंजाब) : वाइस-चेयरमैन महोदय, 15 तारीख को जब लाल किले पर प्रधान मंत्री ने झंडा फहराया तो मैं वहां पर मौजूद था। जहां पर उन्होंने बहुत सी बातें कहीं, वहां उन्होंने लोगों से और अपोजीशन पार्टियों से यह अपील भी की कि इस वक्त हालात बड़े नाजुक हैं और अपोजीशन पार्टियों के नेताओं को भी, वर्कर्स को भी और और लोगों को भी उनके हाथ मजबूत करने चाहिए। मैं यह समझता हूँ कि वाकई हालात बड़े नाजुक हैं और हम सबको प्राइम मिनिस्टर के हाथ मजबूत करने चाहिए और हमें इसका वायदा करना चाहिए कि उनका हाथ मजबूत हो। लेकिन अगर प्राइम मिनिस्टर साहब यह पूछें कि जो मैंने यह तरमीम पेश की है कि यह रण कच्छ का समझौता खत्म करना चाहिए इससे क्या प्राइम मिनिस्टर के हाथ मजबूत होते हैं या कमजोर होते हैं तो मैं बड़े अदब से कहना चाहता हूँ कि रण कच्छ के समझौते को अब बिल्कुल खत्म कर देना चाहिए, इसको खत्म करने में ही इस देश का भला है और इसके साथ ही हमारे प्राइम मिनिस्टर के हाथ मजबूत होते हैं। वाइस चेयरमैन महोदय, आप पूछना चाहेंगे कि मैं यह क्यों कहता हूँ। मैं यह इस लिए कहता हूँ और मैं बड़े अदब के साथ प्राइम मिनिस्टर से पूछना चाहता हूँ कि उन्होंने जो अपनी तकरीर की है क्या अपनी उन तकरीरों पर वह गौर करने की कोशिश करेंगे। 28 अप्रैल को लोक सभा में तकरीर करते हुए उन्होंने कहा :

"We are prepared to take the path of peace but we cannot follow it alone."

यह तकरीर उन्होंने लोक सभा में की। उसके बाद जो यह नक्शा छपा है,

Facts about Kutch Sind Boundary on 31st May, 1965 इसमें यूनिशन सरकार की तरफ से लिखा गया है :

"As against such overwhelming evidence Pakistan has now attempted to create a dispute where none existed." यानी 31 मई को उनका खयाल था कि कोई डिस्प्यूट एग्जिस्ट नहीं करता है। पाकिस्तान ने यों ही शुरू कर दिया है और उसके बाद 30 जून को उन्होंने समझौता कर लिया.....

उपसभाध्यक्ष (श्री अकबर अली खान) : लेकिन अब भी यही खयाल है कि डिस्प्यूट नहीं है।

श्री अटल बिहारी वाजपेयी : यह तो खामखयाली है, वाइस चेयरमैन साहब।

श्री जगत नारायण : आप सुन लीजिए। उसके बाद जब उन्होंने वहां झंडा फहराया तब उन्होंने यह कहा :

"Pakistan's attack on Kashmir 'will be repulsed at all costs' ", Mr. Shastri declared in Delhi on Sunday. "I use the word 'attack deliberately' ", he added, "because it was meaningless to suggest that civilian raiders from the Pakistan-occupied Kashmir had infiltrated into the valley. Pakistan was fully responsible for the attack."

उसके बाद उन्होंने यह भी कहा :

"Now that we have been attacked, we, as a Government will and must meet force with force. Come what may, Pakistan will not be allowed to annex any part of Kashmir", he declared amidst thunderous applause."

यह उन्होंने तकरीर में कहा।

वाइस चेयरमैन साहब, मैं जिस बात की तरफ आ रहा हूँ वह यह है कि आज हाउस में बहस हो रही है कि रण कच्छ का जो मुआहिदा हुआ है वह ठीक हुआ है या गलत हुआ है। तो यह तो कोर्ट आफ ऑपिनिशन

में चला गया है और ये जो तमाम दलीलें दी जानी हैं ये तो कोर्ट आफ आर्बिट्रेशन के सामने दी जानी चाहिए लेकिन आज जो देश में हालत है वह क्या है। लोग कहते हैं कि प्रधान मंत्री ने कहा है कि अटैक हुआ है, हिन्दुस्तान के ऊपर अटैक हुआ है मगर रण कच्छ का समझौता किया हुआ है तो मैं पूछना चाहता हूं कि जब कोई फ्रीक, कोई मुल्क, जिसके साथ मुआहिदा हुआ हो, हमला कर दे तो क्या वह मुआहिदा कायम रह सकता है। क्या सीज फायर का मतलब आज डिक्शनरी में बदल गया है। सीज फायर का मतलब यह है कि कोई मुल्क एक दूसरे पर हमला नहीं करेगा, लेकिन आज क्या हालत है कि काश्मीर पर पाकिस्तान ने हमला किया हुआ है। क्या काश्मीर हिन्दुस्तान का हिस्सा नहीं है। अगर वह पंजाब पर हमला कर देता है तो क्या सीज फायर रहेगी। यह कैसे चल सकता है। तो आज जो सीज फायर की बातें की जा रही हैं, उनसे बातें करने की जो कोशिशें की जा रही हैं उससे दुनिया में हम मजाक का एक मजमू बन रहे हैं। एक तरफ प्रधान मंत्री कहते हैं कि हमला हुआ है और फोर्स का जवाब फोर्स से देंगे, तो फोर्स का मतलब क्या समझना चाहिए। फोर्स का मतलब यह है कि हमें सिर्फ इन्फिल्ट्रेटर्स को ही काश्मीर से नहीं निकालना है—मैं यह मतलब नहीं समझता—मैं तो यह समझता हूं कि फोर्स का जवाब फोर्स से देने का मतलब यह है कि पाकिस्तान ने जो हम पर हमला किया है उसके जवाब में हमें भी पाकिस्तान के उन ठिकानों पर हमला करना है जहां से इन्फिल्ट्रेटर्स चले आ रहे हैं, जहां से कि हम पर हमला किया जा रहा है। मैं फोर्स का मतलब यह समझता हूं। मैं यह समझता हूं कि यह जो सीज फायर के अज माने लिए जा रहे हैं कि पाकिस्तान हमला करता चला जाय और हम उसे बर्दाश्त करते चले जायें, गलत माने हैं। आज सीज फायर का मतलब यह है कि पाकिस्तान ने हमला कर दिया है तो सीज

फायर का जो सारा पैकट हुआ है वह बिल्कुल खत्म होना चाहिए।

वाइस चेयरमैन साहब मैं प्रधान मंत्री की खिदमत में कहना चाहता हूं कि आज रण कच्छ के एग्जीमेंट की कोई जरूरत नहीं है, ऐसे मजबूती से वह कहें। मैं उनको मुबारकबाद देता हूं कि उन्होंने मजबूती के साथ कहा कि भूटो के साथ कोई बात नहीं करना चाहते। अगर आज वह इस हाउस में एलान करें कि सीज फायर का मतलब यह नहीं है कि हम चुप रहें और पाकिस्तान हमला करता रहे, आज समझौता खत्म हुआ, तो मैं समझता हूं कि सारा हिन्दुस्तान न सिर्फ उनकी वाह वाह करेगा बल्कि एक दीवार की तरह सारा हिन्दुस्तान उनकी पुश्त पर खड़ा हो जायगा। इसलिए मैं समझता हूं कि आज दुनिया में हम मजाक का एक मजमू बने हुए हैं और मैं बड़े अदब के साथ कहना चाहता हूं प्रधान मंत्री को कि आज सीज फायर को खत्म करना चाहिए और इस मुआहिदे को खत्म करना चाहिए।

अब मैं दूसरी बात पर आता हूं। मैं समझता हूं कि अगर हमारे प्रधान मंत्री ने उस वक्त जब कि लोगों ने, मेम्बरों ने, दरखास्त की कि पार्लियामेंट का सेशन बुला लिया जाय अगर पार्लियामेंट का सेशन बुला लेते तो यकीनन आज यह हालत पैदा नहीं हो पाती। वाइस चेयरमैन महोदय, मैंने और श्री साहब ने प्रधान मंत्री को तार दिया, उनका जवाब मिला और उन्होंने कहा कि मैंने जो किया है यह मैंने उसी बयान के मुताबिक किया है जो मैंने रेडियो पर ब्राडकास्ट किया था। हमने एक चिट्ठी प्रेसिडेंट को भी लिखी और उनसे दरखास्त की कि आप पार्लियामेंट का सेशन बुलायें, हमने एक चिट्ठी नन्दा साहब को भी लिखी। मुझे दुःख है, मैं आपकी खिदमत में कहना चाहता हूं कि प्रधान मंत्री ने जवाब दिया—प्रेसिडेंट की तरफ से जवाब आया। मगर हमारे होम

[श्री जगत नारायण]

मिनिस्टर की तरफ से उनके प्राइवेट सेक्रेटरी ने मेरे प्राइवेट सेक्रेटरी के नाम चिट्ठी लिखी कि चिट्ठी मिल गई है। लेकिन जवाब नहीं आया है अभी तक। किस एम० पी० के पास प्राइवेट सेक्रेटरी होता है? मगर मेरे पास चिट्ठी आई है प्राइवेट सेक्रेटरी टु श्री जगत नारायण के नाम से। मेरा कोई प्राइवेट सेक्रेटरी नहीं है। तो इतनी इम्पोर्टेंट बात का जवाब मुझे नहीं मिला। खैर, मैं इसको नज़रअन्दाज़ करते हुए आपके नोटिस में और प्रधान मंत्र का खिदमत मैं यह बात लाना चाहता हूँ कि जब बर्तानिया पर 1940 में गोलाबारी हो रही थी, जिस वक्त बर्तानिया को तबाह करने की कोशिश की जा रही थी उस वक्त चर्चिल ने क्या किया था, यह मैं प्रधान मंत्री जी की नोटिस में लाना चाहता हूँ। 1940 में चर्चिल का जो बयान छपा है वह उनकी उस तकरीर से छपा है जो उन्होंने उस वक्त दी थी—मैं आपके सामने उसे पढ़ना चाहता हूँ :

In our country public men are proud to be the servants of the people. They would be ashamed to be their masters. Ministers of the Crown feel this is strengthened by having at their side the House of Commons and the House of Lords sitting with great regularity, and acting as a continual stimulus to their activities."

फ़ितनी उस वक्त नातुक हाज़ुत थी, गोलाबारी हो रही थी, जर्मनी ने पूरे रफ्तार से गोलाबारी शुरू की हुई थी और चर्चिल ने उस वक्त कहा कि मैं खुशी महसूस करता हूँ कि मेरे साथ इस वक्त पार्लियामेंट में मशविरा देने के लिए इतने साथी बटे हुए हैं। यहां पर दरवास्त की गई कि आप पार्लियामेंट को बुलाइये, पार्लियामेंट से सलाह मशविरा कीजिए और मैं यकीन रखता हूँ कि उस वक्त अगर पार्लियामेंट बुला ली जाती या रण आफ कच्छ का समझौता पार्लियामेंट के सामने

रखा जाता तो आज यह हालत नहीं होती। पाकिस्तान को भी हमारा रख मालूम हो जाता कि भारत क्या कहता है, रण आफ कच्छ का मुआहिदा होना चाहिये या नहीं होना चाहिये। तो बिल्कुल मुश्तलिफ़ हालत होनी थी। तो चर्चिल ने कहा था :

"Of course, it is quite true that there is often severe criticism of the Government in both Houses. We do not resent the well-meant criticism of any man who wishes to win the war. We do not shrink from fair criticism ... On the contrary, we take it earnestly to heart and seek to profit by it. Criticism in the body politic is like pain in the human body. It is not pleasant, but where would the body be without it? No sensibility would be possible without continued correctives and warning of pain."

"

तो मैं अर्ज़ कर रहा हूँ कि खैर, अब तो वक्त गुज़र गया लेकिन अगर उस वक्त पार्लियामेंट का सेशन बुला लेते ...

وائس چيئر مين (شري اكبر علي

خال): آپ کا وقت بھی گذر رہا ہے :
دو منٹ اور ہیں -

†[वाइस चेयरमैन (श्री अकबर अली खान):
आपका वक्त भी गुज़र रहा है। दो मिनट और हैं।]

श्री जगत नारायण : मैं अर्ज़ कर रहा था कि पार्लियामेंट का सेशन बुला लेते तो मैं समझता हूँ कि हालात मुश्तलिफ़ होनी थी। और फिर वाइस चेयरमैन महोदय, मैं प्रधान मंत्री जी से और अपने भाई सरदार स्वर्ण सिंह से पूछना चाहता हूँ कि दुनिया की तारीख़ में जो नेशनस बे ऐतबार होते हैं, आपस में लड़ते हैं, अगर आप उनका सिफारतखाना इस मुल्क में रखते हैं—आज चीन का सिफारतखाना यहां पर काम कर रहा है वहां

साजिशें हो रही हैं वैसे ही पाकिस्तान का सिफारसखाना यहां पर काम कर रहा है और साजिशें कर रहा है—और आप उनको तसलीम करते हैं। तो दुःख होता है कि आप उन सिफारसखानों को बन्द नहीं करते, जब कि प्रधान मंत्री तमाम दुनिया के नेशनल से कहते हैं कि पाकिस्तान ने हमला किया है, मैं जान बूझ कर कह रहा हूँ मजबूतों से कह रहा हूँ हमला किया है—ये लफ्ज उन्होंने झंडा लहराते वक्त कहे थे—और हमारे भाई दीवान चमन लाल कह रहे थे कि कहां हमला हो रहा है। अरे, हमारे प्रधान मंत्री कहते हैं हमला हुआ है, हमारे विदेश मंत्री कहते हैं हमला हुआ है और आप कहते हैं कि हमला नहीं हुआ। तो मैं कह रहा था हमारे इन सिफारसखानों से सारा लिटरेचर निकलता है, आज पाकिस्तान के अखबारों में आते हैं, मुझे मालूम नहीं कि प्रधान मंत्री की नज़र से गुज़रते हैं कि नहीं गुज़रते हैं लेकिन कभी उन्हें पढ़ना चाहिये। मैं अखबारों में हूँ, हर रोज पाकिस्तान के अखबार आते हैं, मैं देख कर हैरान हो जाता हूँ, उनमें छपा होता है कि आज हमने श्रीनगर के रूट पर कब्ज़ा कर लिया है, आज हमने इतने गांवों पर कब्ज़ा कर लिया है, आज हमने इतने हिन्दुस्तानियों को मार दिया है। ये पाकिस्तानी अखबार, मैं देखता हूँ, काफी तादाद में आते हैं मगर हमारी गवर्नमेंट उन पर कोई पाबन्दी लगाने को तैयार नहीं है। बड़े ताज्जुब की बात है कि उनको क्यों नहीं दीखता। वाइस चैयरमैन साहब, मैं बड़े अदब से कहना चाहता हूँ कि जब तक ये चीन और पाकिस्तान के सिफारसखाने हिन्दुस्तान में मौजूद रहेंगे, याद रखना, ये साजिश की जड़ हैं, आप कभी भी उनसे निपट नहीं सकेंगे, आप इनको फौरन निकाल बाहर करने की कोशिश करें।

(Time bell rings)

एक बात कह कर मैं बैठ जाऊंगा। मैं बहुत छोटा आदमी हूँ, बैक बेन्चेर हूँ मगर मुझे इस बात का फ़ैसल हासिल है कि सरदार

स्वर्ण सिंह के साथ एक कैबिनेट मिनिस्टर रहा हूँ, शास्त्री जी के सामने मैं बहुत छोटा हूँ मगर मेरा भी उनके साथ बड़ा प्यार रहा है। मैं बड़े अदब के साथ दोनों नेताओं को एक बात कहना चाहता हूँ। बेशक आप यह कोशिश करें कि तमाम मुल्कों में चक्कर लगायें, तमाम मुल्क जो आपको बुलाते हैं, आपका बड़ा स्वागत करें, आपकी इमेज बड़ी हो। मैं अदब के साथ एक बात कहना चाहता हूँ कि हमारी इमेज बाहर दूसरे मुल्कों में जाने से नहीं बनेगी, भारत की इमेज, हमारे नेताओं की इमेज तब बनेगी जब हिन्दुस्तान मजबूत बनेगा। जैसा उन्होंने कहा, फोर्स का जवाब फोर्स से देंगे, तो जिस दिन शास्त्री जी ने फोर्स का जवाब फोर्स से दिया और पाकिस्तान के लोगों को मालूम हो गया कि वाकई हिन्दुस्तान के नेता हैं जो कहते हैं वह करने के लिये तैयार हैं, तो मैं यकीन दिलाता हूँ, बाहर के मुल्कों में जाने की जरूरत नहीं पड़ेगी, हिन्दुस्तान में रहते हुए, मुस्तैदी से काम करते हुए, दुश्मन मुल्कों से निपटने हुए, हिन्दुस्तान को मजबूत बनाइये तो हिन्दुस्तान की भी इमेज बनेगी। बहुत बहुत शुक्रिया।

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Vice-Chairman, I am sorry we are discussing the Kutch Agreement at a time when new emotions and passions have been aroused in us by what Pakistan has been doing in recent weeks in Kashmir. It is a tribute to the maturity of our people that we have not allowed the latest happenings in Kashmir to influence our judgment, and our determination to go ahead with the Kutch Agreement, which is supposed to be one of the agreement which is likely to ease the tensions that exist between our State of Kashmir, and the neighbouring State of Pakistan. May I, before I discuss the Agreement, pay a humble tribute to the wisdom, to the vision and to the imagination of our Prime Minister, Shri Lai Bahadur Shastri, in coming to this agreement? It was not an easy task for him to do so. He knew what the feeling of a large mass

[Shri P. N- Sapru.] of people in this country is. But the duty of a leader is not always to be led by the populace; the duty of a leader is also to lead and Shri Shastri, in arriving at this conclusion, has given proof of the fact that he realises that in this case his duty is to lead the people of India along correct lines.

Mr. Vice-Chairman Shri Atal Bihari Vajpayee, in the very eloquent speech which he made in Hindi, surcharged as it was with a deep emotion, said that it was incumbent on Shri Lai Bahadur Shastri to resign as the country has repudiated this Agreement. May I point out to him that under a system of parliamentary government, the Prime Minister and his Cabinet take decisions and it is for Parliament to accept or reject them? Now, there can be no question that the majority is with Shri Shastri and they in this Parliament support this Agreement. Whatever Shri Vajpayee's estimate of the position that he occupies in the country may be, whatever his estimate of the position of his party in this House may be, there is no doubt that at the moment, Shri Shastri has the complete and full confidence of the Indian people. May I also say that we have, throughout the controversy regarding this Rann of Kutch, maintained that Kashmir has nothing to do with it? We have taken the line that this Agreement has nothing to do with the issue of Kashmir. We had to cancel—and I think on reflection that our decision was right—that we had to cancel the visit of Mr. Bhutto to our country. But we have, in approaching our task so far as this Agreement is concerned, shown that Kashmir has really nothing to do with it. We have been approaching this Agreement as if Kashmir was not affected. I think the issue of Kashmir was in no way involved by our agreeing to this Agreement.

Mr. Vice-Chairman, an able speech was made by my hon. friend Shri Pathak. Shri Pathak speaks with a

certain amount of authority so far as law is concerned and he referred to the fact that sovereignty cannot be transferred. Now, I happen to be in a humble way a student of international law, as indeed of other laws, and I was rather surprised at this statement. That statement may be all right from the leader of our delegation to the U.N. But this statement I think does not represent the correct state of the law as we know it or as we have been taught. Sovereignty is sovereignty. That is to say, you can as a sovereign power do anything that you like, in the manner indicated for you by the Constitution. There is no limitation to the doing of things, provided you do them in the manner indicated in the document embodying the Constitution. That, I think, is the correct legal position and I have no doubt that Shri Shastri was right in looking upon it as a border dispute and in agreeing to its being considered by a tribunal of three impartial men, none of whom shall be a citizen of this country. It was intended at one time in the document that there shall be a preliminary discussion between Mr. Bhutto and Sardar Swaran Singh. Sardar Swaran Singh has been spared the trouble of having conversations with Mr. Bhutto with regard to this matter, and I use the word "trouble" because the discussion might have been of an unpleasant character. The Agreement now will, therefore, go to a tribunal and that tribunal will consist of three persons who are not citizens of this country. One of them will be nominated by us and another will be nominated by Pakistan and the third may be nominated either jointly by us or by U Thant. I take it that it will have to be ultimately U Thant who will have to nominate the chairman of this tribunal. I have no doubt that a tribunal of this character will approach this border problem in a just and impartial manner and there is no reason for us to apprehend that justice will not be done towards us by the tribunal. To doubt that is to doubt the strength of our case. I think that we have a good case.

Let me also say that Shri Shastri has not gone back upon any of the conditions that he laid down for conversations or for the starting of conversation regarding this matter, with Pakistan. He said he would not discuss or enter into negotiations with Pakistan until the status quo *ante* has been restored. Now, there is no doubt that the status quo as it existed on 1st January, 1965 is to be restored. It may be that we have allowed a few posts temporarily. I say 'temporarily,' because they will disappear after the decision has been given. It may be that a few posts temporarily have been allowed in this area there. But that fact does not detract in any way from the sovereignty that we possess or that we claim over this territory. May I say that I was very much struck by the able speech delivered by Shri Ramachandran? Often I find that he speaks the mind of the conscience of this House. He referred to this Agreement as a compromise and he welcomed, it as embodying the right way of solving the dispute. Now, we find that article 51 of our Constitution itself contemplates this peaceful settlement of disputes. We are yet obsessed, some of us, by old notions of sovereignty. We are living in a world in which the very concept of sovereignty is undergoing a change. You know that there is a body of men who believe that there must be a federal solution to the world's problems. I myself belong to that school of thought and I think, therefore, that we were right in referring a dispute of this character to a tribunal of the character which we have envisaged in our Agreement. There are features in that Agreement which require consideration. It is a very ably drafted Agreement, it is an Agreement drafted by experts and one can see the hand of White Hall in this Agreement. (Interruption). May I, before I conclude, pay a tribute to Mr. Harold Wilson, the leader of the British Labour Party for bringing about this settlement? There is no doubt that in what he did, Mr. Harold Wilson was actuated by the highest motives because the Labour Party has 'been a believer in

certain principles and Mr. Harold Wilson is a politician of principle and honour. I was, therefore, glad that Mr. Surendra Mohan Ghose paid a tribute to the part that Britain had played in bringing about this settlement. I am under no illusions as regards what this settlement will do so far as the ultimate issue of the relationship between India and Pakistan is concerned. Pakistan is a difficult country but let us also remember that nature intended this continent to be one and that man has interfered with the unity of this continent and that it is by gradual steps of this character that we shall some day perhaps bring about not indeed a reunification in the sense of loss of independence either of Pakistan or India but a re-unification of the spirit between India and Pakistan. I dream of a confederation which will help India and Pakistan to live together as leading members or permanent members of a great Asian community. Thank you very much.

SHRI M. RUTHNASWAMY: Mr. Vice-Chairman, I have great pleasure—I must admit it is an unusual experience—in supporting the Government in regard to this Indo-Pakistan Agreement on the Gujarat-West Pakistan Border. When prisoners of indecision such as constitute the Government of India make a bid for freedom of action everyone will applaud such an example of initiative, most of all we, who belong to this group in this House and who have always called upon the Government to decide definitely and decisively between right and left, between right and wrong; between freedom and totalitarianism. We find that even the ranks of Tuscany could not for bear to cheer the Government on this matter. But Mr. Vice-Chairman, I take this Agreement as a whole and I insist that every word of that Agreement should be implemented by the Government. Therefore, it is with regret that I know that, in spite of what article 3 says, nothing has been done. This is what it says:

[Shri M. Ruthnaswamy.]

"... 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."

Then it goes on to say:

"In the event of no agreement between the Ministers of the two Governments On the determination of the border being reached within two months of the cease-fire, the two Governments shall, as contemplated in the joint communique of 24th October, 1959, have recourse to the tribunal referred to in (lii) below"

Therefore, it is insisted under this Agreement that the Ministers of India and Pakistan should meet and try to come to an agreement and it is only after they have failed that resort should be had to the Tribunal but just because something had happened, some serious incidents had happened in Kashmir and because emotion both inside the House and outside has been worked up in regard to the Kashmir situation, the Prime Minister gives up an important part of the Agreement and calls off the visit of the Foreign Minister of Pakistan. I hope and trust that if not now at least in a few days this meeting of the two Ministers will be realised because that is an important part of the Agreement that the two Ministers of Pakistan and India should meet and try to settle their disputes round the table. It is only after they fail, it is only after this attempt at ministerial meeting has been tried and has failed, that resort could be had to the tribunal; otherwise I should not be surprised if Pakistan takes into her head to repudiate this whole Agreement. Of course, they might say that this is an important part of the agreement

made between the two countries and having repudiated that part why we ask them to accept the other part of the Agreement, namely, resort to the tribunal. So, whatever the difficulties may be, whatever the necessities may be in regard to the meeting of the two Ministers, this meeting should take place and only if it fails resort should be had to the tribunal.

PANDIT S. S. N. TANKHA (Uttar Pradesh): May I inform the hon. Member that the Foreign Minister of Pakistan, I understand, had agreed to the cancellation and then alone this meeting was cancelled by our Government?

SHRI G. RAMACHANDRAN: That is a different matter.

SHRI M. RUTHNASWAMY: Par-done?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He says that Pakistan has agreed to this cancellation.

SHRI M. RUTHNASWAMY: With regard to the question of arbitration by tribunal, again emotion has been worked up and Members have said that this is a reduction of sovereignty, that this is a raid on the sovereignty of India. But resort to arbitration and arbitration tribunals is as old as the history of international relations. In the 19th century we have heard of many such cases of resort to international tribunals. There was the famous and sensational case of the *Alabama* which was a ship that was built in English harbours and had acted as a privateer and raided the ships of the Northern States in the Civil War between the North and the South. After the Civil War was over, the Government of the United States called upon the English Government to pay compensation for the raids committed by a privateer which had been constructed in English harbours. The matter was to end in a war; both sides were threatening each other till at last good sense prevail-

ed and an international tribunal was constituted and one of the great cases in international relations was submitted to arbitration by a tribunal and the tribunal decided against England and England had to pay a huge sum of money as compensation to the United States of America. So there is no derogation of sovereignty at all. In fact, resort to tribunals is provided for by the Convention of The Hague of 1907 which defines the limits and scope of arbitration. There is a difference between arbitration and mediation. Mediation is a political device during -which one State advises another, tries to bring all kinds of intellectual and argumentative pressure to make it accept its decision in regard to its quarrel with another State, but arbitration is a judicial process. It is a judgment pronounced by judges and upon facts submitted to it. It does not lay down the law; it just says which facts are true—with regard to a boundary dispute for instance—on the evidence submitted by the two parties and it decides where the boundary should be traced. Of course, it follows that those who submit themselves to the tribunal are obliged to accept the decision of the tribunal.

But studying the history of tribunals, may I offer one suggestion to the Government? And that is this. In the document constituting the tribunal and in placing before it the question to be decided, the Government should see to it that the document contains very precise indication, very precise directions as to what is to be decided upon and what is to be determined. The question must be indicated in as clear and as definite terms as possible because arbitration tribunals, like most public bodies, are apt to grab at jurisdiction, and go beyond the question submitted to them for decision, what is known as *ultra petite*, namely going beyond the question submitted to them. Therefore, the Government should take care in the framing of the document which brings the tribunal into

being that in very precise and definite terms the question to be decided is indicated.

As I said at the beginning, Mr. Vice-Chairman, I must congratulate the Government on this agreement and I hope this will be the first step in a new chapter in the relations between India and Pakistan, a chapter which may be brighter and more pleasant than what the previous chapters had been because peace between Pakistan and India is necessary not only for the two countries but in view of the situation in Asia and especially in South East Asia, it is a question that might involve the peace of the world. If it is not dealt with properly it may bring about a world war. So the question of peaceful relations between India and Pakistan is of vital interest not only to India and Pakistan but to the whole world and to the peace of the world.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): With your approval I think the House may sit till 5.30 P.M. and now I limit the time to ten minutes each.

SHRI M. C. SHAH (Gujarat): Mr. Vice-Chairman, Sir, with two hostile neighbours, Pakistan and China sitting on our borders India is bound to face very serious problems off and on. China is still in occupation of a large chunk of our territory and that humiliation still continues. Now, China and Pakistan have joined hands and new problems have been created in Kutch and Kashmir for us to solve. Normally everybody would wish that these problems must be solved peacefully by discussion and negotiation. It is also necessary that we appreciate the viewpoint of the other side, try to meet that point as far as possible and with a little adjustment if the problem could be solved peacefully there is nothing like it. India is wedded to peace and India has always tried to solve all problems, internal as well as external, by discussion and by negotiation. But this requires sincerity on both sides. The "question is whether Pakistan was try-

[Shri M. C. Shah.] ing to solve them with the same sincerity and honesty of purpose. Pakistan, we know, is the creation of hatred and jealousy. We have entered into so many agreements with Pakistan the most important of which is known as the Liaquat Ali-Nehru Agreement. What is the fate of that Agreement? Everybody knows it has been dishonoured. Therefore, I would tell the Government that whenever occasions arise of entering into any agreements with Pakistan, we should consider whether Pakistan is sincere, whether Pakistan is honest, whether Pakistan is interested in fulfilling the terms of the Agreement. I am afraid it cannot be said so of that country. We are conscious that these problems cannot be solved by military force. Situated as we are, in the world in which we are living today, force is out of question. It is also our experience that no problem has been solved by war. We have recently seen that in Vietnam, America tried its best there with its military might but even America is now agreed that this question should be solved by discussion on a political level. With this experience that no problem could be solved by war it is necessary for us to consider how best we can solve such problems. And the only way in which it can be done is the way adopted by the Government. I therefore congratulate our Government for their stand of trying to solve these problems in this manner. Militarily no problem has been solved and in the near future also no problem is likely to be solved by force or by arms. Let us hope for the best. India and Pakistan cannot afford to fight. Therefore, with the best of hopes and with the best of intentions our Government enters into such agreements and sometimes we are hoping against hope that Pakistan will do the right thing. We have to trust that good sense will ultimately prevail. As one hon. friend put it, nothing has dawned except the Dawn paper in Pakistan. Coming to the Agreement as such, we know that before the ink was dry on

the Agreement that was signed some other thing happened. In the preamble to the Agreement it has been stated:

"Whereas both the Governments of India and Pakistan have agreed to a cease-fire and to restoration of the *status quo* as at 1 January 1965, in the area of the Gujarat/West Pakistan border, in the confidence that this will also contribute to a reduction of the present tension along the entire Indo-Pakistan border;".

The next day we found what happened in Kashmir—open aggression by Pakistan in Kashmir. The hope with which this Agreement had been entered into has been falsified.

Then, in article 3, it has been stated that the Kutch problem is a border problem, not a territorial problem. The only question is where should the border be demarcated. But the claim of Pakistan as stated in (B) of article 3 is this:

"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;".

Now, when such a claim has been put forward by Pakistan, I most humbly ask whether our government could not have rejected straightway that this territorial dispute cannot be referred to arbitration. Demarcation of the boundary one can understand, but the claim for 3,500 square miles put forward by Pakistan and our government agreeing to refer it for arbitration is something amazing. The Maharaja of Kutch has sufficient evidence to prove falsity of this claim. But we claim that our case is so strong, why should we be afraid of submitting it for arbitration. This is not proper. We know that even now Pakistan claims Junagarh and other

areas in Saurashtra as theirs. Shall we agree to arbitration in these areas also? I would humbly suggest that when Pakistan put forward such a claim, to a territory of 3,500 square miles, it was open to our Government to have said that this could not be a matter for arbitration. I can understand that we have agreed that on the Tribunal no Indian or Pakistani shall be appointed, but as Mr" Mani put it, it is very likely that Pakistan might suggest China to be one of the arbitrators and we cannot say 'No' and we have not yet decided who shall be appointed as our nominee. We have said that the award of the Tribunal shall be binding and that we cannot question it on any grounds whatsoever. There is the Indian law and there is the international law on arbitration. When discussions and negotiations fail, the only other alternative is arbitration. That is an accepted civilised way of life. We have accepted arbitration and we normally abide by whatever be the award of the arbitrators. But to bind ourselves hand and foot from the beginning that we shall not question the award on any ground or in any manner whatsoever is beyond my comprehension. This is beyond the conventional arbitral procedure adopted by the International Law Commission. The convention provides that the validity of an award may be challenged by either of the parties on one or more of the following grounds:

- (1) that the tribunal has exceeded its powers;
- (2) that there was corruption on the part of a member of the Tribunal;
- (3) that there has been a serious departure from a fundamental rule of procedure, including failure to state the reasons for the award.

These are the grounds on which the award could be challenged I would like to be enlightened as to what led our Government to agree to give away

this right based on which the award could be challenged, if necessary.

SHRI BHUPESH GUPTA: The pleasant smile of Her Majesty the Queen.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KUAN): It is irrelevant.

SHW M. C. SHAH: Once we enter into arbitration we are normally bound to accept the award, whether it is favourable or unfavourable, but conditions have been laid down by the International Law Commission and we have agreed not to take advantage of them in case such a necessity arises.

Secondly, in today's papers it has been reported that U Tnant, the Secretary-General of the United Nations Organisation, was to send a report about the Kashmir situation, but Pakistan and Pakistan's allies have persuaded U Thant not to give this report. I would beg of our Foreign Minister to tell us why is it that in cases where we are on the right side, where truth is on our side, even then we are not in a position to prevail on the United Nations Secretary-General to say something which is true and honest according to him. What is the influence of Pakistan and her allies in the international world that when even according to true facts the aggression of Pakistan has to be condemned and when the Secretary-General was going to say something about it, he has been persuaded not to say a single word? I submit that our foreign policy has to look to the interests of the nation and whenever the interests of the nation demand it, the foreign policy must change. We cannot abide by a certain set foreign policy for all times to come. I would, therefore, request that the nation's interests must be supreme in all our actions.

Finally, the entire country is supporting the Prime Minister and the Government and I may assure the

[Shri M. C. Shah.] Prime Minister that no sacrifice is too great for our people to maintain and preserve the integrity, honour and independence of our country.

Thank you.

PROF. A. R. WADIA (Nominated): Mr. Vice-Chairman, as a rule I avoid taking part in discussions on external affairs, partly because of my own limitation in the knowledge of external affairs and partly because of the great restraint that one has to use in speaking on those occasions, but there are occasions when one has to speak out and this debate is one of those occasions when we have to stand behind the Government and especially behind the Prime Minister. The case has been argued out very ably on both sides, but I think on merits we shall have to admit that in this case the Government has, on the whole, acquitted itself very creditably. We have escaped war and I am not prepared to say that the Agreement is so one-sided as the Opposition Members tried to make out. As Shri Ramachandran very correctly put it, this Agreement is a compromise and a compromise means give and take. We have given something and we have taken something. I do not think that it is all in favour of Pakistan. Moreover, I see nothing wrong, when two countries hold different views, in their going to a tribunal. I do not

think that it is a limitation of 5 P.M. sovereignty, and even if it is

a limitation of sovereignty, I agree with Shri Sapru that the time has come when we have to give up this idea of absolute sovereignty. The interests of humanity should count much more than the interests of any one State or any one nation. It is from that standpoint that I wholeheartedly support the agreement and wish every success to our Government.

But, Sir, I am inclined to dive a little deeper into the problem that faces us. I am distressed to find that in spite of our consciousness of our

cause being right, in spite of that, the world at large does not take the same view. It may be that some countries openly speak for us, whether for political reasons or moral reasons, but there are so many countries that do not accept the correctness of our position. Shri Shah just now referred to the hesitation displayed by the Secretary-General of the U.N.O. in not publishing the statement that he warned to make evidently under pressure from Pakistan or the friends of Pakistan. It is a very distressing state of affairs that, when the United Nations has been brought into existence in the interests of the world at large and not in the interests of this or that country, even the Secretary-General should feel constrained not to speak out openly in a case where he flunks to be right. It seems to me, and you will pardon me for saying this, that there is something weak on our side. That weakness is due to the fact that we speak much too often of non-violence and of peace. Non-violence was all right in our political struggle because we were struggling against a very civilised Government. But I am afraid that when we are dealing with Pakistan, we cannot take it for granted that they will take a civilised view of things. In fact they have entered into agreements and again and again have broken them. As to what the fate of this last agreement will be, nobody knows. So, I do feel that we ought not to speak too much about peace and too much about non-violence. I felt particularly happy this morning when I read in the papers that the Prime Minister took courage into both his hands and spoke to an American correspondent that the time had come when we might have to take steps against Pakistan and reply to Pakistan in its own language. I think that is the only language which Pakistan will understand. There is no other language which Pakistan will understand. Otherwise, they will mistake our talk as of peace at any cost, be it at a loss of 20,000 square miles or 2500 square

miles, and think that they can bully us in any way they like. I think the time has come when we must put a stop to this.

I feel there is a second weakness, and that weakness is in the extreme weakness of our Intelligence Service which came out at the time of the Chinese attack. There is another weakness, and that is the weakness of our Foreign Service. We do not seem to deliver goods to the other Governments. We do not seem to succeed in persuading them about the Tightness of our cause. Sir, I have heard many things about our Foreign Service; not all of them are very complimentary. It is a common experience of many of us that our representatives in some Embassies of ours are not always courteous or good-mannered. There is a feeling that our High Commissioner's office in London is heavily overstaffed. It is a splendid example of how Parkinson's law works—more men, less efficiency. I was surprised, and painfully surprised, when an extremely high personage in Delhi, who is half in Government and half in so to say the private sector, when even he said that his experience was the same that he did not receive proper courteous treatment from a foreign Embassy of ours whatever it might be. That is a very disconcerting state of affairs, and it seems to me that we should take particular care in selecting people for our Foreign Service. It should not be a matter of mere passing examinations. It requires a certain upbringing, a certain family background, a certain capacity to be courteous, to entertain if necessary in spite of our prohibition policy, to drink with our foreign friends. That is very necessary and I understand that our Embassies are not inhibited or prohibited from doing so. That is a very sensible thing to do because when we are in Rome, we must do as the Romans do. We cannot impose our ways on other people and lose the friend ship of all people for small things.

That seems to me to be a reason why we are not able to deliver the goods or convince the world at large that we are in the right even when we are in the right and when we are certainly conscious that we are right. There must be something wrong about it. I think better use should be made of people who have got the proper background, proper manners, good manners and family traditions. I will be unpopular in saying it but I think we are not making sufficient use of very intelligent members of the Princely class. After all they have certain traditions. They have good manners. They know how to entertain and be entertained, and if they are made use of . . .

SHRI BHUPESH GUPTA: We will go bankrupt.

THE VICE-CHAIRMAN (SHRI AKBAB ALI KHAN) : You are entering into a controversial field.

PROF. A- R- WADIA: I should have thought that even Mr. Bhupesh Gupta would have valued entertainment. I think, given the proper intellectual and social background, we will be able to train and produce a better type of diplomats. I know that that has been the tradition in England. It has not been a mere question of examinations. It is a question of selecting the right persons for the right positions. If that is done, I am perfectly certain that we shall be able to convince foreign Governments of the Tightness of our cause. From standpoint, Sir, I would heartily congratulate the Prime Minister on the stand he has taken and I wish him and our country at large every success. Thank you.

SHRI SADIQ ALI (Rajasthan): Mr. Vice-Chairman, there have been in this House some vehement and passionate speeches against the Kutch agreement. The speeches made in favour of the agreement lacked ye-

[Shri Sadiq Ali.] hemence even though they were full of sound reasoning. There is a special reason for vehemence in the speeches against the Kutch agreement, and that is this. The agreement was arrived at in the midst of an aggression by Pakistan, and is being implemented today in the midst of another aggression by Pakistan in another part of our country. It seems to me that these two aggressions have put up an emotional barrier against a proper assessment of the issues involved in the Kutch Agreement. Let us suppose for a moment that there was no aggression by Pakistan in Kutch, what would have happened. I am sure that we would have arrived at the same I agreement which we have arrived at today minus that portion which relates to the withdrawal of the military. This Agreement has reference to the Agreements of 1959 and 1960. Now, these Agreements were placed on the Table of the House and no notice was taken of them. Why was not any notice taken? It was because these were good Agreements, reasonable and sensible Agreements, and there was nothing in them which was objectionable or controversial. I have no doubt in my mind that this ever-vigilant and ever-critical Opposition would have pounced upon these Agreements if they contained anything wrong or objectionable Or controversial. And what did these Agreements say? They simply said that in case border disputes were not settled peacefully, we would refer them to a tribunal and that the judgment of that tribunal would be final and binding. Now, it seems to me that this is a very sound proposition. What do we do with boundary disputes? Do we hand them over to the military for solution? After all, the armed forces in the country have certain tasks to perform and they *re limited tasks. The civil authority here also has some tasks to perform. And among those tasks is the settlement of these boundary disputes. If every boundary dispute is to be settled by the use of force, I do not know where we will land ourselves.

And then, how was this particular Agreement about Kutch arrived at and in what circumstances? We all know that Pakistan's , armed forces marched into Kutch. With what intention did they march into Kutch? They marched into Kutch .with the intention of occupying not the whole of Kutch but certainly a considerable part of it and then advancing claims for the rest. They occupied many places in Kutch. What did we do? We had the police. The police forces offered resistance. Then our Army marched in and evicted Pakistani forces from many places. Then Pakistan asked for peace, asked for a cease-fire, for cessation of hostilities. We said, nothing doing, there will' be no formal cease-fire, there will be no cessation of hostilities, unless Pakistan first vacated the area it had occupied. Now, it was not easy for Pakistan to vacate the area it had occupied because for what purpose did it come to Kutch? It had come to Kutch in order to conquer a part of it, and Pakistan would have suffered a grave loss of face if it vacated the area it had occupied by force. Then there was another thing. Our Prime Minister and this Parliament insisted that there could be no formal cease-fire and no cessation of hostilities unless Pakistan vacated the aggression in full. Now, that was a verba! statement, verbal assertion. And a verbal assertion can have no meaning unless it is backed by something stronger. There was our Army. Our Army was alerted. The whole border between India and Pakistan was tense. We did not know—Pakistan did not know—what would happen the next minute. Anything could have happened. Pakistan realised that India was earnest, that there could be a war between India and Pakistan—there was a possibility of war at some earlier period too. But we were also very near, very close, to war, even three months ago. Our Army was alerted and Pakistani Army was alerted. So, Pakistan had to choose between war and peace because if it did not choose peace, well, it had to be prepared for war. Sometimes we

think that it is only India which is afraid of war and its consequences. It is true that Pakistan is also terribly afraid of war and of its disagreeable and ruinous consequences. Do' you think that war will destroy us alone and leave Pakistan intact? Pakistan has to think a million times before it decides to declare war against India. It was confronted with this choice either of peace—and peace means retreat from Kutch in those days—or it must be prepared for war with its horrible consequences, and Pakistan in its wisdom decided in favour of a retreat from Kutch, and it retreated from Kutch. And then what did we do? After it retreated from Kutch, we decided to refer the matter to a tribunal.

Now, there are some friends who say that those Agreements of 1959 and 1960 have lost their validity because Pakistan has committed aggression. We can certainly take that line, if we want to, that those Agreements have lost their validity because Pakistan has committed aggression. It is open to us; we are free to take that line. But would it profit us to take that line? The dispute will still remain on our hands and we will have to settle it.

Now, another issue has arisen. In the midst of implementing this Agreement, there is a fresh aggression from Pakistan and that aggression has taken place on the soil of Kashmir. Now again, a cry has gone up that Pakistan, having committed one aggression, has followed it up by another aggression and, therefore, it is none of our obligation, we are under no obligation, to implement that Agreement, that we should go back on it. Again, I say that we have the freedom to go back upon it. And then what happens? The dispute remains; we have to settle the dispute. And for the moment, we are presented with a serious situation in Kashmir. Now, what does wisdom demand? What does a sound strategy demand? The situation in Kashmir is a serious one.

We do! not know what consequences it will lead to. It is a complicated situation. We know that for the time being we have been able to drive out a considerable proportion of the infiltrators. Yet, it is a difficult situation and that situation demands that we concentrate all our energies and all our resources in meeting the danger to Kashmir. Here Pakistan has not indulged in an open invasion, it has indulged in a veiled invasion. They dare not indulge in an open, conventional type of invasion because if they took to the conventional type of invasion, it would have received an immediate and decisive answer from India. Our Army is there on the cease-fire line. It is a good and strong Army. It knows its job and if there had been an open, conventional type of invasion, I have no doubt in my mind that we would have given Pakistan a proper answer, an effective answer, a decisive answer. But Pakistan chose the insidious course of sending armed infiltrators into the territory of Kashmir. There was another reason why Pakistan did not want to indulge in an open invasion. Then it would have been easy for the countries of the world to describe Pakistan as the aggressor country, even though very obvious facts were capable of distortion in the kind of world in which we are living. And therefore, we have to decide whether we should multiply our responsibilities. It is all right for us to hand over our various quarrels, our differences, to the military but even the capacity of the military is not unlimited. After all, here is China. We think that China is a very powerful country. It has the biggest army in the world and yet China does not spread out its responsibilities. Today it is bogged down by its own troubles; it dares not think of freeing Formosa because it knows its limitations. Even the Chinese Army, has its limitations. Even the American Army has its limitations. So also, in our country, we must understand our limitations and today our Armed Forces have to bear heavy burdens. Therefore, it is necessary that we place on the Armed

[Shri Sadiq Ali.] Forces only the minimum burden and other burdens are borne by the civil authorities. For these reasons, Sir, I support the motion moved by our Prime Minister and the amendment to it moved by my friend, Dr, Siddhu.

SHRI D. L. SEN GUPTA (West Bengal): Mr. Vice-Chairman, Sir, I am not opposed to arbitration. Arbitration is the only method by which the relations between neighbours should be settled. War is an exception which will drag brothers and nations to chaos. But what I am saying is this. Article 51 of the Constitution was there on the 3rd May. In spite of article 51 being there in the Constitution on the 3rd May, why was this high-sounding Resolution passed? What was the Resolution? It was an unanimous Resolution of the House:

"With hope and faith this House expresses the firm resolve of the Indian people to drive out the aggressor from the sacred soil of India."

That was the will of the people which was expressed through this Resolution. It was not the will of the people to take to arbitration. You gave something to the people and took the credit on your own shoulders that you are an arbiter of India's fate. May I tell you, Sir, that such a stronglv-worded Resolution was passed in October 1962 in the face of the Chinese aggression. Later on, we find the same thing, doing nothing, going in for Colombo Plan, going to the British Prime Ministers' Conference and all that and again tomorrow you will give a call to the people in the name of the defence of Kashmir. Who will believe you? Tomorrow you may give another call in respect of another issue. Who will believe you? So I make a suggestion here that henceforth whenever such resolutions should be passed there should be a saving clause. This resolution will hold good unless a foreign power intervenes and undertakes to settle our disputes. We are so cowardly that we do not mean what we say. This

is a big hoax to the people, big hoax to the other countries. Nobody takes us seriously. Therefore, I am against this type of resolution having been adopted and then going in for arbitration. I am not against arbitration as such. Arbitration is all right. But this sort of arbitration is very bad, immoral on the face of the Resolution of the 3rd May. You made such a commitment in the name of the nation who gave you the authority to enter into an agreement. It is a question of Constitutional propriety.

Now, come to the question. What about the contents and the form of this agreement? The method is bad and the contents are also suicidal. I shall take you, Sir, to the contents first. We know our relations with the U.N.O. and also as to who controls it. There should not be any secrecy about it. We would have lost our case on Kashmir in the U.N.O. but for the Soviet veto. The Anglo-American block is always against us on the Kashmir issue. When India and Pakistan are involved, they are always with Pakistan. That has been our experience and now you make the tribunal practically one-man show; it is not a three-man tribunal. One will be Pakistan's representative, the other will be India's representative and the third one will be with the agreement of the two which is absurd. In that event it will be a nominee of the Secretary-General of the U.N.O. India's representative will vote for India and the Pakistani representative will vote for Pakistan. Ultimately it will be the U.N. representative who will decide. And that U.N. representative will obviously be against India. There should be no doubt. You can ask me what would be a better solution? I am not here to suggest that solution. All that I say is the contents are bad. You have left yourself in the hands of the U.N.O. whose sympathy is definitely professed in favour of Pakistan.

Now what do you do? Here I find many a constitutional pundits. I respect them all. But what do they

say? Here is one, Shri Pathak. He is an eminent jurist but I shudder to think of what he says. He says that if the tribunal does not take into consideration all the facts we shall be competent just to discard the arbitration award. I am reading from the synopsis which is correctly reproduced:

"If the tribunal arrives at an arbitrary decision without looking into any evidence produced by India, the decision would not be binding on India."

What will India do then? India will say, "You have weighed all the evidence but you have not weighed some evidence". So it is a question of weighing all evidence. There is, what is called, perverse decision, where there is no evidence in support of that.

Another is the question of weighing the evidence for and against. That is to say one may take a decision against the weight of the evidence. If it is against the weight of evidence who will decide? Mr. Pathak, myself or anybody else? No, none from India. In that case what is the solution? In fact there cannot be any weighing by any man. There will always come in the personal factor. Subsequent considerations will always be there. I am not saying that the U.N.O. man will be definitely perverse, that he will be a corrupt man, that he will be an unfriendly man. But that possibility is always there. But assuming that he is an honest man and takes a decision honestly on the evidence which is not properly weighed. I am bound by his decision; I am committed to accepting it. The award shall be binding on both the Governments. Actually it will be the decision of the third man. Be he with Pakistan, Pakistan will secure the benefit. Be he with India, India will secure the benefit

Sir, we talk big things here. That is our privilege and that is our right—please excuse me. Possibly I

shall take not more than five minutes. We will talk of big things, war in Kashmir or war in Kutch. We talk sense. I am not saying that we are alking nonsense. We talk sense. But we should see also that we have our commitments and responsibilities to the 80 lakhs of the minorities on the other side of India. Whenever there is tension here the retaliation will be there. I take it that infiltrators have been driven out of Kashmir today. It is admitted that Pakistan cannot succeed in India. But they will retaliate or create a row there in East Pakistan and that will recoil again in India. When the news of the killing of the innocents in East Pakistan arrives in India, the innocents here in India will be killed in retaliation. So, what do we see? It is very easy to create tensions. It is very easy to create feelings but we know that we cannot live in an isolated manner. We have many commitments. We have many responsibilities. Not only that. We are talking in terms of Kashmir. We are talking in terms of Pakistan. But we have to think in terms of India including the minorities in India. We have also to think in terms of the minorities there in Pakistan. That is why I say that it is not a question of defence only. It is a question of External Affairs. I am glad that our Minister for External Affairs, Sardar Swaran Singh, is here sitting but I have always a grievance against him that he has not developed—he had failed to develop that—relations of goodwill and amity between the two countries, between India and Pakistan as he has failed in respect of other countries.

In the last eighteen years, since Independence, we have not solved the problem of Kutch. We have not solved the question of Kashmir. We have not solved the question of East Pakistan. So the question refugees or manslaughter, remains.

We are talking of the sovereignty of this country. We must, but we are counting without the men. The

[Shri Sadiq Ali.] real problem that confronts us now is something much bigger than this. We cannot talk in the air. We are talking something substantial here when we say about, these tensions or war hysteria. There is no war. I say that the infiltrators cannot take over India. Pakistan must know that these infiltrators cannot take over Kashmir. When China could not take over India, it is absolutely impossible for Pakistan. It is impossible, I say. So I say that something like a war hysteria has developed but this war hysteria must be con-

trolled with reasoning and calculated account of how it will ultimately re-act. I thank you.

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN) : The Prime Minister will speak tomorrow, after the question Hour.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at thirty-two minutes past five of the clock, till eleven of the clock on Tuesday, the 24th August, 1965.