

# RULING ON A POINT OF ORDER RELATING TO THE KUTCH BORDER AGREEMENT

MR. CHAIRMAN: On Thursday last, when the Prime Minister moved the motion for the consideration of the statement made by him earlier in relation to the Indo-Pakistan Agreement relating to Gujarat-West Pakistan border, Shri Atal Bihari Vajpayee raised a point of order and objected to the discussion of the motion. After hearing Shri Vajpayee and the Prime Minister, I permitted the discussion to continue as I was of the view that there were *prima facie* no grounds to stop the discussion.

I have given the matter further consideration and I am of the opinion that the objection raised by Shri Vajpayee cannot be upheld. The Government entered into an agreement with Pakistan and the present motion is for discussion of the Prime Minister's statement in relation to that Agreement. Shri Vajpayee's point of order is based on the ground that the Agreement or parts of the Agreement violate certain provisions of the Constitution and, therefore, the Agreement is *ultra vires* the Constitution. While these arguments may be advanced in the course of discussion on the motion before the House, they will not by themselves constitute any bar to a discussion of the motion. The House may take into account these arguments in recording its opinion thereon, but they cannot constitute a point of order to bar the discussion of the motion by the House.

We may, now, continue the discussion on the motion.

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

DR. ANUP SINGH (Punjab): Mr. Chairman, the treacherous role of Pakistan in the recent happenings in

Kashmir has rendered the discussion on the Kutch Agreement unreal and irrelevant, because, obviously our [THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

minds are pro-occupied with what is happening in Kashmir. We are wondering whether we are about to witness a replica of the tragic happenings of 1947 or it is a prelude to something even more disastrous. In spite of that, I submit, Sir, that the intrinsic validity of the terms of this Agreement should be judged only in the proper context of the situation that prevailed at the time the Government entered into this agreement. Otherwise, if we allow our judgment to be influenced by the treacherous and ignominious role of Pakistan in Kashmir today, we will not be able to assess the real value of the Kutch Agreement. I personally, along with many others, naturally listened to the speeches of the Opposition and of them, notably Mr. A. B. Vajpayee excelled his previous performance both in eloquence and vehemence. I think, Sir, with all due respect to him, I would like to say that he unwittingly perhaps substituted sentiment for reason and rhetoric for logical arguments.

SHRI AKBAR ALI KHAN (Andhra Pradesh): But he kept up his standard of parliamentary discussion.

DR. ANUP SINGH: That he certainly did as he always does. The whole discussion, from the point of view of the Opposition, finally culminated in a demand for the resignation of the Government. I think, in view of the terms of the Agreement that I shall refer to in a moment, this demand is certainly extraordinary. Prices go up and the Government should go down; some infiltrators come—and it is a very ominous thing, I admit, their coming into Kashmir—and the Government should go out. Governments resign or can be forced to resign on something more formidable and of stronger foundation but the unfortunate fact is that the splinter groups of the Opposition are

[Dr. Anup Singh.]

not united in anything and they want to pull the Congress Government down. That is why these 'No Confidence' and censure motions have become a perennial feature of our Parliamentary discussion here, very entertaining and at times, I think, very educative. I do suggest to the Opposition with all humility that if they could cultivate amongst themselves greater confidence in each other, they will be doing far better than expressing their everlasting want of confidence in the Government.

As far as the Agreement itself is concerned, I could gather from the discussion here and in the Press, four or five points that have been made. The first is that the Government was ill-advised to enter into an agreement. I feel, Sir, that the Government did the honourable thing—the only thing that was consistent with its past record. Government simply redeemed the solemn pledge that was given by our late Prime Minister. Government did something which was in complete conformity with our behaviour as a nation in the international arena and Government entered into an Agreement which does not, in my opinion, constitute any violation of either our sovereignty or national self-respect.

The second point that was made with a great deal of force was that this Agreement constituted an infringement upon our sovereignty. I personally feel that this classical orthodox concept of sovereignty is outmoded in the context of the present-day world. We should not be too squeamish about it. Any restraint, any self-imposed limitation upon the exercise of our sovereignty does not and cannot possibly constitute any infringement of our national will or national purpose. Our Constitution, as we are all aware, provides for the settlement of disputes through international arbitration. The U.N. Charter, while fully

recognising the validity of sovereignty and its force, not only does not preclude but certainly accepts that nations should settle their disputes through international arbitration. Nobody has seriously suggested, to my knowledge at least, that this submission of our national disputes to arbitration is in any way an infringement of sovereignty.

Thirdly, Sir, it has been suggested that this Agreement may possibly constitute a precedent for the settlement of similar disputes with Pakistan or with somebody else through arbitration. Again, I feel, Sir, that these apprehensions are unwarranted. We have made no commitment in the Agreement itself and there is no moral obligation on our part to submit any other dispute to arbitration unless we on our own and on a deliberate choice, choose to do so. We have said that we shall decide and express our opinion on each and every individual dispute according to our lights and as the merits of the case may demand.

Furthermore the case of Kashmir, which, I think, must be looming large in the minds of the people who have made this suggestion, is absolutely and entirely different from what we have seen in Kutch. In Kutch it is simply the determination of a boundary in terms of the situation prevailing before that but in Kashmir the Pakistan claim is that it belongs to them on the two-nation theory. It belongs to them because the population is predominantly Mohammedan. We have repudiated that contention and I am sure that there is no occasion for us under any pretext whatsoever to mix up the Kutch agreement with the Kashmir issue or any other issue. It has also been suggested that this agreement has undermined the moral of our people and that the people are agitated. We saw the other day a very impressive spectacle of hundreds of thousands of people marching to Delhi lodging their protest but these

demonstrations, Sir, without going into the merits of the case, do not in any way and cannot possibly represent the will of the people. We do not know what the people are thinking. Each party might think that as they have been able to mobilise a hundred thousand or a two hundred thousand people that *ipso facto* represents the will of the people. The will of the people is embodied in this Parliament and that is why I think that a far more serious charge from my point of view was that Parliament had been bypassed. But I think that contention is also utterly untenable. The Prime Minister took this House and the other House into confidence, laid threadbare all the problems and the course of action that they contemplated pursuing and made a categorical statement that no agreement will be signed unless the *status quo ante* was restored, and I am sure, Sir, that Members of the Opposition will concede that that commitment has been amply redeemed, fully vindicated. Kutch is free of the Pakistan army and Pakistan police except in one sector. I do not want to go into that detail but it does not in any way establish the claim of Pakistan to that territory. The tribunal will decide, and, as I said, we are committed to refer this case, to settle this dispute by international arbitration and we should be big enough and bold enough to take the verdict even if it is unfavourable to us. I feel, therefore, that the agreement was in complete consonance with our past traditions. As a matter of expediency also it was the best under the circumstances because the alternative might have been a war between India and Pakistan. However agitated we might be—and we have every right to be—and however embittered we might feel about Pakistan's behaviour, I am sure that in tune with our past traditions we should continue following the policy of settling each and every dispute, if possible, through peaceful negotiations. If necessary, we should certainly answer

sword by sword.

Now, apart from the Kutch agreement itself what is far more important are the implications of what is happening in Kashmir today, and that brings us naturally and immediately to Pakistan's behaviour, personally, whenever there is any discussion about Pakistan, I recall some of the incidents and episodes that I witnessed while I was in America. Even at the time of partition I was not here in India. I remember just a couple of years before partition the late Dr. Syed Husain, once our Ambassador to Cairo, was engaged in a debate with Prof. W. I. Elliot, Head of the Political Science Department of Harvard University. The theme was Hindu-Muslim unity. Prof. Elliot in the course of that debate suggested that since the rift between Hindus and Muslims had assumed dangerous proportions, it might be desirable to split the country into two and Dr. Syed Husain with his characteristic eloquence and irony flared up indignantly and said that this proposition, although it came from a great political scientist, represented incorrigible insanity. I still remember the words 'incorrigible insanity' and he said that this was preposterous and could never happen. Unfortunately the incorrigible insanity did prevail and the preposterous did take place. We got reconciled to the idea of living with Pakistan as good neighbours and good friends but unfortunately their leaders in their arrogance and blindness have chosen another path. They have been carrying on a systematic campaign of vilification and vendetta against India. Kashmir is not an issue that will settle all the problems. I am afraid that we are in for a perennial crisis, for how long, one cannot anticipate. This unholy alliance and wedlock with China constitutes another danger. I feel, Sir, that we have to make corresponding preparations to cope with this menace and I would end by making one or two tentative suggestions.

[Dr. Anup Singh.]

As for defence, I feel the patrolling of the border should be taken over from the State police and entrusted to the Centre. I think the example of Rajasthan in appointing a Commissioner for the border who goes around to build up the morale of the people is worth looking into. Unity among the people, we are all sure, is the pre-requisite to any solid national behaviour. So far as the world outside is concerned, our experience has been rather dismal and disappointing. The change of attitude on the part of the Secretary-General is certainly not going to add very much to the confidence of our people in getting justice even from the United Nations which is under pressure from all kinds of diplomatic sources. We have been staunch advocates and we have honoured every commitment of the United Nations and I think it will only be appropriate that a just and practical treatment is given to our case. As for the United States and Britain. I think it is time we told them that the patience of our people is virtually exhausted. India's case cannot be made a football in the political arena.

Finally, so far as we are concerned, all these linguistic, regional, sectional and communal demands that are being made, no matter how legitimate they are in their own realm, should be put in abeyance and an unbreakable unity should be forged. That is the only way we can assert our right and right, as Woodrow Wilson said once, is more precious than peace.

**श्री गंगाशरण सिंह (बिहार) :** श्रीमान्, दुर्भाग्य से पिछले अठ्ठारह वर्षों में हमारी सरकार की ऐसी नीति रही है कि जो राष्ट्रीय प्रश्न हो सकते थे, ऐसे प्रश्न भी या तो उपेक्षा के कारण या उनकी तरफ पूरी तरह ध्यान नहीं देने के कारण, या जिस तरह से उनको समझाने की, संभालने की, समाधान करने की, चेष्टा की गई उसके कारण दलीय प्रश्न बन जाते हैं और उसका सबसे ताजा उदाहरण कच्छ की सीमा के सम्बन्ध में जो समझौता

हुआ है, उसका प्रश्न है। जहां तक पाकिस्तान के साथ हमारी सीमा का प्रश्न है, मैं समझता हूं, वह राष्ट्रीय प्रश्न है और सही तौर पर उस मामले को सुलझाया जाये तो उस सम्बन्ध में देश के समझदार लोगों में दो रायें शायद नहीं हो सकती हैं। लेकिन पिछले अठ्ठारह वर्षों में हम ने दुर्भाग्य से अपनी सीमा के प्रश्न को सही तौर से तय नहीं किया, हम ने अपनी सीमा के बारे में जो सावधानी बरतनी चाहिये थी, वह भी नहीं बरती है। बार-बार कहा जाता है : देश के लिये जान दो, सीमा की रक्षा करो। मैं समझता हूं, हिन्दुस्तान में बार बार उसकी याद दिलाने की जरूरत नहीं है। हिन्दुस्तान के लोगों में इतनी देशभक्ति है, देश के लिये मर मिटने की अभी तक इतनी श्रद्धा, इतना अरमान है कि आज अगर देश पर कोई आपत्ति हो तो उसके लिये वे मरने के लिये तैयार हैं। लेकिन उसके पहले आप यह भी तो बतलाइये कि हमारा देश कहां से कहां तक है, हमारी सीमा कहां से कहां तक है? अठ्ठारह वर्षों में आज तक हम सही मानों में अपनी सीमा का निर्धारण नहीं कर सके, आज तक अठ्ठारह वर्षों में यह तय नहीं हो सका है कि सीमा का प्रबन्ध प्रान्तीय सरकारें चलायेंगी या केन्द्र सरकार चलायेगी। जब कोई झगड़ा होता है, तकलीफ होती है, परेशानी होती है तब तो इसका इंतजाम केन्द्र के हाथ में चला जाता है; नहीं तो प्रान्तीय सरकारों के हाथ में रहता है। न तो सीमा की सुरक्षा के सम्बन्ध में कोई निश्चित नीति अभी तक बनाई गई है, न सीमा के सम्बन्ध में आर्थिक, सांस्कृतिक और सामाजिक कार्यों के लिये हम ने कोई प्लान, कोई स्कीम, बनाई है। आज भी देखिये तो बहुत से मामलों में, शिक्षा के मामले में, आर्थिक मामलों में, दूसरे मामलों में, हमारे सीमावर्ती इलाके देश के बाकी भागों से पिछड़ हुए हैं। सबसे बड़ी बात यह है कि सीमा के सम्बन्ध में हम कोई निश्चित नीति बनायें और सारी बात तय कर लें, नहीं तो जिस तरह से अभी तक हम उस प्रश्न को

टालते रहे हैं या टालते रहेंगे, तो देश में एक तरह की पस्ती होगी, एक तरह से मत-विभाजन होगा और देश को आप विभाजित करेंगे।

कच्छ के मामले में जो पार्लियामेंट के सामने कहा गया—दोनों सदनों में जो कुछ कहा गया—उसका जो असर था, उसका जो आभास था, उससे जो ध्वनि निकलती थी, जो कच्छ का समझौता हुआ है, उससे निश्चित रूप से उस ध्वनि की, उस आभास की, उस आश्वासन की अवहेलना की गई है, ऐसा मेरा खयाल है। सब से बड़ी विचित्र बात यह है कि उस समय भी बहुत सी बातें जो सदन के सामने कही गई थीं, शायद उनके बारे में प्राइम मिनिस्टर को पता नहीं था, चाहे सरकार के लोगों ने न बतलाई हों या मिनिस्टर्स ने खुद न कहा हो। दोनों सदनों में बार बार यह कहा जा चुका है कि जहां तक कच्छ की सीमा का सवाल है, वह बिल्कुल तय हो चुका है। कच्छ के साथ पाकिस्तान की सीमा का कोई प्रश्न नहीं उठता है और कच्छ की सीमा का अन्तिम रूप से फैसला हो चुका है। इसके बाद यह पता चला कि सन् 1959-60 में हमारे लोग पाकिस्तान के साथ एक एग्रीमेंट कर आये हैं और कबूल कर आये हैं कि सीमा के सम्बन्ध में प्रश्न उठता है।

दूसरी बात यह है कि जब बार बार यह कहा गया कि पिछली जनवरी को जो व्यवस्था थी वही व्यवस्था कायम होगी, तब हम सुलह की कोई चर्चा करेंगे। उस समय न तो सदन को ही बतलाया गया और न मैं समझता हूं हमारी सरकार को ही पता था कि पहली जनवरी के करीब या पहली जनवरी तक पाकिस्तान के लोग उस सीमा में पेट्रोल करते थे, जिस के सम्बन्ध में कच्छ के समझौते में हम ने स्वीकार किया है। अगर हमारी सरकार को यह मालूम था कि उस समय पाकिस्तान के लोग उस सीमा पर पेट्रोल करते थे तो यह बात सदन को क्यों नहीं

बतलाई गई, सदन के सामने वह चीज क्यों नहीं रखी गई और स्पष्ट रूप से हमारी सीमा के बारे में क्यों नहीं बतलाया गया? और जब समझौता हुआ तब उसके जरिये देश को पता चला कि वहां पर पाकिस्तान को पेट्रोल करने का अधिकार दिया गया है। स्वाभाविक है कि देश में इसके प्रति, इसके खिलाफ प्रतिक्रिया हो और देश को ऐसा लगता है, देश के बहुत से लोगों को ऐसा लगता है कि जो कुछ किया गया है, सदन के सामने देश को जो आश्वासन दिया गया था, उस आश्वासन की पूर्ति नहीं हुई।

इससे आगे बढ़कर बार बार यह कहा गया कि सीमा का जो प्रश्न है वह क्षेत्रीय प्रश्न नहीं है, इलाके का प्रश्न नहीं है, वह तो सिर्फ सीमा के निर्धारण का प्रश्न है। लेकिन कोई भी जरा भी समझदार आदमी कहेगा कि साढ़े तीन हजार वर्ग मील का इलाका सीमा का प्रश्न नहीं हुआ करता? इस तरह की गलत बात क्यों कही गई जिसके सम्बन्ध में आप को पूरा पता नहीं था? संसद् के सामने और देश के सामने खुले तौर पर यह बात क्यों नहीं रखी गई, मैं यह मालूम करना चाहता हूं। समझौता होने के बाद ही लोगों को पता चला कि पाकिस्तान के लोग उस इलाके में जिस का जिक्र समझौते में हुआ है, पेट्रोल करते थे। अब तक इस सदन को और स्वयं प्राइम मिनिस्टर को इस बारे में क्यों भ्रमकार में रखा गया और 1960 की जो बात कही गई है उसके बारे में उन्हें क्यों नहीं बतलाया गया? आखिर जब दोनों सदनों का अधिवेशन समाप्त हुआ था उसके कुछ पहले यह बात लोगों को, सदन के मेम्बरों को बुला कर क्यों नहीं कही गई?

इस समझौते में यह कहा गया है कि पाकिस्तान के लोग आकर हमारे इलाके में पेट्रोल करते थे, इसकी जानकारी हमें क्यों नहीं दी गई थी? किसकी लापरवाही की वजह से यह जानकारी नहीं मिल सकी,

[श्री गंगा शरण सिंह]

इसकी जांच होनी चाहिये और जिसकी लापरवाही हो, उसके खिलाफ कार्यवाही होनी चाहिये ताकि आनन्दा ऐसा न हो।

मैं समझता हूँ कि जब कोई सामरिक संघर्ष हो और उसके बाद कोई समझौता हो तो वह समझौता सब को प्रिय होना चाहिये और सब को खुशी का बायस होना चाहिये। लेकिन जिन परिस्थितियों में और जिस तरह से आज देश के सामने समझौता रखा गया है, वह बजाय खुशी के बायस होने के, रंज और मातम का कारण बन गया है। जो लोग इस समझौते का समर्थन कर रहे हैं वह उसी मूड में कर रहे हैं जिसके बारे में हम करते हैं "It may not be good, but that is the best in the circumstances" यही मूड है, यह एक तरह की एपौलौजी है। यह 3500 वर्ग मील का सवाल, देश की सीमा का सवाल, उनके पेट्रोल करने का सवाल, यह सवाल कभी सदन के सामने और देश के सामने समझौते के पहले नहीं रखा गया था। यह चीज हम लोगों के सामने अचानक ही लाई गई और आज देश के सामने परिस्थिति यह है कि आप समझौता करके आये हैं, अगर उस समझौते में देश इन्कार कर दे तब भी परेशानी है और स्वीकार करता है तब भी परेशानी है।

हमारी बहुत सी मान्यताएँ हैं, बहुत से मौलिक अधिकार हैं और उन अधिकारों को एक तरह से धक्का लगता है। देश में एक तरह का संकट जो नहीं पैदा होना चाहिये, वह संकट आप ने इस समझौते के जरिये पैदा कर दिया है। पाकिस्तान के मामले में या दूसरे कई मामलों में जो कुछ आप सोचते हैं, जो कुछ विचार करते हैं, वह देश के सामने स्पष्ट रूप से आना चाहिये और काफी सोच समझ कर एक बार नीति निर्धारित करनी चाहिये। जिस नीति को निर्धारित करें उस नीति पर चलना चाहिये, आप

रोज ब रोज अपनी नीति व विचार बदलते रहते हैं। जिसको कहते हैं, बीच रास्ते में अपनी सवारी बदलना, वह सवारी बदलते रहते हैं। सरकार के जो जो काम करने के साधन हैं, अगर वह उनको बदलती रहती है, अपना रुख बदलती रहती है, तो वह यह आशा नहीं कर सकती तमाम देश और हर आदमी से कि जैसा वह परिवर्तन करेगी उसी के मुताबिक खट से सारा देश बदल जायेगा। इसलिए आज आवश्यकता इस बात की है कि आप एक निश्चित नीति निर्धारित करें और सारे देश को उससे अवगत कराये। सरकार तो कभी एक मूड में होकर एक तरह का समझौता कर लेती है और कभी कड़े मूड में हो जाती है। इस तरह से सुबह से शाम तक, साल भर में, दो महीने में अपनी नीति में परिवर्तन करके देश में एक तरह से अनिश्चितता पैदा कर देती है जिससे देश के नैतिक मनोबल को धक्का पहुंचता है और देश को जिस चीज के लिए तैयार होना चाहिये, नहीं हो पाता है। इस बारे में एक प्रसिद्ध कहावत है और आज सरकार पर वह लागू होती है। वह कहावत इस तरह है :

"When the trumpet beats an uncertain sound, how is the soldier expected to fight?"

इस तरह का खैय्या हमारी सरकार का काश्मीर के बारे में, सीमा के बारे में रहा और विदेश नीति के बारे में रहा। आज सबसे पहले नीति निर्धारित करनी चाहिये। क्षमा और शान्ति बहुत ऊंची चीजें हैं और मैं यह भी मानता हूँ कि मनुष्यता के लिए सबसे ऊंची मंजिल की चीजें हैं। लेकिन क्षमा और शान्ति लाचारी की चीज होती है, तो क्षमा और शान्ति की कोई कीमत नहीं रह जाती है, वह कायरता के करीब पहुंच जाती है। क्षमा और शान्ति हम और आप करना और रखना चाहते हैं। मैं भी चाहता हूँ कि दुनिया में शान्ति हो, मैं भी चाहता हूँ कि पड़ोसी शान्ति के साथ रहें, मगर शान्ति जो हो, वह लाचारी

की शांति हो, परेशानी की शांति हो, कमजोरी की शांति हो, तो वह शांति नहीं होगी, वह बड़ी अशान्ति होगी। इसलिए आज जरूरत इस बात की है, जो हमारे न्यायोचित अधिकार है, उनके लिये हमें चाहे जो कुछ भी करना पड़े, करना चाहिये उसके लिए एक बार हमको और अपने को और सारे देश को तैयार कर उस काम में लग जाना चाहिये। आप एक पैर पीछे रखते हैं और एक पैर आगे रखते हैं, इस तरह से देश का काम चलने वाला नहीं है क्योंकि आज वह परिस्थिति नहीं रह गई है। आज देश के सामने एक मुश्किल समस्या खड़ी हो गई है। आप एक समझौता कर आये हैं, अगर उस समझौते का विरोध किया जाये, उसको रद्द किया जाये, तो देश की प्रतिष्ठा का, दुनिया में देश की प्रतिष्ठा का सवाल उठता है। ऐसी परिस्थिति आपने उत्पन्न क्यों की? जिस मामले में देश आपके साथ हो सकता है, उसमें आपने ऐसी विषम परिस्थिति पैदा कर दी, आपने समझौता करके ऐसा असंतोष पैदा कर दिया जिससे समझौते का विरोध करना पड़ रहा है। इस तरह की जो परिस्थिति आपने उत्पन्न की है, उसकी सारी जिम्मेवारी सरकार के ऊपर है। तीन महीने पहले जो परिस्थिति रखी गई थी, जिसके आधार पर आश्वासन दिया गया था, निश्चित रूप से आश्वासन दिया गया था, उसका पूरी तरह से पालन नहीं किया गया। इसलिए मैं इतना जरूर निवेदन करूंगा कि अब तक जैसा हुआ है, वैसा आगे नहीं होना चाहिये। आगे जो मामला हो वह साफ सामने पेश हो। जो बात ऐसी हो जो आपके लिए रुचिकर न हो, उसके कहने में भी हिचकना नहीं चाहिये और सारी बातें सदन के सामने रखनी चाहियें।

इसके अलावा आपने एक परम्परा कायम की है कि कुछ लोगों को जो

संसद सदस्य है, उनको अलग बना कर बात करते हैं। उस अलग बान्नीत में भी कभी यह नहीं बतलाया गया कि पाकिस्तान के लोग हमारी सीमा में पेट्रोल करते हैं। यह तो देश के लिए एक बम की तरह है जो एग्रीमेंट पर दस्तखत करने के बाद देश पर गिरा। मैं उन लोगों में से हूँ जो चाहते हैं कि सरकार ने जा एग्जामेंट किया है, उसका समर्थन किया जाये। लेकिन जो शर्त है, जो उसकी शर्तवाली है, जो नई बात देश के सामने पार्लियामेंट में दिये गये आश्वासनों के खिलाफ रखी गई है, उसके बाद बड़ा मुश्किल हो जाता है ऐसे समझौते का समर्थन करना। इसलिए मेरा निवेदन यह है कि आज हम ऐसी परिस्थिति में आ गये हैं कि एक तरफ तो काश्मीर का मामला हमारे सामने है और काश्मीर का मामला क्या रूप लेगा, इसके बारे में हम कुछ नहीं कह सकते हैं और न यह हमारे बस की बात ही है, और दूसरी तरफ कुछ का समझौता है। मैंने प्राइम मिनिस्टर से कहा कि मैं नहीं चाहता कि काश्मीर के मामले के चलते आप उस समझौते को रद्द कर दें। दोनों को दो दृष्टियों से देखना चाहिये। यह ठीक है कि जनता के लिए आमतौर पर यह समझना मुश्किल होगा, लेकिन जो परिस्थिति आपने पैदा कर दी है उसमें इसके सिवा कोई चारा नहीं है कि दोनों को दो स्तर पर सोचा जाय।

आप काश्मीर की समस्या का, जो देश के सामने इस समय है, समस्या का समाधान एकमत होकर और निश्चित कदम उठाकर कर सकते हैं और दोनों बातों को साथ साथ विचार कर अलग अलग कदम उठा सकते हैं। उस तरफ तो आप सुलह की बात करें। लेकिन इन्फिल्ट्रेटर्स के रहते हुए, आप अपने काम में, अपने शब्दों से, अपने वाक्यों से, अपने इशारे से, इस तरह समझने का मौका देंगे कि इन्फि-

ल्ट्रेट्स के रहते काश्मीर के मामले में सुलह करना चाहते हैं तो यह किसी को भी बर्दाश्त नहीं होगा और मैं समझता हूँ कि वह देश के लिए दुर्भाग्य का समय होगा और आपका वह काम देश का विभाजन करने का होगा। सुलह और शांति की चर्चा आप को तब करनी चाहिये जब इनफिल्ट्रेटर्स को आप निकाल दें, जब अपनी जमीन पर अधिकार कर लें। जब अपने पास ताकत हो जाये, तब सुलह और शांति की आपको चर्चा करनी चाहिये और उस समय मैं भी आपके साथ रहूँगा और सारा देश आपके साथ रहेगा। लेकिन इस वक़्त दोनों तरह की बातें नहीं करनी चाहियें और ज़रा भी इस तरह का संकेत किसी तरह से भी नहीं दिया जाना चाहिये कि आप कोई दोचित्ते में हैं या लाचारी की हालत में यह करना पड़ रहा है। आपको सोचना चाहिये कि काश्मीर के मामले में सारा देश आपके साथ है और उसमें मुस्लिमों के साथ आपको कदम उठाना चाहिये और आज तक जो वैसिलेशन हुआ है, आज तक जो आगा-पीछा 17-18 वर्षों में किया गया है, उससे आपको दूर हटना चाहिये, उससे आपको अलग होना चाहिये। शांति और क्षमा अत्यंत वांछनीय चीज़ें हैं, लेकिन उसके सम्बन्ध में मकहना चाहता हूँ, जैसा कि कवि ने कहा है :  
क्षमा शोभनी उस भुजंग को जिसके पास  
गरल है,  
उसे नहीं जो दन्तहीन विषरहित और  
त्रिबल है।

SHRI SURENDRA MOHAN GHOSE (West Bengal): Mr. Vice-Chairman, my friend, Ganga Babu, just now has spoken, but in my opinion what he said was beside the point at issue which we are discussing here. Shastriji, our Prime Minister, from the beginning pinpointed the Rann of Kutch issue from the rest of our border disputes or any other problem between India and Pakistan. This discussion is to be only on the issue involved. The first thing is, so far

as the feelings of my friend, Ganga Babu, and many other friends who have spoken before me are concerned about our relations with Pakistan, I can say that I have full sympathy with them and I also myself feel that we should take some decision, firm decision, regarding our future relations with Pakistan. But that is a matter not to be discussed on this issue here. I would like to keep these two issues separate.

Sir, my friend, Dr. Anup Singh, observed in his speech that we had no other alternative but to go to war on this Rann of Kutch issue with Pakistan. In this connection I would like to draw the attention of my friends to what has happened, after our Independence, as a result of bigger nations going to war or warlike conditions existing between them. If we take the case of Korea where the Americans were involved, ultimately they had to accept a cease-fire line. In Kashmir our army practically occupied the whole of Kashmir, but ultimately we also had to withdraw and accept a cease-fire line. In Viet Nam again a cease-fire line was accepted. In this connection I would like to draw the attention of my friends to the issue of Cuba where both parties, America and Russia, gave ultimatum but ultimately had to withdraw. This is the world condition today. The world opinion ultimately forces the nations to accept some sort of cease-fire or some sort of disengagement wherever the conflict may happen. Under these conditions, what would have been the result if India had gone to war on this Rann of Kutch issue? Ultimately in two or three or six months we would have been forced to accept a cease-fire line under pressure of world opinion. Therefore in my opinion the right course, the only right course, which was open to India under these circumstances our Prime Minister took, and he kept all other problems between India and Pakistan outside this Kutch issue, to be discussed on their own merit. On the Kuach issue, it was agreed to define the boundary and demarcate it on the



basis of the data and papers which could be produced by the two parties, after Pakistan had withdrawn to the position of *status quo ante*. If we had been engaged in military operations, after driving out the Pakistani forces from our territory we should have and must have stopped there and we could not go further. Therefore, if we have achieved the same thing by negotiation or by talk through the intermediary of the Prime Minister of the United Kingdom, I think that was the best thing possible under the circumstances. Therefore, I give my wholehearted support to this agreement which has been reached between India and Pakistan by our Prime Minister.

So far as the other relations are concerned, today in the press we have seen how our Prime Minister's mind is working. Here it is reported in the press that we might go beyond this cease-fire line and for our defensive purposes we might go inside their territory. There are other aspects of the whole situation created today. Although the cease-fire line exists in Korea, in Viet Nam and in Kashmir, Mao Tse-tung and Ayub Khan have introduced a new element, that is, the guerilla tactics inside our territory and inside other territories, and Indonesia has also adopted the same tactics against Malaysia. This situation should be considered separately as to whether we have any answer to this kind of situation, accepting a cease-fire line and then sending guerillas inside to create trouble. So, we shall have to find an answer to this new situation introduced by Mao Tse-tung and Ayub Khan, and I am confident that if we all put our heads together, we shall be able to find an answer, and a good answer and an effective answer, to that. Thank you Sir.

SHRI SUDHIR GHOSH (West Bengal): Mr. Vice-Chairman, may I say straightaway that I am not prepared to be apologetic before any

man for supporting the cease-fire agreement on this Kutch-Sind border situation and the action taken by the Government on it, because I am completely convinced about the rightness and the wisdom of what the Government has done in this situation? It is one thing to have a right over a piece of land; it is quite another thing to enforce that right by the force of arms. When a country is involved in a conflict with a neighbour about a situation like the Kutch-Sind border, there are two ways of handling that situation—one is by discussion and negotiation and the other is by war. The ultimate sanction of superior military force is always there; but a great nation cannot lightly talk about that ultimate sanction until it has exhausted all other possible means of finding a settlement, an equitable settlement, of a dispute with a neighbour.

Mr. Vice-Chairman, it is my assessment that since the signing of the cease-fire agreement our friends in Pakistan have been feeling somewhat uncomfortable about this agreement. Our clever friend, Mr. Bhutto, Pakistan's Foreign Minister, recently made a statement that the Rann of Kutch trouble had been inflated beyond all proportions and that the heart of the India-Pakistan problem was Kashmir. I suspect that, being a very intelligent man, Mr. Bhutto has realised that the Indian case in the Kutch-Sind dispute is so clear that any impartial tribunal—and we have no right to imagine that the tribunal is not going to be impartial—is sure to give its verdict in favour of India, and Mr. Bhutto is evidently uncomfortable about that prospect. The boundary between what in the pre-Independence days was the State of Sind and what was the Princely State of Kutch is clearly defined in maps and documents, and it is extremely difficult even for a clever lawyer like

Mr. Bhutto to mislead a tribunal of arbitrators about this border. And suspect that it is because of this realisation that

[Shri Sudhir Ghosh.]

our or friend, Mr. Bhutto, and his friends in Pakistan have been lately working very hard to divert the world's attention from the Rann of Kutch towards Kashmir. And if we were to repudiate the Cease-fire Agreement, Mr. Vice-Chairman, that has been made in a situation in which our rights can be very clearly established, then we shall be walking into a trap, and that is exactly what Mr. Bhutto and his friends would like us to do. In this Kutch-Sind border disagreement, the weakness is entirely on the side of Pakistan, and the position of India is clearly strong. By showing any doubts and misgivings about the wisdom of referring this matter to arbitration, we may be making the mistake of doing exactly what Pakistan would like us to do, by putting ourselves on the wrong side of world opinion.

Now, a whole series of criticisms have been made by hon. Members opposite about this Agreement and if I may very quickly run through the list of those criticisms, they are: that the provision for a Tribunal means advance acceptance of surrender of our sovereignty over our territory; that our jurisdiction over the Rann of Kutch has now been accepted as open to question; that we have accepted Pakistan's claim that there is a territorial dispute over an area of 3,500 square miles; that the restriction of our police patrolling is an abdication of our sovereign rights over our own territory and the permission to Pakistan for patrolling the Ding-Surai track is a violation of our territorial integrity.

None of these criticisms can stand examination and scrutiny. We have not accepted any of the claims made by Pakistan but we cannot deny the fact that they have made claims. We have merely adopted the method of discussion and negotiation, and in the event of failure of these methods, a reference to an impartial tribunal.

We have not conceded for a moment that they have any claim or any right of jurisdiction over any part of the Rann of Kutch; but they made a claim as early as 1948 for a portion of the Rann of Kutch. By agreeing to talk and to refer the question to a tribunal in the event of failure to agree, what we have done is clearly without any prejudice to our rights, and it cannot be interpreted by anybody as the acceptance of any part of the claim made by the other party. And as regards the patrolling business, it merely describes the factual position which existed on the 1st of January, 1965. And this patrolling business, I say, will obviously disappear as soon as the tribunal gives its judgment.

Now, let us get to the heart of all these criticisms; because what is behind those criticisms is more important than the criticisms themselves. Behind it all there appears to be an apprehension that if we agree to arbitration in such a case where an opponent deliberately creates a situation by making a claim, for which there can be no rational justification, and then by attempting to use force to substantiate that claim, creates a situation in which we, for the sake of peace, agree to refer this problem to arbitration instead of going to war, then, are we not encouraging that opponent to create similar situations elsewhere—in particular Kashmir—where tomorrow that opponent can claim and may even be able to secure the support of certain countries of the world in favour of arbitration as a method of solving the Kashmir problem which has been lying before the United Nations for the last 17 years?

Here we must be very careful; we must be careful not to confuse two very different, distinct issues. One is a nation's sovereignty and another is a border dispute. A nation's sovereignty is not negotiable and there can be no question of any arbitration where a nation's sovereignty is con-

earned. But surely, there can be arbitration by impartial people in cases of border disputes. And here I must make a reference to the speech made by my hon. friend, Mr. Mani—I do not know where he is now; from the records I find he said that if no other sovereign country agrees to settle its border disputes by arbitration, why should India agree to such a procedure? Well, Mr. Mani is a man of standing; he has been a newspaper editor for thirty years and I respect him because he is a very well-informed man. But perhaps Mr. Mani was not aware that recently, only a few months ago, a border dispute of a very important character between two sovereign States, Thailand and Cambodia, was settled by arbitration, by the International Court of Justice. It was the dispute over a territory, fertile and thickly populated, not barren and unpopulated, over which stood the famous temple of Priyavihara—an ancient temple of great religious significance both to Thailand and to Cambodia. Thailand forces had physically occupied the territory but the arbitrators, that is the International Court of Justice, gave their verdict entirely in favour of Cambodia after hearing both sides of the case. Thailand forces had to vacate the territory. That happened only a few months ago. Nobody claimed that the judgment of the International Court of Justice had infringed the sovereignty of the Sovereign State of Thailand. It is the basic obligation of a nation when it becomes a member of the United Nations to take a pledge that it renounces the use of force for the settlement of such disputes. It is true that some members of the United Nations have dishonoured their commitments. But how can we—we who talk about Gandhi and Nehru every day of our life and we who declare from the house-tops that our basic faith is the policy of peaceful co-existence with the rest of the world—follow in the footsteps of those nations? We must all work together for the establishment of the rule of

law as the code of conduct between nations. On the only alternative before mankind is ruin and disaster. The nature of military power in the world today is such that there is no third alternative open to mankind. And we must be very careful not to create an impression on the world that we Indians are a bunch of self-righteous men who can always say the right thing in all difficult international situations except in those in which we ourselves are involved. It is not a very good reputation to acquire, Mr. Vice-Chairman.

May I, in this connection, refer to a speech made by our former Prime Minister in Parliament on the 10th December, 1962 about our border dispute with Communist China? This is very relevant. He said:

“Hon. Members may have read the plans which we have repeated several times in our communications to the Chinese Government or the Chinese Prime Minister that we should explore avenues of peaceful approach; apart from meeting each other we should explore other avenues of settling these questions peacefully. I am prepared when the time comes, provided there is approval of Parliament, to refer the basic dispute of a claim on the frontier to an international body like the International Court of Justice at The Hague. I submit that there is no fairer and more reasonable approach than what I have indicated but that also can only come when the aggression is vacated and the position as it was before the 8th of September is restored.”

So, in another situation of a border dispute between two sovereign States, China and India, in which the Chinese had forcibly occupied 14,500 square miles of Indian territory, our Government and our Prime Minister, with the full knowledge and approval of Parliament, offered to settle that dispute by arbitration. Hon. Members—

[Shri Sudhir Ghosh.]

I think that Mr. Vajpayee was in Parliament at that time, he never objected to it, did not raise any objection to the Prime Minister's proposal for settling a dispute of that magnitude by arbitration in a court of law through a legal process. And if that is so, I cannot understand how they can logically say now that they object to settling another border dispute, between India and Pakistan, over an area of land which is far smaller than what is occupied by China, by the same legal process. I do not see the logic of it.

Now, as regards the question of sovereignty and the criticism that if we go along with this agreement, we may be surrendering something of India's sovereignty, may I very humbly point out that there is in this matter some confusion in thinking? As I say, in so far as the Kashmir problem is concerned, it is not a border dispute between two neighbours; even Pakistan has never claimed that there is a border dispute between India and Pakistan in the matter of Kashmir. Where a nation's sovereignty is at stake, there is no question of surrendering that sovereignty. And this distinction between a border dispute and a situation in which sovereignty is involved, was made very clear by our former Prime Minister in a communication dated the 1st May, 1963 to the Chinese Prime Minister, in which he said:

"I agree that arbitration on the question of sovereignty is a concept that is unacceptable to my Government. The Sino-Indian boundary dispute, however, involves differences of interpretation of treaties, agreements, maps and the factual data relating to exercise of administration in the boundary areas under dispute . . ."

" . . . These differences are matters which are justiciable and capable of judicial interpretation either by the International Court of

Justice at The Hague or by any other arbitrator or arbitrators agreed to between our two Governments."

So, in these remarks our former Prime Minister very clearly explained the difference between a situation in which the sovereignty of a sovereign nation is involved, which, obviously, is neither negotiable nor justiciable, and another situation in which there may be differences between two sovereign countries—differences of interpretation of documents and factual data and those differences are justiciable and can be resolved by a judicial process. Therefore, I submit that it is wrong to mix up the Kashmir problem with the Kutch-Sind dispute and the agreement that has been made by Government to settle that dispute on a rational basis.

Before I sit down, Mr. Vice-Chairman, may I warn hon. Members that it should be obvious to any intelligent man that China wants more and more tension between India and Pakistan, because it suits her purpose? And it appears from what China's official organs have been saying lately that the Chinese have been feeling very unhappy and disappointed about the peaceful settlement that has been brought about in the India-Pakistan conflict over the Kutch-Sind border. And it may be that because they are unhappy about this peaceful approach they have instigated our misguided friends in Pakistan to create a grave situation in Kashmir today. That is precisely the reason why we cannot afford to lose our head and confuse the issue of border dispute with the issue of a nation's sovereignty.

The Kashmir situation that has arisen is entirely different. There is no question of a border dispute there. There the United Nations, representing the world's conscience, is present. There the position is that Pakistan has violated certain United Nations provisions with regard to the cease-fire line and

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 Muslims, 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 भट्टौरिया (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, किसी भी देश की सरकार और उसके प्रधान मंत्री को क्या संज्ञा दी जाये जो लगातार अपने वचन को भग करे और फिर जनता के मनोबल को ऊँचा करने की बात कहे। ये दोनों ही परस्पर विरोधी बातें प्रतीत होती हैं—अपने वचनों को लगाना भग करते जायें और उसके लिये कभी अफमोस जाहिर न करें, बल्कि अकड़ और गर्वोन्नत होकर चले। ऐसी सरकार या ऐसे प्रधान मंत्री कभी भी किसी देश की जनता के मनोबल को ऊँचा नहीं कर सकते हैं और न ही राष्ट्र का कल्याण कर सकते हैं। मेरे अपने विचार से, पिछली दफा सदन की जो बैठकें हुई हैं, उनमें जो विश्वास दिलाया गया था कि कच्छ के रण का कोई भी समझौता बिना पाकिस्तान से अपनी एक एक इंच भूमि वापस लिये नहीं होगा, और युद्धबंदी 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