

[Mr. Chairman.]

as a Member of the Rajya Sabha. I request you to kindly grant me leave of absence for the duration of my illness."

Is it the pleasure of the house that permission be granted to Dr. Tara Chand for remaining absent from all meetings of the House during the current session?

*No hon. Member dissented.*

MR. CHAIRMAN: Permission to remain absent is granted.

SHRI AKBAR ALI KHAN: May I request you to convey our good wishes to Dr. Tara Chand?

RE. QUESTION OF ALLEGED  
BREACH OF PRIVILEGE RAISED  
BY SHRI BHUPESH GUPTA ON  
THE 7TH MAY, 1965

MR. CHAIRMAN: I have considered the matter relating to the breach of privilege raised by Shri Bhupesh Gupta in the House yesterday. In my opinion, there is no *prima facie* case of breach of privilege of the House.

**REFERENCE TO KUTCH SITUATION**

SHRI G. MURAHARI (Uttar Pradesh) : Yesterday there was a demand made in this House for a discussion on Kutch as to what has transpired between Mr. Wilson and the Government of India. There have been certain speeches in the British Parliament delivered by Mr. Wilson which I think, have given information which was not made available to this House and I think it is only proper that the Prime Minister makes a full statement on the whole state of affairs because I think we have been getting news more from the British Parliament than from our own Government.

HON. MEMBERS: No.

SHRI G. MURAHARI: Since the Prime Minister is here in this House I would request him to make a statement . . .

MR. CHAIRMAN: If any other Member wants to put any question, he may put. It would appear that no separate discussion is necessary. I think if you have some questions you may ask and we can take advantage of the Prime Minister's presence. Would that do?

PROF. M. B. LAL (Uttar Pradesh): Let him make a statement and appoint a day for the discussion.

MR. CHAIRMAN: If you want to put a question you may put now.

SHRI GANGA SARAN SINHA (Bihar): No. A statement was made by the Prime Minister at a particular stage. Since then there have been some developments. Before we put questions, we would like to know what the present position is. Let the Prime Minister make a statement about the present position. After that we can ask question. Certain developments have taken place since he made the last statement. Something has happened in the British Parliament, something has been said, something has appeared in the press. So we would like the Prime Minister to make a statement regarding the present position. What is the latest situation? After that some of us may have questions to put. Some questions may arise out of the statement. Let him make a statement regarding the up-to-date situation. Then if we have to ask any questions, we will ask at that time.

SHRI M. M. DHARIA (Maharashtra): So far as the allegation made against the Prime Minister is concerned that a statement was made by Mr. Harold Wilson and it is through that statement that we came to know of the developments and that we are not taken into confidence, I do not know

why this allegation is made by the hon. Member. I feel that the Prime Minister has always taken the House into confidence and there is no specific information given through Mr. Wilson's speech which is not given by the Prime Minister. Naturally there is no question of any more discussion on this point.

MR. CHAIRMAN: Would the Prime Minister like to say anything?

THE PRIME MINISTER AND MINISTER OF ATOMIC ENERGY (SHRI LAL . BAHADUR) : The proposals which have appeared in the newspapers, partly they are correct and in many sub-stantail matters they are wrong but I still feel that I would not like to place the whole proposals before the house because the talks are still proceeding and there is another country also involved in it. However I should like to make it clear that the proposal of the U.K. Prime Minister that there should be cease-fire and the position should be restored as it was on 1st January 1965—in so far as these points are concerned, we have agreed to it but we have made it absolutely clear that this has to be achieved first. The other process, that is, of having talks among the two countries or between the Ministers of the two countries and then, further, if they do not agree, what would be the next step—I mean these two matters will be considered only when the *status quo ante* has been established. We have made it quite clear and once the *status quo ante* has been established to our satisfaction it would be possible for the Ministers of the two countries to meet and discuss about the boundary line. If they do not agree, then a reference to a Tribunal in accordance with the terms of agreement which was arrived at in 1960 between Sardar Swaran Singh and Gen. Sheikh of Pakistan will have to be considered.

SHRI FARIDUL HAQ ANSARI (Uttar Pradesh): I believe the Prime Minister is aware of what has appeared in the press. There are three conditions given there by the British

Prime Minister. The last point was about arbitration itself. I would like to know what the arbitrator is going to decide. The British Prime Minister has said that the entire question of Kutch will be referred to that arbitrator. I would like to know whether that is going to happen. In that case we will be admitting what Pakistan has said that we are in adverse possession of the entire Kutch.

SHRI G. MURAHARI: I would like to know from the Prime Minister whether we accept the position contained in these three points that were mentioned by Mr. Wilson in which it was said that we accept the dispute in the Kutch and the Pakistanis want us not to enter that area. There was also another point made in that proposal that we have agreed to some sort of arbitration. I would like to know whether the Government still stands by the so-called agreement of 1960 which was entered into by Sardar Swaran Singh and Gen. Sheikh and whether it is not correct that once the Pakistani troops have crossed into our territory, that agreement stands abrogated and the entire thing has to be gone into de-novo?

SHRI P. K. KUMARAN (Andhra Pradesh): May I know, whether the proposals which are before the Government now, deal with only the Kutch border issue and when this is settled whether the Pakistan Government will be free to start trouble in some other area or whether the overall border between India and Pakistan will be a matter for consideration?

SHRI GANGA SHARAN SINHA: Just now the Prime Minister said that the news that has appeared in the press is partially correct and some part is not correct. May I know which part of the news is not correct and what the Government has done to remove the misunderstanding created by that part which is actually not correct?

SHRI A. D. MANI (Madhya Pradesh) : Has the Government made it clear to the British Prime Minister

[Shri A. D. Mani.] that the Government will not consider any matter excepting the question of the delineation of the border as it existed on 15th August, 1947, on the Kutch-Sind border? Has that been the stand 'of the Government, and what has been the reaction of the British Prime Minister to the stand taken by the Government on this issue?

SHRI U. S. PATIL (Maharashtra): May I know this from the hon. Prime Minister, Sir? Yesterday, at the meeting of the State Ministers, it is reported that he advised the Government of Pakistan to accept the proposal of Mr. Wilson. Now this has created an impression that the Government of India has accepted the Wilson proposal *in toto*. Is it a fact?

PROP. M. B. LAL (Uttar Pradesh): I wish to know whether the question of the boundary dispute or that of the territorial dispute will be referred to arbitration, if it is referred to at all because, from the press, what I gathered was that, while Pakistan holds that there is a territorial dispute covering a large area, the Government of India holds that there may be a question of the delimitation of boundaries, that there may be some boundary dispute. So I wish to know which question is going to be referred to arbitration if at all.

SHRI I. K. GUJRAL (Delhi): May I ask the hon. Prime Minister, there is the news which has appeared once in the press that if there is any difference of opinion between India and Pakistan about the exact situation regarding the *status quo ante*, Mr. Wilson has suggested that British officials may be associated with the talks to decide as to what the *status quo ante* was. May I ask the hon. Prime Minister to elucidate this point as well?

SHRI AKBAR ALI KHAN (Andhra Pradesh): May I ask the hon. Prime Minister, regarding the border dispute and border delimitation whether we can be supplied with all the necessary

agreements so that we may know the exact position and so that the difficulty that arose by not referring to and invoking the 1960 agreement may at least be avoided in future?

MR. CHAIRMAN: I think we have had enough questions. Let the Prime Minister reply . . .

SHRI GANGA SHARAN SINHA: If you don't mind, one question more. Before Pakistan took action on this border, did they ask our Government or write to us regarding this disputed territory any time after the 1940 agreement?

SHRI B. K. P. SINHA (Bihar): Since a litigant's hair-splitting distinction is being made between a territorial dispute and a boundary dispute, may I know if there is any warrant in international law for making this hairsplitting distinction between a territorial dispute and a boundary dispute?

SHRI G. M. MIR (Jammu and Kashmir): I want to know from the Prime Minister whether he can assure us that Mr. Wilson is convinced that Pakistan is the aggressor and whether, by suggesting to refer the matter to arbitration, Mr. Wilson means referring this point that Pakistan is the aggressor, -whether he wants to refer this, or whether there is any other point which he wants to refer to arbitration? What is the point which is to be referred to arbitration? That is my point.

SHRI K. K. SHAH (Maharashtra): I want to ask whether the Prime Minister has found out from the External Affairs Ministry as to why the 1960 agreement was not invoked when Pakistan started operation against us.

MR. CHAIRMAN: Any other question? Now the Prime Minister.

SHRI LAL BAHADUR: Sir, I would like to say that the question of reference to a tribunal does not arise just

at present, because the *status quo ante* has to be established first—we have made it absolutely clear—and, therefore, I do not think that, at this stage, we need refer to the question of referring the matter to a tribunal. But I have told the House that, in accordance with the agreement of 1960, if other stages are completed, then there is a provision for referring the matter to a tribunal. We have not annulled this agreement and we do think that if, as I said, the *status quo ante* is established, then, in that case, if the stage arises when the matter has to be referred to a tribunal, we would be inclined to accept it. And in so far as the reference is concerned, it would be confined to the Kutch-Sind border, not the other borders. Again, in so far as the reference is concerned, of course, I have already made it clear, we think that it is to be in regard to the demarcation of the boundary line. We do not accept any territorial claims of Pakistan in that area.

In so far as mediation by any British officer is concerned, I would not like to indicate to the House our reactions; I mean, the House can well imagine what our reaction would be but, as we have communicated it to the U.K. Prime Minister—he might not have received it yet—it might not be advisable for us to reveal it to the House now but, as I said, the House can very well understand as to what our reaction would be in this regard.

Ganga Sharanji has raised two points one of course is about the proposal, how far it is correct, and the other, to what extent it is incorrect. Well, if I fully explain it, it means that I shall be . . .

SHRI GANGA SHARAN SINHA: I do not want the Prime Minister to give a full report. I only want to know what are the incorrect things. Some may be correct; I do not want the Prime Minister to narrate the correct once if he does not want to do so. But to what extent is it incorrect, the things which have appeared in the press? Otherwise . . .

MR. CHAIRMAN: The egg is good in parts.

SHRI GANGA SHARAN SINHA: Otherwise, as he himself has said, some misunderstanding may be created.

SHRI LAL BAHADUR: Now, Sir, so far as things concerning the cease-fire and the restoration of the position as it was on the 1st of January are concerned, on those two points they are correct. But what they have said in regard to some other points is not correct, but I cannot give it in percentages.

SHRI GANGA SHARAN SINHA: There are three items—1, 2, 3,—which one is incorrect?

SHRI LAL BAHADUR: Well, I did not say that Mr. Wilson's proposal should be accepted; I did not appeal to Pakistan in that way. What I had said was that a peaceful approach should be acceptable to Pakistan, and I did say that it would be advisable for Pakistan to accept the position of the restoration of *status quo ante*. It was in this way that I had said it. I did not say that Pakistan should accept the proposal of Mr. Wilson. I would also like to say that we did not and have not received any letter from Pakistan about the implementation of the terms of the agreement of 1960. We did remind them of course that we should sit down and have a talk about it. But there was no response from Pakistan.

About the supply of materials for a correct understanding of the position, of course a copy of the agreement was placed on the Table of the House immediately after the agreement was entered into and I do not think we have enough copies available now for wide distribution, but we will have no objection to placing it, or circulating it to the Members of the House, and we will also supply a map to the Members of the House.