

aspect has also to be taken into consideration and the definition has got to be made very comprehensive.

SHRI P. K. KUMARAN (Andhra Pradesh): What about thinking?

SHRI G. S. PATHAK: That is all right. You may go on thinking. But preparation has been made punishable. Now the model of it you may have from the Indian Penal Code, section 123 which says:

"Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Government of India, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war ..."

Misprison is already there. But if you want to extend the definition, then either amend section 123 or if you do not want to amend it, then misprison should be defined in this manner.

Section 122 of the Indian Penal Code says:

"Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war, etc, etc..."

Therefore, either amend the Indian Penal Code or if you want to have a separate Act, then frame it on the lines of the Indian Penal Code which lines have stood the test of the time. Therefore, Madam, I support the motion for circulation with the reservation that this Bill requires consideration and modification. But about the necessity and the importance of the BUI I must say, as I have said, that at this stage we must have the revision of the Bill. The antiquated Indian Penal Code, with the last[^] amendment in 1870, does not fulfil the present purposes and does not meet the present situation. Thank you, Madam.

RE. KUTCH BORDER SITUATION

SHRI A. B. VAJPAYEE (Uttar Pradesh): Madam, the hon. Home Minister is present in the House. May I know whether he would like to say something on the latest situation in Kutch?

THE MINISTER OF HOME AFFAIRS (SHRI GULZARILAL NANDA): Madam, I have no statement as such to make. Since there is interest in the situation, naturally I might only inform the hon. Members that before the Prime Minister left on his official visit to the Soviet Union, he made a statement on the situation which made the position abundantly clear. The pivotal point is our resolve that the *status quo ante* has to be restored.

Since the Prime Minister left for the Soviet Union we have not received any more communication. Therefore the position remains as it was then, and there is nothing more that I can add to it.

SHRI A. B. VAJPAYEE: May I ask what exactly is the position in regard to the British proposal? Have we accepted it, or has it not been accepted so far? An impression is going round the world that while India has accepted the British proposal the Government of Pakistan has not, and this impression should be dispelled.

SHRI MULKA GOVINDA REDDY (Mysore): Madam, Deputy Chairman, in 1962, when the Colombo Powers made some proposals, we accepted those proposals *in toto*, but China has so far not accepted those proposals, and those proposals are still pending before- China—it is nearly two years. Similarly in this case we have accepted the British proposals for a ceasefire; it is nearly ten days or so, but* the Pakistan Government does not care to reply whether they are going to accept those proposals, or whether they are going to reject those proposals. How long does the Government

[Shri Mulka Govinda Reddy.] of India want to wait for the acceptance of those proposals by Pakistan, and if a time limit is not fixed, what attitude Government would take? If within a reasonable time the proposals are not accepted by Pakistan, will they stick to implement the Resolution passed by this House and the other House?

SHRI A. D. MANI (Madhya Pradesh) : Madam— following the point made by my friend, Mr. Reddy, may I ask the Home Minister whether it has been made clear to the British Prime Minister that these proposals, which form the basis of the cease-fire, and which largely have been acceptable to India, should be accepted by Pakistan with a certain time? At the present time the tide is flooding and it may be that, after a month, there can be no question of a cease-fire on our side, because it would be very difficult for us to enter the Runn. Has the Prime Minister given any indication about the time by which he would be able to conclude his negotiations?

SHRI BHUPESH GUPTA (West Bengal): We are a little confused because we do not yet officially know what the British proposals are. Therefore it is difficult to see what we have accepted and what we have not accepted. But we know the position of the Government, namely, withdrawal to *status quo ante* and then negotiations. Now may I know, since the discussions are going on with the British Government, whether the Government told the British Government, or the authorities here on behalf of them, that our position is simple, that *status quo ante* must be restored. It is not something which is very intricate, one which requires an interpretation of law. Even on the basis of Pakistan's admission, well, they know what restoration of *status quo ante* means. Why then should there be delay in this matter and why the British Government is not thrashing it out quickly with the Pakistan authorities instead of allowing time to pass in this manner, because we

feel that there is a move on the part of Pakistan. If the monsoon sets in, they know that the Indian Government will be logistically in a difficult position, and they will be in a position to continue. Therefore that position we would like to know, whether there is something deeper behind this kind of delaying tactics on the part of the Pakistan authorities, or those others who are supplying arms and advising Pakistan. Secondly, we should like to have a clear assurance that there shall not be any tribunal or arbitration. There should be bilateral talks once the Pakistan authorities met the other point, namely, restoration of *status quo ante*, etc. Now I should like the hon. Minister to make it clear, because the British proposals unofficially disclosed seem to make much of the agreement that was made between Sardar Swaran Singh and his counterpart, some secretary there, and they want to make a bigger dispute than it really is; ours is a boundary question. Now, therefore, our apprehension, Madam Deputy Chairman, is this that British technique here is to get, somehow or other, India entangled, as I said before, into a procedure of this kind, when that will continue, and this is our fear. I should like the Government to tell us exactly in what manner we are not going to allow this kind of manoeuvres on the part of British and other authorities to entangle India in a straight and simple matter like this.

SHRI I. K. GUJRAL (Delhi): Madam, while I fully appreciate the delicate nature of the talks that may be going on, and the diplomatic activity that may be pursued by India at the moment, since the House is adjourning today, may I ask the hon. Home Minister if he will assure us, firstly, that adequate steps, particularly in the sphere of propaganda, would be taken to see that the world at large knows fully how justified our case is, and particularly in the sphere of propaganda due preparation is made for the Algiers conference which is coming soon? It seems that Pakistan's

strategy would be that they would like this sort of deadlock to continue till the Algiers conference. Therefore we must take the initiative and not allow the initiative slip from our hands. Secondly, Madam, I would like the hon. Home Minister to assure us that on the military front adequate steps would be taken to see that, when the waters start coming in, we do not lose the ground that we are now holding, and our rights are not more adversely affected, and, thirdly, that whatever be the situation, we shall fight to the end to see that our territory is not infringed, and if at any stage the negotiations do reach an end and Parliament has to be consulted, that the Home Minister will not hesitate to get the Parliament convened again, in the period of recess even.

SHRI DAHYABHAI V. PATEL (Gujarat): Madam, this country has faced a similar situation more than once before; once, perhaps at the intervention of British dignitaries, we had a cease-fire in Kashmir, at a time when our victorious army had nearly driven the intruder out of the border, and we are paying through the nose all these eighteen years for listening to that advice of cease-fire. A second cease-fire we had in the Himalayas at the instance of our Russian friends, and we now suffer from that ceasefire too. Is the Government going to commit any such blunder again for the third time? The Country would like to know. We do not know whether there is a cease-fire or not. Then there is going to be the natural course of the water rising there.

(Interruptions)

My friend need not get impatient. He will get his turn. What is this?

SHRI G. RAMACHANDRAN (Nominated): I was only wanting to put a question to the hon. Member.

SHRI DAHYABHAI V. PATEL: Let him put the question to the Home

Minister. I am not answering questions; I am putting my question to the Home Minister.

SHRI G. RAMACHANDRAN: All right, Sir, if you are so excited.

SHRI DAHYABHAI V. PATEL: If you do not get excited on that side when we have been losing every time, when we are making blunder after blunder, when will you wake up? I want to know Madam, is this Government going to surrender this territory also? During the debate, twice I had asked whether a representative of the Gujarat Government had come and drawn their attention and yet the Government here did not move⁹ Sanction for roads was not given. Army officers did not attend the conference, which they should have; it is a matter of fact they were out playing the game of tennis or polo. What is this Government doing? These questions were not answered. I want to know: Are they going to behave in the same manner, or have they changed their attitude? Only saying that they were alive to and aware of it is not going to convince the country. Government must be able to show to the country that they are alive to the situation and they mean to tackle it. What will they do when the rains come? Have they any plans? Pakistan will have a more advantageous position and so Pakistan will continue to hold the territory wrongfully. And during the rains we won't be able to reach there even. What does the Home Minister and the Government propose to do about it?

شری عہد الغنی (پنجاب) : کیا
ہوم منسٹر صاحب فرمائیں گے کہ
وزیر اعظم انگلستان نے جو مداخلت
کی یا صلح کرانے کے لئے ترمیم رکھیں
وہ ہماری درخواست پر رکھیں تھیں
یا کامیاب رہے کے مندر کے مندر ہونے

کے نائے - کہیں کہ ہم سب لوگ اس
کے ممبر ہیں - کیا انہوں نے کوئی
بہروسہ دلایا کہ اگر پاکستان معقول
شرائط کو — اگر وہ معقول سمجھتے
ہیں — نہیں مانگتا تو وہ ہماری
کھلم کھلا حمایت کریں گے اور پاکستان
کو انڈیسو کہہ کر دنیا کے سامنے دکھیں گے
تاکہ دنیا والے ہماری حمایت پر ہو
جائیں - ہمارے ہوم منسٹر صاحب
یہ بھی فرمائیں گے کہ کیا اس طرح
کی بھی کوئی شرط ہے کہ ہماری
پولیس تو جائے گی مگر ہماری فوج
نہیں جائے گی جیسا کہ اب تک
نیٹو میں چوباب تک ہمارا علاقہ ہے
وہاں ہماری فوج نہیں جا سکتی
ہے - کیا ایسا یہاں بھی ہونے والا ہے -
اگر ایسا ہونے والا ہے تو کیا سرکار نے
پارلیمنٹ کو اعتماد میں لینے کے لئے
کوئی فیصلہ کیا ہے -

† [Hindi translation.]
[Hindi translation.] : क्या
होम मिनिस्टर साहिब फरमायेंगे कि वज्जिरे-
आज्जम इंग्लिस्तान ने जो मुदाखलत की या
मुलह कराने के लिए टर्म्स रखीं वह हमारी
दरखवास्त पर रखी थीं या कामन वेल्थ
के मेम्बर होने के नाते, क्योंकि हम सब लोग
उस के मेम्बर हैं ? क्या उन्होंने कोई भरोसा
दिलाया कि अगर पाकिस्तान माकूल शर्तों

को—अगर वह माकूल समझते हैं—तहीं
मानेगा तो वह हमारी खुलमखुल्ला हिमायत
करेंगे और पाकिस्तान को एग्रेसर कहकर
दुनिया के सामने रखेंगे ताकि दुनिया वाले
हमारी हिमायत पर हो जाएं ' हमारे होम
मिनिस्टर साहिब यह भी फरमायेंगे कि क्या
इस तरह की भी कोई शर्त है कि हमारा
पुलिस तो जाएगी मगर हमारी फौज नहीं
जाएगी जैसा कि अब तक नेफा में जो अब तक
हमारा इलाका है वहां हमारी फौज नहीं जा
सकती है—क्या ऐसा यहां भी होने वाला
है ? अगर ऐसा होने वाला है तो क्या सरकार
ने पार्लियामेंट को एतमाद में लेने के लिए
कोई फसला किया है ?]

DIWAN CHAMAN LALL (Punjab): May I
with your permission, ask a 'different
question? The question that I want to ask is
this. My question is whether the attention of
the American Government was drawn to the
fact that certain equipment supplied by the
U.S.A. to Pakistan was used in the fighting in
Kutch; if so, what is the nature of the
communication to the United States
Government and what is the reaction so far of
the United States Government to this
particular protest made by the Government of
India. Secondly, I should like to know if
adequate arrangements have been made from
the point of view of equipment and
arrangements regarding programmes in case
there is escalation of war on this matter?

SHRI M. N. GOVIND AN NAIR (Kerala):
You are asking about an old story.

DIWAN CHAMAN LALL: What old story?
What are you talking about?

SHRI RAJENDRA PRATAP SINHA
(Bihar): Madam, there are two points I would
urge upon the Home Minister and seek his
clarification. Now there is a lull and the firing
is not going on. I would like to know if the
Home Minister has any information whether
this particular lull is being taken ad-

vantage of by the Pakistani forces to fortify the positions of advantage which are now under their occupation, like Kanjarkot and Biar Bet, which they can continue to hold *ven when the water comes up in the Rann of Kutch. I understand, Madam, that these are high points which can be kept even when the water comes in and probably food and so on can be sent by helicopters and things like that. What is the Government of Endia or the Government of U.K. doing to get them vacated? Will they say that they cannot vacate because of the circumstance of the water coming?

The other point relates to the point, which Diwan Chaman Lall raised and that is about the use of American equipment. Our minds are "very much exercised over this question. To the best of our knowledge, we understand that the American authorities have been convinced and they have agreed to this proposition, that the Pakistanis have used American equipment. Now the Pakistanis are massing forces on other sectors as well, near Rajasthan, Punjab and in East Pakistan. We want to know whether the Government of India has taken up this matter with the American authorities so that the Pakistanis do not amass these weapons also along with their troops in the other sectors. They are firing. Firing is going on in other sectors also and we should know whether they have brought in American equipment in those areas also. There is the question of investigation. On this question as to whether they have brought these American equipments or not, on this point, I am told that there is already a mission, a military mission, an American military mission, in Pakistan, just as we have a mission in India which from day to day supervises the employment of these weapons. Now the American authorities should be able to detect and should know beforehand how these equipments are being deployed in the other sectors. We would like to know whether the Home Minister or the Government of India has made these enquiries from the American authorities

to ensure this fact that these weapons, these American weapons, are not being sent to the other fronts and to the other sectors where the tension is growing? I think that the Government of India should take up this matter with the American authorities and they should not come forward and say that after they had been used, they will come and inspect. I cannot appreciate that point of view, because already there is in existence arrangement for inspection in both the countries, in India as well as in Pakistan, which should enable them to find out about the use of these weapons. So I would like to know whether from this angle this question has been taken up with the American authorities.

SHRI GULZARILAL NANDA: Madam, the question has been asked, or rather a series of questions have been asked and they serve a useful purpose. I shall give as much information as I am in a position to give at the moment. Some of the questions relate to the factual position. Some concerned themselves with the Intentions of Pakistan, of U.K., and some relate to possibilities and prospect of developments in the future. Taking up the first category I may state here that there should be no doubt whatever about the position that we have taken and what our stand is. The Prime Minister has said before and indicated it very very clearly and I have nothing to add to that. As to the claim that Pakistan has made, I believe one day the information was they had accepted and on another day the information was that they had not accepted it. So far as our direct source of information is concerned we have no knowledge of what their stand is. And so far as we are concerned, well, there is as I stated before, no question that has arisen now at this stage of our having accepted any proposals. Communications have been exchanged over the last few days. But the latest position is that we have not advanced any further during the last day or so. Therefore,

[Shri Gulzari Lal Nanda.] there is nothing more I can add. There has been no question of any kind and no conclusion has been reached in the matter of these negotiations.

SHRI P. N. SAPRU (Uttar Pradesh): What is the U.K.'s attitude? Is it supporting our stand or is it supporting Pakistan?

SHRI GULZARILAL NANDA: The U.K. will not acknowledge that it is supporting one stand or the other stand. It is trying to help and I do not question their motives or bona fides. They are wanting to help.

SHRI A. B. VAJPAYEE: But they are equating the aggressor with the aggressed.

SHRI BHUPESH GUPTA: What is the *modus operandi*? It does not seem that they are sincerely interested in helping. It seems they are manoeuvring to involve us in all kinds of commitments.

SHRI GULZARILAL NANDA: Nobody can force us to any kind of commitment. We are our own masters. There are certain proposals, there are certain ideas conveyed to us, certain suggestions, and it is entirely for us to accept or not accept them. We know where our interests lie and what is the best course for us. So that takes care of the two or three questions about the role of the United Kingdom and whether they have accepted the cease-fire arrangement or not.

As to the question, how long it will take, well, I think we should not compare it at all, the present position with anything that has gone in the past.

SHRIMATI SHAKUNTALA PARANJ-PYE (Nominated): Is there any time-limit put?

SHRI GULZARILAL NANDA: As for time-limit, we felt we should

have come to the end of all this by now. And before the Prime Minister left there was, I think, all the day and night talks and messages coming and going. I believe it cannot be very long. It can only be a matter of a few more days and nothing more, no question of a month or anything of that kind, no longer period. Fear has been expressed that we might get stuck up. I think in the terms of these negotiations or any settlement, this aspect has also to be taken care of, that it does not lead us into some kind of endless negotiations to begin with and later on to some method of settlement which may not bring about a settlement for a long period with all the other consequences that follow. Now, Madam, that is not our position at all. What are we doing in

the meanwhile? The question 5 P.M. of China was raised; the

question of the surrender of our land was raised. Are we going to do that? Now I must reiterate the stress which the Prime Minister has been laying on our peaceful outlook. We do not want war. We have been endeavouring ceaselessly to find a peaceful solution for all our problems. We are determined to follow the path of peace and peaceful negotiations, and to avoid the use of force. All that is true. At the same time this House some days ago took a pledge; the Lok Sabha also took a pledge and we cannot swerve from the course which was set for us by that pledge. The Prime Minister chalked out for us a line of action in pursuance of that pledge and that, Madam, stands. Therefore there can be no question at all about that. While our peaceful aim is there, there can be no question of succumbing to any force, any aggression and there can be no question of our surrendering even an inch of the sacred soil of this country anywhere, here or anywhere else. I do not say what can follow immediately or how much time it takes. I am talking even of whatever has happened earlier. That position should be very clear. The Prime Minister has made it clear again and again.

We do not covet an inch of any other country's soil and we are not prepared to give up even an inch of our coun-

ry's soil. Hon. Members asked what /e were going to do in the meanwhile about propaganda and other action. And this has reference to some propaganda which is going on which is adverse to us. Regarding that propaganda, I do not say whether it is intentional misrepresentation of facts. Whatever may be the motives it is clear there is misrepresentation of our position. Take the position, say, in Kutch itself. It is made to appear in some newspapers abroad that there has been a military discomfiture for us. Now those who are aware of the fact? will know that it is not so at all. It is a totally wrong impression. Our police did a marvellous job when it encountered the military forces of Pakistan. That is something unique and considering the circumstances in which we were placed, the situation in which we found 'ourselves our Army has also done a wonderful job and has given a very very good account of itself. We do not judge these things from what happens at a moment; it is not something which is of a moment. The question is o'f our determination. Our people have given abundant evidence of their resolve, of their faith in the destiny of this country, of their determination to see that the integrity and independence of the country is secured and we have to prove worthy ot that faith of the people.

SHRI DAHYABHAI V. PATEL: That is what we ask you to do exactly.

SHRI BHUPESH GUPTA: The country would like to have abundant evi dence o'f your role in this matter.

(Interruptions)

SHRI GULZARILAL NANDA: I am paying this on behalf of you, or, be-half of all that we shall prove worthy of the people and we shall no' be found wanting. The will of the people is known here and that will of the people will not be thwarted. In th< end I may . . .

SHRI BHUPESH GUPTA: What about American arms? You have not said anything.

SHRI GULZARILAL NANDA: Our evidence has been conveyed to them and I believe we have very satisfactory evidence which nobody can question.

SHRI BHUPESH GUPTA: That is ali right.

SHRI GULZARILAL NANDA: And It has been satisfactorily conveyed.

SHRI BHUPESH GUPTA: But what is the result? You gave it two or three weeks ago.

SHRI GULZARILAL NANDA: The result is bound to be good.

SHRI BHUPESH GUPTA: How do I know? Three weeks ago this has been communicated to the American authorities and we have been telling this even before, and we hear that the Americans also cannot deny. Now we pre told the results would be good but we do not get any indication.

SHRI GULZARILAL NANDA: I cannot give all the details.

SHRI BHUPESH GUPTA: We call it a hostile act on the part of America against India.

(Interruptions)

THE DEPUTY CHAIRMAN: Let the Home Minister finish the reply. I will not allow interruptions. Order, order. Let the Home Minister finish. Have you finished, Mr. Nanda?

SHRI GULZARILAL NANDA: I believe I have answered questions that were raised and in conclusion I have given expression of the mind of the whole House and I think there is nothing more to be said.

SHRI M. N. GOVINDAN NAIR: There was a report that our Ambassador in America met the U.S. Authorities and placed all these facts be-

[Shri M. N. Govindan Nair. J fore them about the use of the American arms by the Pakistanis. It was also reported that the reaction of the U. S. Government was that they will continue to help Pakistan with arms and that for America to have bases there is even beneficial to us. All the reports have appeared in the Indian Press. I want to know whether the Government has any direct information from the Ambassador and if so what is that information? Let it be placed before the House.

SHRI GULZARILAL NANDA: We have said, we have conveyed whatever had to be conveyed in the matter successfully and effectively.

SHRI BHUPESH GUPTA: That is not the point, Madam. We want to know. There should not be any hush-hush. We are not questioning the conduct of the Government.

DIWAN CHAMAN LALL: The hon. Home Minister did not answer the second question that I put, namely, whether it is a fact or not, if the war does escalate, are we ready on all fronts?

SHRI GULZARILAL NANDA: Madam, I can say this. We are keeping a close watch on the entire border. Our forces all along the border are in high spirits, high morale and in good trim. Let there be no doubt or misgivings about that at all. It is not a question of once and for all; the preparations progress and continue and whatever duty—there can be no inhibitions about the matter—is cast upon us, it will be carried out.

कुमारी मनिबेन बल्लभभाई पटेल (गुजरात) : पिछले हफ्ते जवाब देते हुए आपने कहा था कि हम ज्यादा दिल तक राह नहीं देखेंगे। आपने कहा था “नाट लांग” तो “नाट लांग” का क्या मतलब है? एक हफ्ते तो हुए? दूसरी बात यह है कि कल १५ तारीख से वहाँ बहुत बड़ी बाढ़ आएगी, वहाँ सारी जगह टाइडल वाटर आ जाता है,

सारी जगह पानी भर रहा है। तो वहाँ अब किस तरह से पहुँचेंगे। हमारे पास सड़क तो है नहीं। तो आपने क्या बन्दोबस्त किया है यह मैं जानना चाहती हूँ।

श्री गुलज़ारीलाल नंदा : वहाँ कुछ में जो कुछ होगा वह सब तो मालूम है कि पानी आएगा। उसका तो असर होने वाला है, बहुत कुछ वहाँ काम नहीं हो सकेगा, मगर जो हमारा इंतजाम है उसमें उस जगह का ही सवाल नहीं है, वह तो मारे देश में हमारा क्या इंतजाम है उसका है। तो क्या करना है वह तो स्ट्रेटेजी की बातें हैं, हम यहाँ क्या कह सकते हैं।

SHRI BHUPESH GUPTA: He should tell us, because we asked the question from that side and this side also. We are not questioning the Government's action in bringing it to the notice of the Americans about the use of US arms there. All we want to know is what the Americans have told them. It should not be made a secret. It should be made known to the whole world. So far nothing has been done. On the contrary, there is American intransigence in this matter. Therefore, let the hon. Minister tell us exactly what the Americans have told them and if the Americans do not behave in this matter, what next they are going to do.

SHRI GULZARILAL NANDA: I have already said that to some extent we have got a satisfactory answer. There is nothing more to add to it.

(Interruptions)

THE DEPUTY CHAIRMAN: That will do.

SHRI AKBAR ALI KHAN (Andhra Pradesh): If there is any necessity, will a session of Parliament be called?

THE DEPUTY CHAIRMAN: Mr. Akbar Ali Khan, that will do.

SHRI GULZARILAL NANDA: The Prime Minister will certainly decide the course in conformity with the needs and the wishes of our House.

THE DEPUTY CHAIRMAN: That will do. The House stands adjourned *sine die*.

The House then adjourned *sine die* at ten minutes past five of the clock.