

[Shri M. P. Bhargava.]
time to defend the case. Now, if these words are added, "in whose jurisdiction the working journalist is employed", the case can be heard in Delhi. It is a logical thing. I think the hon. Minister should have no objection in accepting it.

The question was proposed.

SHRI C. R. PATTABHI RAMAN:
The suggestion, as has been made by Shri Bhargava, the hon. Member, was made by the working journalists' representative at the tripartite meeting held in August, 1961. On examination, Sir, it was found that there were various judgments by tribunals and High Courts holding that the law, as it stands at present, provides the working journalists the facility of approaching the State Government in whose jurisdiction they are actually employed for the settlement of the dispute. It has been decided in consultation with the Law Ministry that this amendment is not necessary as it will restrict the jurisdiction unnecessarily for filing a claim. Therefore, I am unable to accept the amendment.

MR. CHAIRMAN: Do you press it?

SHRI M. P. BHARGAVA: No, Sir.

**Amendment No. 14 was, by leave, withdrawn.*

MR. CHAIRMAN: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill

Clause 6—Amendment of section 18

SHRI M. P. BHARGAVA: Sir, I move:

15. "That at page 9, line 9, after the words 'he shall' the words 'on a complaint being made by any aggrieved working journalist or by a

**For text of amendment, see col. 3900 supra.*

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trade union of journalists or by an Inspector appointed under sub-section (1) of section 17B' be inserted"

Mr. Chairman, Sir, my amendment No. 15 to this clause is again a very simple amendment which says that from whom the complaint has come is left vague in the Bill. What I want to say is:

"On a complaint being made by any aggrieved working journalist or by a trade union of journalists or by an Inspector appointed under sub-section (1) of section 17B."

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These are the three parties who can make a complaint and what I want is that these three parties be specified clearly through this amendment.

The question was proposed.

SHRI V. M. CHORDIA (Madhya Pradesh): I wanted to support him but unfortunately he withdraws always. Why should I support him?

SHRI C. R. PATTABHI RAMAN: If I may say so, he is so amenable to reason. As the Act stands at present, any person can make a complaint in the court of a First Class Magistrate. In fact there is a case where a trade union of working journalists filed a complaint under section 18(1) against Bihar Journals Limited. The acceptance of the amendment would only make it restrictive. Therefore I am unable to accept the amendment.

SHRI M. P. BHARGAVA: Sir, I beg leave to withdraw my amendment.

**Amendment No. 15 was, by leave, withdrawn.*

MR. CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 10 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI C. R. PATTABHI RAMAN:
Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI BHUPESH GUPTA: I would like to say something . . .

MR. CHAIRMAN: Mr. Gupta, the Prime Minister will now make a statement. The Prime Minister.

PRIME MINISTER'S STATEMENT RE CHINESE CEASE-FIRE PROPOSALS AND RELATED MATTERS

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS (SHRI JAWAHARLAL NEHRU): Mr. Chairman, Sir, as the House knows, on the 21st November, the Chinese Government issued a statement making a unilateral announcement of cease-fire as from the midnight of November, 21-22 and a withdrawal of their forces from December 1.

On the 23rd November, we asked for some clarifications from the Chinese Government and received a reply on the 26th November. On the 30th November, we sought further clarifications.

On the 28th November, a letter was received by me from Premier Chou En-lai urging us to accept the Chinese offer of cease-fire and withdrawal. I sent a reply to this on December 1. These letters have been given in full, together with some maps, in the pamphlet recently issued by the External

Affairs Ministry entitled "Chinese aggression in war and peace".

The cease-fire took effect as stated, though there were a number of breaches of it on the Chinese side in the first few days. Some withdrawals of Chinese forces have been effected, but it is not yet clear to what extent these have taken place, especially from the forward areas.

On the 5th of December, the Chinese Red Cross handed over 64 wounded and sick prisoners of war to the Indian Red Cross Society at Bomdila. They have stated that they will hand over 175 more sick and wounded prisoners on the 12th and 13th December at Muchuka, Darrang Dzong and Walong.

On the 24th October, the Chinese Government made a three-point proposal suggesting a cease-fire and a withdrawal of their forces, provided India agreed to these proposals. These proposals were not accepted by us, and we suggested that our proposal for the restoration of the *status quo* prior to the 8th September 1962 was a more simple and straightforward one. The Chinese proposal of the 21st November for cease-fire and withdrawal was a repetition of their proposal of the 24th October with the addition of a unilateral declaration of cease-fire and withdrawal.

On the 9th December, the Peking Radio broadcasted a long statement rejecting our proposal about the restoration of the *status quo* prior to 8th September 1962. Our Charge d'affaires in Peking was also given a note asking the Government of India three questions as follows:

- (1) Does the Indian Government agree or does it not agree to a cease-fire?

Although the declaration of the Government of China was a unilateral one, insofar as the cease-fire is concerned, we accepted it, and nothing has been done on our side to im-

pede the implementation of the cease-fire declaration.

- (2) Does the Indian Government agree or does it not agree that the armed forces of the two sides should disengage and withdraw 20 kilometres each from the November 7, 1959 line of actual control?

We are in favour of disengagement of the forces of the two sides on the basis of a commonly agreed arrangement, but such an arrangement can only be on the basis of undoing the further aggression committed by the Government of China on Indian territory since the 8th September, 1962. It is a fact that all this territory has long been in Indian occupation. The Government of India do not agree with the Chinese interpretation of the line of actual control. These facts can easily be determined even from the correspondence between the two Governments during the last five years. Our proposal of the restoration of the *status quo* prior to the 8th September, 1962 is an obviously simpler and factual one, and is based on the definite principle that the aggression must be undone before an agreement for peaceful considerations can be arrived at.

- (3) Does the Indian Government agree or does it not agree that the officials of the two sides should meet and discuss matters relating to the withdrawal of armed forces of each party to form a demilitarised zone etc.?

It is obvious that if the officials are to meet, they must have clear and precise instructions as to the cease-fire and withdrawal arrangements which they are supposed to implement. Unless they receive these instructions, which must be the result of an agreement between the Governments of India and China, they will be unable to function. Thus it has to be determined previously which line is to be implemented. There is a difference of about 2,500 square

miles of Indian territory between the two lines, that of actual control immediately prior to the 8th September, 1962 and that on the 7th November, 1959, as defined by China,

These are our answers to the three questions put by the Chinese Government. We do not wish to impede the implementation of the cease-fire and we would, of course, welcome the withdrawal of Chinese forces. As for the officials of the two sides meeting to consider the question of withdrawal of armed forces, we shall be prepared for this when it is agreed what line is to be implemented.

Meanwhile since the 10th December a conference of six non-aligned Powers is meeting in Colombo to consider the conflict between India and China. We recognise the friendly feelings of these Powers, and I trust that they will appreciate that there can be no compromise with aggression and that the gains of aggression must be given up before the parties can try peaceful methods to resolve their disputes. We are always prepared to consider any peaceful methods provided the ground for them is prepared by vacation of the aggression since the 8th September. I have suggested in the Lok Sabha that when the ground is so prepared, we might even be prepared to refer the question of the merits of the boundary disputes to the International Court of Justice at the Hague.

Six days ago, I visited Assam and some of the forward areas of our troops on the borders of NEFA. I was happy to find that both our troops and the people of Assam generally were in good heart. According to the latest information we have, 9,811 officers and men of our forces have returned to Tezpur from the Sela-Bomdila area. From Walong 2,350 officers and men of our forces have also returned. Some more are expected to return. Indeed, every day some of these men return to the Tezpur area.

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The total number of known casualties among the Army personnel from the 20th October, 1962 up to the 10th December, 1962, in both Ladakh and the whole of NEFA, are 197 killed including 11 officers and 13 JCOs, 291 wounded in battle and 6,277 still unaccounted for. This figure of 6,277 will be reduced by 175 personnel and one dead body which the Chinese say they will return on the 12th and 13th December. The Chinese also declared earlier that they have 927 personnel as prisoners with them. Taking these figures into account, the total unaccounted for up to the 11th December will be 5,174 officers and men.

Whatever the outcome may be of the efforts being made to continue the cease-fire and ensure the withdrawal of the Chinese troops with a view to peaceful methods being employed later for the settlement of the boundary questions on the merits, it is clear that we shall have to continue fully our efforts at strengthening our Defence Forces in every way. We propose to do so. Thank you.

SHRI A. B. VAJPAYEE (Uttar Pradesh): May I put two questions? The hon. Prime Minister has just stated that we have accepted the cease-fire. I would like to know whether this statement implies that we have given up our right—may be temporarily—to take steps to recover our lost territories? According to the latest report, Chinese forces are concentrating in the south of Bomdila. What will happen if the Chinese forces refuse to vacate? What shall be our policy? Secondly, would the Prime Minister kindly clarify why at all it is necessary to discuss with the Chinese as to what sort of administration there should be in the territory they are vacating now? It is Indian territory and it is for us to decide whether the administration there should be military or civil.

SHRI JAWAHARLAL NEHRU: If the hon. Member would put one ques-

tion at a time, it would be simpler for me. I get confused and by the time I finish answering one question I forget the other question. What was the first question?

SHRI A. B. VAJPAYEE: We have accepted the cease-fire. Does it indicate that we have abdicated our right to take action to recover the area?

SHRI JAWAHARLAL NEHRU: If the hon. Member will see what I have just stated, he will find that I have said that we have taken no action to impede the implementation of the cease-fire, to come in the way of it. But we have not given any guarantee for the future. That depends on circumstances and developments. For the present we are accepting the cease-fire, but it all depends on how things develop and what the Chinese might or might not do. He referred to some concentration of forces near Bomdila. It is not quite clear that there is such concentration of forces. Our latest information is that that report was not quite correct. Secondly, some forces may be concentrated with a view to withdrawal from there. All this is rather vague and it is difficult to give a definite answer. What was the second question?

AN HON. MEMBER: About administration.

SHRI JAWAHARLAL NEHRU: Yes, I suppose the hon. Member is referring to the questions we asked them, or what?

SHRI A. B. VAJPAYEE: Yes. The Prime Minister was pleased to state in the Lok Sabha that we are having discussions as to what sort of administration there should be in the territory now being vacated by the Chinese.

SHRI JAWAHARLAL NEHRU: Obviously, Sir, when they make various long statements and various proposals, we want elucidation of them. We must—whether we agree or disagree, and that is up to us to determine—

we must know what they mean because they said unless this or that is done, they will not withdraw, or they will attack again—whatever it may be. So, we wanted elucidation as to what exactly they wanted to do.

SHRI BHUPESH GUPTA (West Bengal): Sir, may I . . .

SHRI A. D. MANI (Madhya Pradesh): May I ask the Prime Minister for a clarification about the reference of the question of merits of the boundary disputes to the International Court of Justice at the Hague? Assuming the imaginary contingency of the Chinese Government accepting this offer, I would ask the Prime Minister what he means by the merits of the boundary disputes. Would it mean (a) the present traditional boundary between India and China with minor adjustments as may be necessary, or (b) does it include the fantastic claim made by the Chinese for 50,000 square miles of Indian territory? And the second ancillary question I would like to ask the Prime Minister in this connection is this. Does this offer hold good even though China has not accepted the jurisdiction of the International Court of Justice? It is not necessary for a State to be a member of the United Nations to accept the jurisdiction of the International Court of Justice. Switzerland accepted it before it became a part of the United Nations' framework.

SHRI JAWAHARLAL NEHRU: I made this reference first in the Lok Sabha and then here and I stated that if the present aggression since the 8th September is vacated, then—and I have stated it repeatedly in the letters as hon. Members would have seen—we shall consider various peaceful methods of deciding this problem. I have said that even if we have talks and they do not yield fruitful results, I would be prepared for them. Previously, I had not mentioned the International Court of Justice, but I have said that other peaceful methods could be attempted, could be

tried. I have now spelt out a little more and these other peaceful methods might include a reference to the Hauge Court. But the reference can only be made when both the parties agree. Obviously, one party cannot make the reference unless the other party agrees. It does not very much matter if the other party has acknowledged the jurisdiction of The Hague Court or not. If they agree, they agree, if they don't they don't.

As for the matter to be referred to it, that also will be a matter for the consideration and agreement of the two parties if and when something is referred to it.

SHRI BHUPESH GUPTA: I would . . .

SHRI CHANDRA SHEKHAR (Uttar Pradesh): I want clarification on one point.

SHRI BHUPESH GUPTA: All right, Sir, I will be the last.

SHRI CHANDRA SHEKHAR: Will the hon. Prime Minister clarify the position regarding the matter of reference to the International Court of Justice? I might humbly remind the Prime Minister that on a previous occasion, when some suggestion was made that the matter of Kashmir should be referred to the International Court of Justice, the Prime Minister very rightly ridiculed that idea and said that the matter of sovereignty of a country could not be referred to the International Court of Justice. If the Chinese withdraw to the line held on the 8th September, 1962, I think that nearly 12,000 square miles of Indian territory will be in their possession. Would it not be compromising the sovereignty of the country if we referred the matter to the International Court of Justice, if the Chinese withdraw to the line of 8th September, 1962?

SHRI JAWAHARLAL NEHRU: Normally, there are only three methods of resolving a dispute. One is, what might be called conciliation, media-

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tion, the two parties meeting together and coming to an agreement. The other is war and such consequences as the war leads to and the third is some kind of judicial determination. There are some things which are capable of judicial determination; other things are not and the question of sovereignty as a rule is not. This is a question involving the sovereignty of India over some areas but essentially, however big the territory may be, it is a question of where the frontier lies. This is a matter which can be determined by judicial authority. In fact, our officials who met the Chinese officials two years ago—that was not a judicial tribunal—examined all the details, documents, maps, etc., and they presented their reports. The evidence is there and some more might perhaps be adduced. In fact, just before this aggression of the 8th September, the question was that other people representing our Government and the Chinese Government might continue their meetings and talks on the basis of the evidence collected and reports made at the official committee. There is a considerable difference between the two questions. There is no question of a boundary dispute at all in Kashmir. Here, it is essentially a boundary dispute however big it may be. They say that this is their frontier line, according to them. Oddly enough, their frontier changes every time they say this and they have given us at least three different boundaries or lines of control or whatever they call them. This is a question which is capable of such a decision. Naturally, when the time comes, if it comes at all, we should have to go deeper into it, what the reference should be, but for the moment I have suggested some thing. As I said in the Lok Sabha, if we take any such step, it will be with the approval of Parliament but I think that such a step would be an eminently right step in such circumstances and in conformity, if I may say so, with the wishes of the world.

SHRI BHUPESH GUPTA: Sir, today is the last day of the Session and we are grateful to the Prime Minister because he made this statement. I think it would be in the fitness of things, more especially in view of the Colombo Conference which has met, if we were to signify in this House our full endorsement of the statement the Prime Minister has made with regard to this development and the situation so that the whole world knows that the Parliament stands by the statement which has been made.

SHRI B. D. KHOBARAGADE (Maharashtra): The hon. Prime Minister has stated that the defences of the country are being strengthened and I think this implies that the Government is taking effective steps to check subversive and espionage activities. Only the other day, a question was raised in the U. P. Assembly regarding some Chinese diplomats who had travelled up to Pithoragarh via Naini Tal, Almora and Ranikhet. They were travelling in a car bearing diplomatic number-plate.

MR. CHAIRMAN: I am not able to understand you and I am not sure whether the Prime Minister also understands.

SHRI B. D. KHOBARAGADE: The Prime Minister has stated that we are taking effective steps to strengthen our defences and we cannot do so, in my opinion, unless and until we curb subversive and espionage activities. How can the Chinese diplomats travel hundreds of miles? How are they allowed to travel without being detected particularly when our diplomats are not being allowed to travel in China beyond twenty or thirty miles from their headquarters? I would request the Prime Minister to take effective steps to check such activities which are being carried on in this country.

SHRI JAWAHARLAL NEHRU: This is a suggestion for action. As a matter of fact, we are very much aware of

all these factors and we have taken action and we do take action from time to time.

SHRI CHANDRA SHEKHAR: The Prime Minister just now referred to his visit to Assam. May I request the Prime Minister to take into consideration the situation that developed in Tezpur? I think the whole administration toppled down and I am very sorry to state that the Assam Government has even today failed to take adequate measures for civil defence. May I request the Prime Minister to devise some ways and means to accelerate the defence activity in Assam? Will it also not be advisable to appoint a Resident Minister from the Union Government, or have some such arrangement, to look after the civil defence activities in Assam? I make this suggestion because the first meeting of the Civil Defence Committee of Assam was held only on the 3rd of December, 1962. The attitude of the Assam Government is not in accordance with the emergency that we are facing in that State. May I know from the Prime Minister whether he or the Government is thinking of taking some more drastic steps to meet the situation in Assam and the border areas?

SHRI JAWAHARLAL NEHRU: I do not know what more drastic steps one can take except to put on's army there, and the army functions there, is entrenched in strong position.

The hon. Member referred to civil defence. I do not quite know what he means by civil defence. Civil defence normally is against aircraft, bombing. As a matter of fact, that too is rare and in countries where civil defence was thought of a great deal in the last great War, civil defence is not thought of very much today. In certain circumstances, it is useful but in modern war it is less and less useful. Something may be done. It is a good thing for people to be trained in many things and those steps are being taken all over India, more particularly in the border areas.

I think that in Tezpur which I visited, quite a good deal was being done in various ways. There are strong non-official committees, apart from official action, which are doing very good work of various kinds, and there is no reason for us to think that the Assam Government is weak or is not functioning. It is functioning very well. In fact, they have moved their headquarters to Gauhati to be nearer the scene. It is true that on a certain day in Tezpur, there was disorder, just after the fall of Sela and Bomdila—and it is rather easy to criticise it—and one should enquire into it, who went wrong, but there were some people behind who had extraordinary presence of mind and courage. We can enquire into all that. But, circumstances were peculiar at that time, and it is easy for people far away from the scene to criticise later on but I do think that the people of Tezpur today—and I talk of today—are in good condition and are taking such steps as they are advised to.

SHRI CHANDRA SHEKHAR: I also visited Tezpur and I do not want to repeat all those stories which happened there and I think the Prime Minister should not force Members to repeat all those stories of things that happened there. I think things are not very bright in Assam but if the Prime Minister thinks otherwise, we have nothing to say.

SHRI B. D. KHOBARAGADE: The hon. Prime Minister has referred to the incidents at Tezpur. We had read in the papers that two Ministers of the Assam Government were present at Tezpur and that they left Tezpur at that time, and, therefore, there was collapse of administration in Assam. We have taken action against the Deputy Commissioner who ran away from Tezpur. I would like to know from the hon. Prime Minister what action has been taken against those two Ministers of the Assam Government who ran away from Tezpur which led to the collapse of the administration in Tezpur?

SHRI JAWAHARLAL NEHRU: First of all, I would say that the charge is completely unfounded and untrue

SHRI CHANDRA SHEKHAR. But it is believed by all the people in Tezpur.

SHRI JAWAHARLAL NEHRU. I am sorry, if hon. Members repeat a charge which is untrue, some people will take their word for it.

SHRI C. D. PANDE (Uttar Pradesh). I think no more question should be put.

SHRI A. B. VAJPAYEE. The hon. Prime Minister in his speech at Gauhati on the 5th December stated—and I am quoting—"I do not think the Chinese will come back". These are the words from the speech of the Prime Minister but in his broadcast to the nation the other day the Prime Minister rightly assessed that the cease-fire proposal might be a cover for further Chinese advance. May I know on what data the Prime Minister said that the Chinese won't come back? Is it necessary to make such speeches which are likely to confuse the people and the world?

SHRI JAWAHARLAL NEHRU: I do not know why the hon. Member should be confused. Nobody else is confused about it and the large public meeting of about 70,000 persons there was not confused. I stated clearly that it is quite possible that they may not come back in the near future. I added, but there is always the possibility of their coming back; in any event we should prepare our defences in the fullest measure. They may not advance now but even if they do not come back now we must be prepared because they may come back a little later. That is what I said in my speech.

MR. CHAIRMAN. I think we have had enough of questions.

SHRI SHEEL BHADRA YAJEE (Bihar) I support the proposal made by Comrade Bhupesh Gupta.

MR. CHAIRMAN: There is no motion before us. We are grateful to the Prime Minister for having made the statement.

SHRI BHUPESH GUPTA. I take it that my sentiments are shared by this House because I would like the Colombo Powers to know it that Parliament, when today, on the last day, the Prime Minister has made the statement, is unitedly behind him.

MR. CHAIRMAN. I take it that the House is unanimously with the Prime Minister.

SHRI A. B. VAJPAYEE. Sir, the Colombo Powers must know this that even the Communists are behind the Prime Minister.

SHRI BHUPESH GUPTA: The Colombo Powers must know that the Jana Sangh, of all people, is behind the Prime Minister.

MR. CHAIRMAN: As long as both the Communists and the Jana Sangh are with you, everybody is with you.

SHRI CHANDRA SHEKHAR. The Colombo Powers know the truth more.

MR. CHAIRMAN. It is absolutely obvious that we are all united in our stand and we stand united behind the Prime Minister.

THE WORKING JOURNALISTS (AMENDMENT) BILL, 1962— *continued*

SHRI BHUPESH GUPTA. Sir, I am very glad that the Prime Minister is here. I am speaking on this Working Journalists (Amendment) Bill. In the course of the discussion, Sir, many Members in this House pointed out that some of the very good recommendations of the Press Commission had not been implemented by the Government. In that connection we naturally recall the very wise and encouraging words of the Prime Min-