

Ministers' salaries of Rs. 4,000 or Rs. 5,000 that I advocate this. It is not for the sake of flattery that I advocate this I believe that our standard is surely not equitable at the present moment compared to the life that the masses are living. All these things are present in my mind, but I know that in the present set-up of society unless there is a social revolution, unless you have just changed the mind of the people you cannot bring about these things. I know people hobnob with the Socialist ideas. Again they hobnob with the Government officials who are drawing Rs. 4,000 and they are always in league with them and at the same time they will advocate the cause of the Government servants here. Are they trying to bring about such a revolution against the persons who are drawing Rs. 4,000 in the Government today? Not the least. It is very easy to speak against the Ministers and say that the Ministers are robbing the country. They are trying to be a burden on the tax payers and all these things. This is done with the intention of bringing down anyway the Ministers, bringing down anyway the Government and spreading an air in the country propagating against the Ministers. I can visualise that there may be Ministers and Ministers. Some persons may only put on hon cloth like Mahatma Gandhi and may live on the barest of food just as the late Ganesh Dutt Singh used to do. He used to pay to the students towards their expenses. He used to live like *fakirs* and *jogis*. If our Ministers can live like that, we welcome that but we can't expect that all persons can live like that

MR. CHAIRMAN : I think we stand adjourned now till 10 o'clock.

The House then adjourned till 10 o'clock.

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The Council re-assembled again at ten of the clock, MR. CHAIRMAN in the Chair.

SITUATION IN REGARD TO THE STATE OF JAMMU & KASHMIR

MR. CHAIRMAN : The Prime Minister may move the motion which

stands in his name. The only appeal I would like to make to you is that the situation with regard to Kashmir is a very delicate and fluid condition. The United Nations' representative is meeting our Ministers on the 25th; and the Assembly in Kashmir is meeting on the 26th. I hope that no careless and loose words will be uttered and that, with your usual restraint and sense of responsibility, you will discuss this matter.

THE PRIME MINISTER AND MINISTER FOR EXTERNAL AFFAIRS (SHRI JAWAHARLAL NEHRU) : Mr. Chairman, I beg to move :

That the Council do consider the situation in regard to the State of Jammu and Kashmir.

The history of Kashmir is an oft-repeated tale, and during the last four or five years all kinds of accounts have been heard and developments have taken place. A short while ago, I had occasion to say something on this subject in the other House and for the convenience of hon. Members here, as a background of information if I may say so, I believe what I said then has been distributed here.

Well, Sir, I do not wish to go back to the beginning of this problem. Indeed in such intricate problems, the beginnings are in the very roots of nature, but very briefly I should like to go back to the year 1946 when all kinds of talks were taking place here in Delhi City between the representatives of the British Cabinet and the representatives of India, when suddenly in Kashmir the leaders of the popular movement were arrested by the Government of the State there, the Maharaja's Government. Many hundreds of prominent persons were arrested and for a few days, there was something in the nature of martial law in the valley of Kashmir. We were rather surprised at the developments because here we were considering big changes in India, all over India including Kashmir, and here was an exhibition of something which we thought was past and done away with. Indeed the arrests were started with the arrest of Sheikh

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Abdullah, who was in fact on his way to India to consult us here. On his way to India he was arrested. Many others were arrested later. I tried to get into touch with Sheikh Abdullah even in prison. I sought to go to Kashmir, I had to face some difficulties and ultimately I was arrested there when I crossed the Kashmir border. So, from the middle of 1946 or thereabouts, this new phase started in Kashmir of an open and rather widespread attack on the National Conference and the national movement of Kashmir which had grown during the preceding 15 years or so and had become a fairly powerful and well-organised movement probably better organised and stronger than many movements in any Indian State in India, those so-called States.

This went on. Now we come to 1947 when roundabout May or June an announcement was made by the then Viceroy on behalf of the British Government after consulting various people and various parties here, about changes in India. That immediately brought a new factor into the scene. Big changes were taking place and inevitably they would apply to the so-called Indian States also. A little before that we had been conferring with representatives of the Indian States—with the Chamber of Princes—without much result. But this new announcement immediately made a tremendous change in the scene, because many of the Indian Princes then felt that they had to do something. They could not be merely saying nay to these changing events. They had to adapt themselves to these changes or else perhaps the consequences may be even more disagreeable than otherwise, because the position that was created in the great majority of Indian States in India was a peculiar one. By virtue of the announcement of the British Government they were left high and dry, legally speaking, and it was not quite clear what the position of the Indian States was. Some people even said that they would become independent—free to do what they liked. Of course, they never were independent in the

last 150 years or so. Nevertheless the announcement of the British Government was so worded as might be interpreted in that way. We did not like that part of the announcement at all. But while this announcement left them—the Rulers of the Indian States—a certain choice in the matter, events were moving fast and many hon. Members here might remember that in some of these States, in fact before the new Government of India could do anything at all, the people of the States took action. Actually in some States—small States—the people of the States pushed out the then Rulers and more or less sequestered them and took charge of the Administration. In fact, the Government of India to some extent came to the rescue of these sequestered Rulers in some of these States. So the position *vis-a-vis* the States was, on the one hand the strong arm of the British Government was withdrawn from the States—from giving protection to the States. It was wrong in a way; it was not, to our way of thinking, a good way. However, it is immaterial, but it was withdrawn. On the one hand, that hand was withdrawn, while on the other hand there was popular insurgence in the States by the people who wanted to be full sharers of the new freedom to come. Between these two factors, of course, there was the new Government of India which was coming into existence. It was in existence in a sort of provisional way. Before the change-over there was the Government of India which represented the nationalist movement of India and which obviously was not prepared to see the Indian Princes continue as they had done previously.

There were these three factors and most of the Indian Princes gradually found that they had no strength to rely upon. They could not look to the British Government nor any of them could look to their own people. In fact, they were afraid of their own people and the new Government of India, though friendly to them, could not possibly accede to their demand or accept them to continue as they were. So in those months preceding indepen-

dence and partition there was this strange thing that these five hundred and odd States in India were all tumbling over each other to come to terms with the new power in India—the Government of India. It was extraordinary and people outside India were amazed at the change. Many of the old British officials who were brought up in these Indian thoughts and who had prophesied disaster and who had in fact, if I may say so—some of them, not all—done their best to bring about disaster—they were all surprised and amazed that there was no disaster, that things went on smoothly and things in these States adjusted themselves to the new order of things.

GENEROUS TERMS TO PRINCES

In this connection, I should like to say that the Government of India, the then Government of India, was greatly helped by the friendly advice that the then Viceroy, Lord Mountbatten, gave to the States, because he told them there was no future for them except by accession to India, or to Pakistan as the case may be. So then, all these States acceded to India and they acceded only in regard to three subjects— Defence, Foreign Affairs and Communications. These were supposed to be the basic subjects. They acceded and the accession was complete. I should like the House to remember this, that the accession is not a matter of more subjects or less subjects. That is a separate thing to consider. The accession is complete when it takes place and the accession of every State in India was one hundred per cent, complete in the month of July or August 1947, when they acceded on these three subjects only. We had, as the House knows, a great leader bringing about this integration and helping to bring it about—Sardar Patel—and in order to achieve it as quickly and with as much goodwill as possible, we on behalf of the Government of India offered generous terms to the Princes. Now we may consider them too generous or criticise them in a different context ; that is a different thing. But one must remember the state of affairs at that time in India and judge what was done in the context of things then

existing, and the context of things was such that nobody knew in India or abroad, how this could be done easily enough, As it was, it was done and it was a miracle how it was done So we decided that in the balance of things, it would be better to be generous to these Princes in regard to financial matters, not in regard to power, and that it was better to have peace even if we paid a little more for it than conflict which would be much more expensive. So all the States in India, barring two or three, acceded to the Union of India and the accession was complete, although it was only in regard to three subjects. The States that did not accede and which were considered separately were, first of all, Hyderabad, then Kashmir and one or two minor States. Some of the States want to Pakistan ; but that is none of our concern. Now, Hyderabad's story is a very different one and we leave that now.

So far as the Kashmir story is concerned, just before independence and partition, when things were moving at a very rapid pace, the Maharaja's Government in Kashmir decided to-release Sheikh Abdullah and many of his colleagues who were in prison and who had been in prison at that time for over a year or so, I believe. They were released because obviously, big changes 'were going to take place.

A little after their release and that must have been—I speak from memory —a little before the change-over in India, Sheikh Saheb came here principally, I believe, to meet Mahatma Gandhi and to confer with him and some others too. His position then was, he said "I have just come out of prison. Many of my colleagues have come out of prison. We should like to study the situation, find out the reactions of the people and then come to some decision." That was his first* The second was : The question of accession of Indian States was very much in the air and he said that "This question of accession is not the first question for us. The first question is that the people's authority should be established in some form or other and then the people should decide this and

[Shri Jawaha lal Nehru.]

not by a *flat* from the Maharaja. That would not be agreed to by the people of the State." Well, he came and the advice that was given to him was on the lines of his own thinking, that is to say, we said that we do not wish to hustle or hurry things in Kashmir. We wanted some strong foundation for a decision and that, in regard to Kashmir, can only come by the popular will to be associated with that decision, not merely the Maharaja saying something.

As a matter of fact, Sir^ some two or three months earlier, when these questions of accession of Indian States were being discussed by us here in the Government of India and sometimes with the British representatives here and sometimes with the Indian Rulers here, we laid down the principle. That was that where, there was any doubt about the wishes of the people in a State on accession, that doubt should be resolved by a plebiscite or referendum or some means of ascertaining the wishes of the people. That is in the normal Indian States, in hundreds of them, this was not challenged and so, there was no question of a plebiscite ; where there was a doubt—doubt sometimes arose from the fact that the Ruler happened to be, let us say Hindu or Muslim and the majority of the people of the State happened to belong to some other religion, there was a possible chance of a doubt of the Ruler deciding against the wishes of his people—we said that in such doubtful cases the people must decide. What the method of decision should be was a matter we did not go into. This was applied, as a matter of fact, in Junagadh. There was a plebiscite in Junagadh to confirm the previous decision taken.

So, in regard to Kashmir, when we were asked, we said obviously the case of Kashmir is a delicate one and one should not try to come to a decision by some, shall I say, clever means or get the Maharaja to do something. We were keen on the people deciding and so we said 'Let there be no hurry',—

though we were hurrying in all the other States. So, in regard to Kashmir we said that for the present there should be Standstill Agreements between the State of Jammu and Kashmir and India on the one hand and Pakistan on the other. That is, they simply carry on as they were carrying on till a decision is made. The idea at that time was that later on, and it was stated in public, I believe, a Constituent Assembly should assemble in the State of Jammu and Kashmir and decide about accession. That would give their decision popular sanction. Well, that was the position at the time of the change-over in India on the 15th of August 1947.

On that date also, the House will remember, all kinds of upheavals took place. In Pakistan, in the States of India bordering on Pakistan, in West Punjab, in East Punjab and the Frontier Province of Pakistan upheavals took place and all kinds of inhumanities were perpetrated then, which spread even here, to the doors of this Council Chamber in Delhi almost. So we had to face in that month, latter half of August 1947 ^d September and a part of October, a very serious situation in the North of India and there was always a danger and a risk of this serious situation spreading to the rest of India. Hon. Members who may come from Central or South India may not perhaps realise the situation that North India had to face at that time and memories are short, people forget.

It was a very serious situation and although it was called a communal situation and undoubtedly there was a big communal element in it, it was basically something much more than that. It was an attempt by all kinds of reactionary forces in India to try to upset the new free Government of India that had come into being from the 15th August onwards. It was a deliberate attempt to do that and we had to deal with that on that ground. Well, we succeeded in controlling that very serious situation but the memory, not of the situation but of the horror of those days will persist, in the minds

of everyone who was present or who saw them. I mention these horrible occurrences to indicate to the House how our minds were full of other things. I think it was in July, August, September and October that we were full of dealing with the situation in India which was a difficult one. Of course in Pakistan the situation was also difficult and horrible atrocities were committed there but that is none of our concern except that it pained us ; we were not in charge of that. We were trying to control here so that the question of Kashmir, for the moment, became a distant question. We were trying to control the situation here and we thought 'Well, there is the Standstill Agreement and it can go on. We shall see later.'

PAKISTAN PRESSURE ON KASHMIR

As a matter of fact, in those days some kind of pressure was exercised on Kashmir by Pakistan, a good deal of pressure in regard to commodities not being allowed to go there through Pakistan and there was also some trouble in those days in the Poonch area. Now the Poonch area of Kashmir is an area full of ex-soldiers of the Indian army— of the army of undivided India. It is a good recruiting ground and it has been, from this point of view, a troublesome area to the State. Now I am not here to judge whether the State did right or wrong—I mean the State Government, the Maharaja's Government—in regard to what happened in the Poonch area at that time but the State Government dealt with the people of the Poonch area harshly and these people who were ex-soldiers and others who were not used easily to submit to harshness, created trouble undoubtedly. Some of them had arms too. So there was some trouble in the Poonch area between the Maharaja's Government and their troops and the people of the Poonch Area. We hardly knew about it simply because we were busy with our own troubles. We had our own things to deal with. Then came some date,—I think it was the 25th October—I am not dead sure—

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1947 when we heard that a tribal raid had occurred in Kashmir State at a place called Muzaftarabad which adjoins the North-West Frontier Province, and people had come and destroyed, committed arson and murder generally and behaved in a very bad way. Well, we were rather put out by this. It never struck us at the time that we should go and help them. It was a far cry to Muzaffarabad from here, and how were we to go ? We were worried. And remember, at that time all our military and civil apparatus had just been divided between Pakistan and India.

TRIBAL DEPREDATIONS

However, the next day the news that came from Kashmir was much worse. The great power-house at Mahova had been gutted and all the power in Kashmir was stopped ; all the Valley was in darkness. That itself created some panic. The stories of murders and killings and arson and loot that reached us in the next day or two were terrible. Now, we felt that these tribal people—as we thought they were—would probably enter the Valley and go up to Srinagar. And if they occupied Srinagar, as they well might unless somebody stopped them, there would be the biggest sacking and the biggest killing of Hindus and Muslims alike who were opposing them, and including large numbers of refugees who had gone to Srinagar from Punjab. May I say that while all this upheaval took place in Western Punjab, in Eastern Punjab, etc., in the State of Jammu and Kashmir there was no communal trouble at that time—so far as I know, practically none—and large numbers of refugees had gone through the Punjab to Kashmir for refuge. Some were in Jammu, and some were in Kashmir. So, we realised that if we did not interfere in Kashmir, the result would be something terrible, in the shape of sacking, looting and massacre of people in Srinagar and in the Valley. And we had seen all that. We had seen in other places, right up to Baramula. They had sacked the biggish township of Baramula. They set fire to the Convent there and killed

[Shri Jawaharlal Nehru.] the foreign missionaries—sisters, nuns, etc*—in a brutal way.

Now, we found that apart from this tremendous catastrophe that would result from the fall of Srinagar in this way and from the sack of Srinagar, it would undoubtedly rouse tremendous passion in India. Naturally, people in India would feel : "What is this ?" They would demand of us: "You go looking on when this occurs." And even quite apart from the question of accession and all the rest, if a neighbour of ours, connected with us, is attacked in this way, well, it is in a sense our moral duty to go to his help when called upon. It had nothing to do with accession. It was a separate thing. We were worried by this. Just about that time we got urgent request from two separate and different sources for help—one from the Maharaja's Government—the then Prime Minister of that Government came here post haste—and the other was from the popular party headed by Sheikh Abdullah, which passed some resolution asking for immediate accession to India, presumably because they thought that if accession took place the responsibility for the defence of Kashmir would be ours and then we would rush to their help. But, as I said, accession or no accession, we could have gone to their help as neighbours, not mere neighbours, but a State connected with India in several ways whose final fate—if you like—had not yet been decided.

MAHARAJA'S REQUEST

Now, when we got this request from the Maharaja's Government and the popular party, right from the beginning we had laid stress on the decision being made by the people of Kashmir. And if the request had come only from the Maharaja's Government, in all probability we would not have acceded to it. So, it made a difference that it came from the popular party. It was impossible in those circumstances, of course, to hold a Constituent Assembly and take votes, etc. when an actual invasion had taken place. So, we gave

prolonged and serious thought to this matter. I believe we sat for four or five or six hours continuously thinking of this and trying to fashion out what the consequences of giving help would be. It was a very difficult matter helping in a military sense. It was a place where we had no forces, where we had to fly over high mountains, where there was hardly any aerodrome, except a temporary one, and so on and so forth. But in the balance we thought that we could not say 'no' to that appeal for help and it would be a betrayal of* those people who had been our colleagues and comrades in the struggle for freedom and that the people of India would hold us to account if we did not help them. So we came to this decision probably at 6 o'clock in the evening. Time was of the essence because those tribal people were marching on Srinagar. If they took possession for example of the air-field of Srinagar, we would have been cut off completely. We could not go there except very slowly and gradually by the land route. It was a difficult matter. So we decided to send some people immediately. We had no idea at that time what would be the exact situation there. We thought we had to face about a couple of thousands of tribal people and we thought, well, a few hundred soldiers of the Indian army were quite enough for fighting those couple of thousands tribal people. So we sent them by air. We had no regular transport. We commandeered all the civilian planes. At 5 o'clock in the morning, within 12 hours of our decision, the Indian soldiers were flying to Srinagar. And from the airport they went directly to the firing line which was probably within about 10 to 15 miles from the airport. As a matter of fact, in all probability, Srinagar would have fallen long before we got there but for two facts—two entirely separate facts. One was the perfectly remarkable sense of discipline that the common people of Srinagar showed because Government had collapsed there. The Maharaja's Government had completely collapsed and again all the offices had gone to Jammu. There was nobody functioning, no

police, nothing of the sort. The people of Srinagar, of course guided and led by the National Conference and their volunteers, organised the city during those critical days. All the shops remained open even though there was firing being heard at 10 o'clock in the night. That was the major fact which saved Srinagar. Another major fact was that these tribal people were so anxious to loot everywhere that they delayed their advance. They got held up in Baramulla where they looted and feasted. And thus we got enough time to get there just before they started. Well this is how our intervention helped in saving Srinagar.

Now we had accepted the accession of Jammu and Kashmir State. Speaking strictly and in law, the accession was with the Maharaja's Government. That was the rule laid down by the British Government and accepted by us because they were the ruling authority. But we wanted to strengthen that by knowing what the popular feeling there was and when we knew that the one big popular organisation there was also in his favour, then we had no doubt about it. Now that accession was exactly on the same lines as the accession of any other State in India, i.e., in regard to three subjects, 'Defence, Foreign Affairs and Communications and the accession was : complete in law and in fact, although we did say then clearly and publicly that later, when an opportunity arises, the people of Kashmir will confirm this and will finally decide about it. That was because we did not wish anybody to say that in the moment of danger and peril and hurry we took advantage of that situation and finalised something. So the first point to remember is that the accession in law and in fact was complete then. Some people apparently got the mistaken notion from what I said in the other House a short while ago that now the accession is complete because of something that we have done now. That is wrong. The accession was complete on the 27th or 28th of October 1947 in law and in fact. Not only in law and in

fact, but it had the popular backing of the greatest popular organisation there. It is true that we have said in accordance with our policy that we would give an opportunity to the people of Kashmir to confirm this, to finalise this or do what they liked from their point of view. That is to say, suppose that the people decided ultimately against accession, then that meant, so far as we were concerned, that we would cancel it. Much as it might hurt us, we would cancel it because we have given our word, but that did not lessen in any degree the total 100% validity of the accession. That is the position. Then the war in Kashmir started. We pushed the tribal folk into the mountains from the Valley.

PAKISTAN'S COMPLICITY

Then a curious fact came to our notice that behind the tribal folk was the army of Pakistan sitting there, the regular army of Pakistan. It may be that they did not function as such ; they did not call them a regular army. For some time they tried to hide this fact. That made a difference. It was one thing to deal with the tribal folk and it was quite another thing to deal with a regular army, the army of a modern State. Roundabout the region of Uri we came across this army and there we stopped for the time being. Well, this war developed elsewhere in Kashmir State, and it was patent that the Pakistan Army was fighting against us. We pointed this out to the Pakistan Government right at the beginning but they went on denying this fact that the Pakistan Army was engaged. They said- that the tribal folk had marched through their territory but they could not stop them ; they were excited because they had heard that their co-religionists were being ill-treated ; they could not stop them ; in fact they had nothing to do with them.

In this connection, it may interest Members that recently in Pakistan the Khan of Mamdot, who was Prime Minister of West Punjab at that time,

[Shri Jawaharlal Nehru.] has made a claim on the Pakistan Government for money. His claim is that he had spent personally out of his pocket Rs. 68,000 for organising the invasion of Kashmir. He did this on behalf of the Pakistan Government and he claims the money from the Pakistan Government. This is very interesting. Of course we knew that one of the chief organisers was the Chief Minister of the North-West Frontier Province then and now. He has not changed since then, although the Chief Minister West Punjab has changed. of e then Chief Minister of West Punjab now claims money, re-ci mpense if you like, for bis organising the tribal invasion of Kashmir at that time. It throws a very clear light on the situation as it then was.

Now, the Pakistan Government went on continually denying that they had anything to do with this, which was an extraordinary thing. We came up against their army, v, e captured materials belonging to the Pakistan Government and we exhibited them here in Delhi and elsewhere. Then the question came before us as to where all this was leading to. Was this going to lead to an all-out war with Pakistan or not ? We did not want an expansionist war or any war. First of all our minds were not conditioned for war in any way, at any time, more so when we had just come to freedom with all sorts of schemes and plans before us. We re we going to put an end to those schemes by making war with our neighbours when we had all along functioned, however imperfectly, in an atmosphere of peace and nonviolence in our national movement ? And for us to jump into war was an extraordinarily difficult thing to do. That was one thing. Secondly, it was a day after the change-over, ycu might say. We were just trying to settle down and so we did not want this v ar and we knew that such a war would be catastrophic. And yet how were we going to fight this war—this limited war in Kashmir State ? Were we to allow Pakistan armies to hop across the frontier, hit us and go back ? Tfift

speaking our army people, our Lrenerais would like to go and hit the Pakistan Army where it was instead of waiting to be hit. After much thought we decided that we should take some steps to prevent the extension of this war and, if possible, to stop it. We were quite sure, dead sure of our position. It was as clear as daylight. Legally the accession was complete and proper. Nevertheless we said that the people of Kashmir could even upset this final decision and we would accept the people's voice. So why not leave it to them and why all this trouble was a difficult problem. Normally So we decided to go to the United Nations and we went ther© with a very simple plea. We said that certain tribal people have come across Pakistan and attacked Kashmir without any rhyme or reason. The Government of Pakistan has allowed them to pass through its territory and thus aided and abetted them. So iar as I remember we did not even say that the Government of Pakistan itself had sent its army into the State. We rrerely said that Pakistan had aided and abetted them rnd we asked the United Nations to ask the Pakistan Government not to help the raiders. That is all. Our demand was that they should not help the raiders and we shall deal with the situation, because we did not wish to get entangled into a regular war with Pakistan. The Pakistan Government's reply was a clear denial of their having anything to do with the raiders. Now, apart from the j facts that came out then, the facts that are now coming out show how false their denial was. It was a regular organised thing from the Pakistan side, frcm West Punjab. Then, in the Security Council, for about four or five months this matter was discussed, much to our amazement. A very simple question that we had put was never answered. Either what we had said about the facts was proved or it was false. Well, we did not expect the Security Council to take our word for it while another country was challenging it, but the obvious course for them was to find out factually what the truth was. Instead of this, there were long discussions on other subjects there. To the end, the Pakistan Government went on denying

the facts that they had anything to do with it. Then the Security Council sent a Commission here—the U. N. Commission. They came here and a little after their arrival here, for the first time, Pakistan admitted having armies in Kashmir, which they had denied till then, and gave some reasons, that they were afraid of being invaded by India through Kashmir. It was rather a far-fetched excuse, because if India wanted to invade Pakistan, she would hardly go across the Himalayan mountains to do so. Pakistan is quite near on this side here. There was no reason in it. However, these things went on, fighting and all that, and at the end of 1948, I think it was December 31st, a cease-fire was agreed to, and since then there has been no regular fighting, though there have been petty raids. There has been no regular fighting since then, but since then also no step has been taken for a regular truce and matters remained as they were although all these Commissions had been talking about a truce and other steps that might follow.

I do not wish to take, the House into all these complicated talks with the U. N. Commission. There are two basic Resolutions, one passed, I think on the 13th August 1948 and the other probably on the 5th January 1949. These were accepted by us and accepted by Pakistan, in fact passed with our consent we might say. But in regard to both, subsequently a certain difference in interpretation arose between Pakistan and us. Our interpretation is quite clear and it was put down in black and white in certain *aide memoires* that we had given. But Pakistan refused to accept our interpretation and this is one of the reasons why we go on talking interminably before the Security Council or elsewhere.

The present position is that Dr. Graham has now invited us and invited Pakistan to a conference at ministerial level in Geneva to discuss the matters that we have been discussing for the last year or so with him that is what is called demilitarization, that is to say, reduction of forces in Kashmir. He has confined

his attention to this particular matter only during the last year. He laid down twelve proposals out of which seven or eight were agreed to, but the others were not agreed to as between India and Pakistan. Now he wants to pursue this at ministerial level in Geneva. It was difficult for us to go to Geneva at this time and we invited him here. We told him as previously : "We are perfectly prepared to have talks with you, but then it is difficult for us to come to Geneva." And we suggested that the ministerial meeting might take place in Delhi. But this was not accepted by the other party and so ultimately we agreed to a meeting in Geneva and the meeting in Geneva is going to take place or rather begin on the 25th August, that is, this month, and it is likely to last for seven or eight days. The time is fixed. And I am glad to say that my colleague, the Leader of this House, Shri Gopalaswami Ayyangar is going to represent our Government there.

Now, at this meeting, presumably they will consider the discussions that they have already had. It is suggested that they may consider other matters and explore other avenues. Our attitude always has been that subject to certain basic principles that we adhere to, certain basic responsibilities of ours being guarded, we are prepared to explore every avenue for peace.

While all this was happening in Kashmir,—war and other things,—in the rest of India, the process of integration of other States went much further. Mind you, the process of integration went further. The accession of every State was complete. This fact I go on repeating because there is some confusion. The accession of every State was complete when first it acceded in 1947.

But, a further process of closer integration took place later in regard to most of the States and you all know about it. Now, that process of further integration could not possibly apply to Kashmir because in the very nature of things with the Security Council and the United Nations Assembly, it could not 'apply. Apart from that, it could

[Shri Jawaharlal Nehru.] not apply because we had ourselves said, both to the people of Kashmir and to our people, as also to the people of the world alike, and we had given certain assurances, that in such matters we shall proceed with the consent of the people of Jammu and Kashmir who will decide the issues ultimately. It never struck us that that process of integration that was taking place in other States in India could possibly be applied to Kashmir at that stage. If we had tried to do it, it would have meant our breaking the pledge we had given to the United Nations and to the Kashmir State itself.

Then, we arrive at the period of—was it November 1949—when our Constituent Assembly was finalising our Constitution. By that time, the other States had integrated closely and we had a Chapter in the Constitution—I believe it is Chapter VI or whatever it is, it is quite immaterial—dealing with Part B States. Originally, when we started framing our Constitution, it was not quite clear whether the internal constitution of the States would be the same as that of the Government of India or not. Some States, of course, had merged and were absorbed in Provinces and others were not. But, Sardar Patel proceeded on these lines and brought about a large measure of uniformity by this closer integration. That could not, obviously, take place in regard to Kashmir. The question was completely different. So, when we were finalising our Constitution, the question arose as to what we are to say about Jammu and Kashmir State. It was in reply to that question that article 370 was brought in into our Constitution. It is in the Chapter headed "Temporary and Transitional Provisions." I have no doubt hon. Members have seen that article but nevertheless, I should read it out :

" 370. (1) Notwithstanding anything in this Constitution,

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir (this article is in regard to the Part B States);

(b) the power of Parliament to make laws for the said State shall be limited to—

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation : For the purposes of this article the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March 1948;

(c) the provisions of article I and of this article shall apply in relation to that State ;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify :

Provided further that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State :

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon."

At that time there was no Constituent Assembly in Kashmir. Nevertheless this article 370 envisages that the Constituent Assembly should come in there and should give its consent to any changes in this matter.

"(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify :

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification."

11 a.m.

I have read article 370 because article 370 as framed at the time by the Constituent Assembly in 1949 will govern, in so far as our Constitution is concerned, our relations with the Jammu and Kashmir State. Article 370 is obviously in the nature of a transitional article but it lays down the process of change. We did not wish, in the course of that change, to have an amendment to the Constitution as it will be a big matter. Therefore the President is authorised to make these changes by public notification etc. but everywhere in this you will see that the President can only do so with the concurrence of the Constituent Assembly of the State, in consultation with the State in some matter and in other matters with their concurrence. That is the position as it prevails today. As a matter of fact, when this article 370 took shape here, as far as I can remember, I was out of the country for a long time—I had gone to America. So I was hardly conscious for a long time afterwards of this article 370 because I was not here. That has been the position. Now, this position might well have lasted some time longer, but for the fact that the Constituent Assembly of Jammu and Kashmir came into existence and came into existence with our goodwill and with our consent. Now it is sitting down to draw up its Constitution. When it is drawing up its Constitution, it has to be in some precise terms; it cannot be fluid. Therefore the question arose that nothing should be done by the Constituent Assembly of the Jammu and Kashmir State which does not fit in with our Constitution, which in no sense is contrary to it or conflicts with any part of it. That was why this question arose now to consider. Otherwise it did not much matter whether we considered it now or a year or two years later. Of course it is better to make the position clear and the sooner it is done, the better.

Therefore, it became necessary for us to deal with the leader of the Kashmir Government and the Constituent Assembly and discuss these matters. We discussed at some length a week or a few days ago, and the decisions we arrived at have been announced in the press. The position therefore has been not today, not because of our decisions or agreements, but from the moment of accession in October 1947 that:

"The Jammu and Kashmir State was a constituent unit of the Union of India and part of the territory of India."

That was the legal position since October 1947. Now, as a consequence of all this it follows that residents of the State are full citizens of India like any others. They have the right as such to be represented in Parliament here in both Houses.

SPECIAL PRIVILEGE

The point—was raised by the representatives from Kashmir that certain old privileges dating from several generations past attached to what used to be the State subjects. These are especially in regard to acquisition and holding of immovable property, appointment to services, scholarships and the like. Now, hon. Members know that Kashmir is supposed to be one of the beauty spots of the world. • And apart from its being a beauty spot, there are many other things which attract people there. And from olden times the old Maharajas, who succumbed to many things that came from the then British Government, did not succumb to one thing. They were afraid that the climate of Kashmir and its other attractive features being what they are, that Kashmir might become a kind of colony of the British if they came and settled down there in large numbers. They were afraid of that. So they stuck to one thing—that no foreigner could acquire property in Kashmir. And they did keep them out. They made rules to the effect that only State subjects could acquire property except by special permission, and so on. In fact they have made four different classes of subjects for that purpose. Property was given to Class I and Class II. These rules in regard to property still

[Shri Jawaharlal Nehru.] subsist. These are the rules in regard to property in Kashmir and everybody in Kashmir, to whatever group or community or religion he belongs, wants to uphold these rules. Naturally, because they are for the benefit of the residents of Kashmir, whether Hindus or Muslims. They are afraid that people from India or elsewhere, rich people and others, might come and buy up property there, and thereby gradually all kinds of vested interests would grow up in property in Kashmir on behalf of people from outside. So far as we were concerned, we thought that this was only the existing law there, and the existing law prevails under article 370 of the Constitution, which I have just read. We thought it was a perfectly justifiable feeling on their part, and that acquisition of property in Kashmir State should be protected on behalf of the people there. They propose, quite rightly too, to change their present laws on the subject, as they are too cumbersome. They have made some simple rules. Nevertheless, in essence, they are to regulate acquisition of property by outsiders in the State. The House will perhaps remember that we have given protection in this regard in various parts of the territories of India. For instance, in the North-East of Assam tribal areas we have given them protection. Nobody from outside can go and take possession of property there, because if we once give them permission, there is no doubt that these tribal people will be exploited by outsiders who will go there and buy up their lands and use them for making money while the people of those areas will go to the wall. So we agreed that to avoid exploitation of the State territory it was desirable that these rights and privileges should continue. As a matter of fact, under article 19(5) of our Constitution this was clearly permissible—and that is our view even now—both in regard to existing law or any subsequent legislation. But if there was any trace of doubt, it should be made clear.

Another point was put before us. It was obvious that the residents of Jammu and Kashmir State, who have had to leave the State on account of the disturbances that were taking place in the last 3 or 4 years, should be entitled on their return, to citizenship. As a matter of fact we have made some provision for the whole of India in this respect. Now Kashmir's case is somewhat different from the other one. But the same principle applies and we agreed to that principle. So we agreed to this : "The State Legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more specially in regard to acquisition of immovable property, appointments to services and like matters. Till then the existing State law should apply." We agreed that special provision should be made governing citizenship for the return of the permanent residents of Jammu and Kashmir State who went to Pakistan in connection with the disturbances of 1947 or earlier in fear of them and could not return. If they return, they should be entitled to the rights and privilege? and obligations of citizenship.

FUNDAMENTAL RIGHTS

Then in regard to the Fundamental Rights, a number of points arose, the chief point being the one relating to the land reform. The House knows that very substantial land reform has taken place in Kashmir. In other States of India too land reform has taken place. The main difference has been that in Kashmir compensation as such has not been given. What has¹ been allowed is that land-owners have been permitted to keep about 23 acres of land. Each individual land-owner has been allowed to keep 23 acres of land plus orchards plus various other things. Orchards are very important in Kashmir, of course. So that, although no compensation has been given, a fair amount of land has been allowed to be kept by an individual. That presumably would have been possible if our Fundamental Rights, as they are now, had

applied to Kashmir. It is obvious that one cannot set aside all that land reform there or make it subject to litigation in the various courts, apart from the fact whether we agree or not in principle. Personally I feel that this land reform is one of the biggest things and desirable things they have introduced in Kashmir—the land reform in the way they have done it. So when we consider Fundamental Rights, we have to see to it that in Kashmir this step of land reform cannot be challenged in a court of law. The position of Kashmir is obviously very special owing to the invasion of the State by Pakistan, subsequent war and seizure. Constant infiltration of raiders for sabotage and for creating other troubles are taking place and very special precautions have to be taken. It is necessary, therefore, for the State Government to have authority to deal with the situation and if under the guise of Fundamental Rights this authority is limited or taken away from them, the situation there might become very difficult for them to handle.

SUPREME COURT

Then it was agreed that the Supreme Court should have original jurisdiction in respect of disputes mentioned in article 131 of the Constitution of India. It was further agreed that the Supreme Court should have jurisdiction in regard to Fundamental Rights which are applied to that State. On behalf of the Government of India we recommended that the State Advisory Tribunal in the State, which is designated as His Highness's Board of Judicial Advisers, should be abolished, and that the jurisdiction exercised by it should be vested in the Supreme Court of India; that is to say, the Supreme Court should be the final Court of Appeal in all civil and criminal matters as laid down in the Constitution of India. The Kashmir Government delegation said that they had no objection to this but they would like to consider the matter in some detail.

HEAD OF STATE

Then comes the question of the Head of the State:

"It was agreed: (1) that the Head of the State shall be the person recognised by the President on the recommendation of the Legislature of the State. (2) He shall hold office during the pleasure of the President. (3) He may by writing under his hand, addressed to the President, resign his office. (4) Subject to the foregoing provisions of this Article, the Head of the State shall hold office for a term of five years from the date he enters upon his office, provided that he shall, notwithstanding the expiration of his term continue to hold office until his successor enters upon his office."

This is almost identical with the language used in our Constitution for the appointment of Governors.

Then, with regard to the National Flag. It was made clear that "the National Flag was the same status and position in the Jammu and Kashmir State as in any other part of India. The State Flag was in no sense a rival to the National Flag, but for historical and sentimental reasons connected with the struggle for freedom in Kashmir, they wanted this State symbol to continue". This was agreed to.

It was also agreed that the powers to reprieve and commute death sentence should belong to the President of India.

FINANCIAL ARRANGEMENTS

"It was also decided that the financial arrangements between the State and the Government of India should be considered further and details worked out".

Then with regard to emergency powers, 'it was agreed that article 352 of the Constitution should apply to the State with the addition at the end of the first paragraph of the following words':

"but in regard to internal disturbances, at the request or with the concurrence of the Government of the State".

These were the major things that were agreed to. We met of course not as rival parties but as friends trying to hammer some way out of a certain difficult situation which had arisen during the last few years, difficult because it is not a matter entirely for us in India to determine. It is an international matter. The United Nations have come into the picture. War comes

[Shri Jawaharlal Nehru.] into the picture. Therefore we have to keep all these factors in view. Therefore it becomes inevitable that the case of the State of Jammu and Kashmir should be treated in a somewhat different way from that of the other States in India. To say that it must be put on the same level at present has no meaning because the circumstances are not the same. Things have happened in the past, invasion and war, and all kinds of things are happening there, apart from the United Nations and apart from the pledges we have given. Therefore I submit to the Council that the agreements that have been arrived at, which have to be worked out of course gradually, are satisfactory from the point of view naturally of India as well as from the point of view of one of the States of India, i.e. the Jammu and Kashmir State, and I hope that this Council will express its approval of the line we have adopted in his matter. Sir, I move.

PROF. N. R. MALKANI (Nominated) : Should we not fix up some timetable, Sir, for the debate ?

MR. CHAIRMAN : I know. To give adequate time for the different points of view to be expressed, we can go on till 1 o'clock and, after adjournment, again for another hour, so that at 4-30 p.m. the Government representative will make an answer. Therefore, since so many names have been given to me, I hope that no Member will take more than 10 minutes, because I want to give as much scope as possible to the different points of view. Notice of two amendments also has reached me.

PROF. G. RANGA (Madras) : The motion has to be put to the House.

MR. CHAIRMAN : Yes, I know. All that I would like to say is that I trust that the movers of these amendments, while giving full expression to their views, will not find it necessary to press these amendments as formal amendments,

Motion moved :

That the Council do consider the situation in regard to the State of Jammu and Kashmir.

It is now open to discussion.

SHRI H. N. KUNZRU (Uttar Pradesh) : I think, Sir, that the time limit that you have set down is too little for the expression of one's views on this important subject. I do not want that the time of the Council should be wasted, but in view of the importance of the subject and what the Prime Minister has said, it is desirable that the time limit should be extended if there is to be a real discussion.

SHRI P. SUNDARAYYA (Madras) : I too associate myself with the view that 10 minutes' time is not enough. You must give sufficient time and if necessary we may go up to 5-30 or even tomorrow. The ten-minutes time limit is too little for any speaker to express himself adequately.

MR. CHAIRMAN : I would say this. Before one o'clock I will give 15 minutes and after that 10 minutes.

PRINCIPAL DEVAPRASAD GHOSH (West Bengal) : Mr. Chairman, at the outset I should like to express our deep thanks to the hon. Prime Minister for having acceded to our request and taken the trouble of explaining at very great length all the events that have preceded the present position of the Kashmir tangle, and I hope that he will bear with me if in the course of my speech I have occasion to use words of bitter criticism. I can assure him that I find no pleasure in using bitter words. I can also assure him that I mean no personal disrespect for the Prime Minister, for in fact, personally speaking, I hold him in the deepest respect for his noble idealism and even for his impetuosity and impulsiveness.

We have listened with very great interest to the long tale that he has unfolded for an hour and a quarter relating mainly to the background of the Kashmir story as it has developed till the present moment. To be frank-, that tale is a pathetic and distressing

taie of utter unpreparedness and lack of foresight. The hon. Prime Minister in his innocence, and possibly ignorance, of the ways of the political world seems to have been caught napping and caught unprepared over many things that happened in this Indian continent since 1946. That sh uld not have been. In British History we have read of a monarch who was called Ethelred the Unready, and I do not want that in our History the name of our beloved Prime Minister—Pandit Jawaharlal Nehru— should go Sown as Nehru the Unready. We expect him as Head of the Republic of India to be ready for all eventualities, to have the capacity and the foresight to take stock of the real world as it is. There is a German word—*real-politik*— meaning politics based upon realities. It is no use simply blinking one's eyes to facts, and living in a fool's paradise.

AN HON. MEMBER : Is the loudspeaker working, Sir ? We can't hear anything.

PRINCIPAL DEVAPRASAD GHOSH: Anyway I hope to speak kuder. Since 1946 manj- things have happened ; and it seems, as I was telling you, that in his innocence, our Prime Minister who does not quite realise the ways of 'real-politik' always felt surprised. The division of the country into twain, into what is known as the Indian Union and the Pakistan area, did not drop all of a sudden from the skies. There was a virulent venomous anti-hindu propaganda by the Muslim League for years together which culminated in I his appalling tragedy ; and I hope our Prime Minister will not take it amiss if I say that we the nationalists of India look upon the acceptance of this partition by the Congress stalwarts as an act of crowning infamy. Anyway that is another matter. But look at the circumstances which attended the birth of this new State. Conceived in hatred, born in hatred as the result of a Caesarian operation which laid Mother India prostrate and bleeding, Pakistan has been nurtured in hatred of the Hindus uptill today. In these circumstances there should not have been any

illusions as to the attitude that Pakistan would adopt on any particular question. Well, partition took place and an orgy of violence followed, and apparently our Prime Minister was taken by surprise. The" invasion of Kashmir took place, ostensibly by the tribes people, but actually "aided and abetted"— I am repeating the Prime Minister's own words—by Pakistan. Again he was taken by surprise. I hope the hon. Prime Minister will pardon me if I make a reference to a distant and unfortunate part of the country which used to be called East Bengal and which is now known as Eastern Pakistan, where in the spring of 1950, mass massacres of the minorities was organised, when tens of thousands of Hindus were murdered, tens of lakhs of Hindus were hounded out of their hearths and homes and they had to flee for their very lives. But I suppose then also, our Prime Minister was taken by surprise.

MR. CHAIRMAN : Mr. Ghosh we are confining ourselves to the Kashmir issue.

PRINCIPAL DEVAPRASAD GHOSH: All right, Sir. I am very glad to note one point in the Prime Minister's speech. He said that even apart from the question of the accession of Kashmir, that is to say, whether Kashmir had acceded to India or not, the very fact, that a neighbouring State had been wontonly attacked, was sufficient reason for intervention by India; indeed, it was a moral duty of India to interfere. I hope that in similar circumstances in future, if in a neighbouring State or province, events happened which distressed humanity in the shape of oppression of helpless people, the Prime Minister would again deem it his moral duty to interfere and not run away from it to escape from an unpleasant task.

Coming to the terms of the so-called agreement I need hardly take five minutes in discussing them, because the hon. Prime Minister has taken exceedingly great pains to make them very

(Principal Devaprasad Ghosh.) clear. In a nut-shell we see that what is given away by Kashmir by one hand is taken back by Kashmir by the other hand. On the question of citizenship, Indians can have it in Kashmir, but they cannot acquire land there. The President of India will have power to legislate and declare an emergency in certain contingencies, but that declaration has got to obtain the previous concurrence of the Kashmir Constituent Assembly or the Head of the State. Our fundamental rights are there, but these will be subject to limitations. They will be subject to limitation . that the land reforms which Sheikh Abdullah has introduced there should remain and must not be interfered with. I have my own opinions about these various things, but this is not the time or the place to discuss them. What I mean to say is that in this case there have been so many 'ifs' and 'buts' and 'notwithstanding' and 'nevertheless' that the whole agreement seems to be not merely hedged in, but almost barricaded by these conjugations and prepositions and it hardly looks like a straightforward document.

What distresses everyone in this House and every nationalist of India' who loves his motherland, is the manner in which this agreement has been brought about. Those days in October, 1947—not even five years ago—seem to be far off distant: days—those days in which the Head of that State with his Chief Minister or Prime Minister Sheikh Abdullah, came as suppliants to Delhi asking for protection and India gave that protection very nobly and generously, at great trouble and expense to herself. I do not know how many crores of rupees have been spent on Kashmir. It must be running to hundreds of crores of rupees. I do not know how many thousands of lives have been sacrificed there. It must be running to many thousands.

And today, in August, 1952, we see the Kashmir Chief Minister coming to Delhi (I may be wrong and I shall ±>e glad if I am wrong) to dictate terms

and to ask the Government of India to sign on the dotted line; and in all humbleness on behalf of the Government of India, the Prime Minister has signed. I would not have objected to any of the conditions in this agreement if the Prime Minister had been in an apologetic mood, if he had come forward and said, "Well, here are the circumstances; here are the difficulties and we could not do anything better". But, then, is that his attitude ? Far from it. His attitude is one of complacency. I am quoting from his own statement : "These are the principal things that have been discussed and I think we have arrived at very satisfactory decisions—agreement which are in consonance with the wishes of the people of Kashmir and in consonance with our Constitution". Well, if words in English have not lost their meaning it is an astonishing claim. As I sat listening to the talk of this agreement, my mind was carried back 14 years to the mid-summer of 1938, when a similar agreement was entered into by the Prime Minister of another great country the United Kingdom, and that Prime Minister was Neville Chamberlain. He went to Munich, met Hitler, and Hitler dictated terms and asked him to sign on the dotted line. Chamberlain signed and went back to England, waved his umbrella and exultingly said, 'I have brought peace for our times'. But, history had its revenge. Hardly had one year elapsed since then England and the whole of Europe had to pay a terrible retribution for the betrayal of democracy in the summer of 1938. I do not appreciate and nobody who loves liberty and justice appreciates a second Munich.

Much has been said about "self-determination". It was all very well for the Government of India to help the Kashmiris in those dark days of 1947. But why did they go out of their way and say that though we agree to the accession now, we shall leave it open for the people to decide? This sort of unilateral, uncalled for,

unsolicited and quixotic pledge giving for self-determination is hardly politics, and certainly not statesmanship. And, what is this "self"? If Kashmir has a self of its own, and that self has got to be satisfied, well, every other blessed province or district or 'tehsiP or village in India has got a self of its own. The doctrine of self-determination if pushed to these absurd limits will prove to be a veritable atomic bomb calculated to disrupt and disintegrate all possibilities of national solidarity. I suppose, the hon. Prime Minister remembers the name of Abraham Lincoln, a gentleman who flourished in the United States of America -a century ago. The same problem of self-determination faced him in 1861 when he was President of the United States. Well, in the United States, there was the liberty loving ."self" of the Northern States, as also the slavery mongering "self" of the Southern States and the two clashed and the Southern States wanted to secede. It is an old story which I am sure the hon. the Prime Minister knows very well. There were the Federalists and the Confederates; and the question of "split or unite faced Abraham Lincoln as it faced the Congress leaders in the fateful days of the summer of 1947. But faced with this dire dilemma Abraham Lincoln did not hesitate for an instant, but declared " We shall not split. We shall fight for unity", and Abraham Lincoln was, if anything, a democrat; it was he who proclaimed the ideal of "Government of the people, by the people, for the people". And the fight for unity went on for four long years and laid the foundation of modern America.

If America had gone the Nehru way and not the Abraham Lincoln way, then the position of America in this middle of the 20th century would have been far different from what it is now.

{Time bell rings.}

I shall be brief, Sir. We all warn that Kashmir should be given a fair

deal, but we do not want that Kashmir should be given a deal not fair to the other parties concerned, to the other States of India; and that is why, in all humility, I proceed to put forward this amendment. It will not be a breach of confidence if I tell you how the present draft of the amendment came about (because all of you have got the original draft). Our Chairman was kind enough to advise me that in view of the delicate situation of the Kashmir problem, and in view also of the fact that undue advantage might be taken by Pakistan by any loose wording in this amendment, it should be toned down. The revised amendment which the Chair has allowed is this, which I read out for the benefit of the hon. Members of the House:

"And having considered the situation in regard to the State of Jammu and Kashmir, the Council resolves ; that the reported terms of Agreement between the Prime Minister of India and the Prime Minister of the State of Jammu and Kashmir involve special treatment and discrimination in favour of the inhabitants of a particular State and therefore requests the Government of India to take steps to get Kashmir to accede to India completely in respect of all subjects without delay. "

I hope that in this revised wording this amendment will commend itself to our Prime Minister. And, in conclusion, I beg to make an appeal to him. Edmund Burke once said " Great empires and little minds go ill together." It is true; but it is truer still that great responsibilities and chicken hearts go ill together. I would appeal to him, our beloved Prime Minister, to shed chicken-heartedness, to shed the fear complex, to shed all the inhibitions that make for weakness, and be the lion-hearted leader of India once again, dedicated to the cause of India's integrity, unity and glory. All the nationals of India who hold Mother India in veneration will then flock unto his banner, and God will bless him.

MR. CHAIRMAN : I should like to explain here that the amendment which has been circulated to you, I asked the hon. mover to withdraw.

[Mr. Chairman.] But then he said that he wanted to press that amendment. I said you had better tone it down and this¹ is the toned down thing. I am not responsible for either the sentiment or the amendment.

PRINCIPAL DEVAPRASAD GHOSH: Thank you, Sir.

SHRI H. P. SAKSENA (Uttar Pradesh) : I wish to point out to the mover of the amendment that he has used the word 'Prime Minister' in two places. We cannot have two Prime Ministers in the Indian Union. So the expression 'Prime Minister' used for the Chief Minister of Jammu and Kashmir should be changed to 'Chief Minister'.

SHRI S. MAHANTY (Orissa): Sir, I wish to speak.

MR. CHAIRMAN : Are you moving any amendment?

SHRI S. MAHANTY : No.

MR. CHAIRMAN : Then I will give you time later. Dr. Mukerji.

DR. RADHA KUMUD MOOKER-

Ji (Nominated) : Sir, it is always difficult to speak after the Prime Minister who is well posted with all facts and details on the issues that "are before the House. I can only try to give one or two more facts so that I may draw his attention to them. He has referred to the Khan of Mamdot as financing the tribal invasion of Kashmir before it was finally launched. I wish to add to that a small bit of evidence for him that the Chief Minister of the Frontier Province, Mr. Abdul Qayum was also practically doing the same thing and the proof of this was shown the other day when he proposed in the budget of his State that some lands in the Frontier Province are to be granted for settlement to the tribe called Masuds on account of the great services that they had rendered in the fight against Kashmir.

Now my next point is this that it is undeniable that it was really Pakistan in the background that has been planning this tribal invasion of Kashmir. The Prime Minister himself was the first person to have referred at a dinner that about 5,000 tribesmen were on their march towards Srinagar having taken Muzaffarabad and Domal on their way on October 24. Now, these tribesmen were advancing in "military transport" and it is all well known now that these invaders were equipped with petrol, buses, lorries etc.,—there was a free service instituted by Pakistan for the march of these tribal invaders into Kashmir territory and these tribesmen also had come across 200 miles of Pakistan territory in order to be able to launch the invasion on Kashmir. So the fact of Pakistan's participation in this invasion of Kashmir cannot be doubted. Another point may be urged »in this connection viz., what was the behaviour of the Kashmiris who were called upon to fight this invasion? Their behaviour was as heroic as possible. The Kashmiris fought to a man against the invaders whom they did not treat as saviours or as an army of liberation. On the contrary, there was no sign of any kind of fraternisation on the part of the Kashmiris with the foreign foes. And at that fateful moment when the Kashmiris were fighting against heavy odds in defence of their hearths and homes, at that fateful moment it was left to Mahatma Gandhi to send them a word of cheer by recalling the heroic example of the Spartans at the Pass of Thermopylae. In fact Mahatma Gandhi went so far as to say that this national resistance of the Hindus, Muslims and Sikhs of Kashmir would be a most inspiring example for the rest of India in regard to nationalism. It was in the context of those words that the Kashmiris fought to a man when the position was not at all tenable. It was on that fateful occasion that the then Government of Kashmir, preceded by the National Conference under the leadership of Sheikh Abdullah, approached the Indian Government for military aid. Lord Mountbatten na-

turally said that military aid could not be given unless Kashmir acceded to India. This accession was at once offered. It was, as the Prime Minister emphasised, complete in law and in fact. The Instrument of Accession which was prescribed for all the other Part B States was signed by Kashmir without any reservation. Therefore the accession was unreserved and unconditional.

It was at this moment that perhaps Lord Mountbatten first thought that later, when stable conditions returned, there would be an opportunity for making a reference to the people. He also was quite eager and quite ready to define what he meant by this reference to the people. It could be done in four prescribed ways, I am quoting his words : No. 1—referendum ; No. 2—plebiscite; No. 3—election, and No. 4—any representative public meeting. So, these were the four methods by which the reference to the people could be made. On this point I wish to say that there is really no legal obligation which can bind India to this plebiscite. You may have your moral commitments. But you should also consider that politics knows of no generosity. The response to your gestures from the other side has been very, very poor indeed. What we are concerned with now is that we should treat this reference to the people of Kashmir on this vital issue as a purely domestic issue between Kashmir and India, and this aspect of the matter should be conveyed to the proper authorities. I do not know what interpretation I should put upon that famous phrase of the Prime Minister which has been quoted in the "New York Times". Fortunately the "New York Times" > did not express itself against it, although that paper is not very well known for its friendship towards India, still it has not taken an objection to the real connotation, of this great declaration that the accession of Kashmir to India has been complete in law and in fact. Therefore, I beg to submit that in our future dealings on this question we should press

this point of view, that so far as the people of Kashmir are concerned their opinion is sufficiently expressed in the Resolution of the Constituent Assembly. I have already referred to the other expression of plebiscite which is afforded by the lack of fraternisation on the part of the Kashmiris themselves with the raiders whom they regarded as foreign foes.

Now coming to the terms of the Agreement, because my time is limited, I should like to say only one word, namely, that a part of Kashmir is already outside the control of the present Kashmir Government and if you have to win that over to the Kashmir Government we must have these great land reforms by which alone we can win them over—those frontier people—once again to their status in the Kashmir State so that it will really be a help towards getting the public opinion of Kashmir in favour of accession to India.

Now I have only one more point to urge. What is the financial responsibility of India towards Kashmir? I understand that India has already had to spend on the defence of Kashmir about Rs. 200 crores.

SHRI N. GOPALASWAMI : Does the hon. Member really mean that Rs. 200 crores is spent on the defence of Kashmir ?

DR. RADHA KUMUD MOOKER-

J : I take the defence of Kashmir to include the war that we had to wage against the tribal invaders.

SHRI JAWAHARLAL NEHRU : Even so the figure is perfectly wrong.

DR. RADHA KUMUD MOOKER-JI : Supposing the figures run to about 50 crores. I wish to know whether this financial burden will be borne entirely by India or whether it is to be borne also by the Kashmir Government ?

Now my next point is this. I understand that at present for the security of Kashmir India has been forced

[Dr. Radha Kumud Mukerji.] to keep in military readiness about three-fourths of the total Indian troops. We know what the cost of the army is to India. It is about 200 crores per annum and to maintain the bulk of our troops in Kashmir would-mean a very large drain on our financial resources. So this point also I wish the Prime Minister to settle at the proper time.

Once more, Sir, I want to say that perhaps it is time that we should get out of this imbroglia in terms of law and also in accordance with our commitments and I think, Sir, considering the whole picture that Pakistan is behind all this conspiracy against Kashmir, we should behave very cautiously in regard to our further dealings with that power.

DIWAN CHAMANLALL (Punjab): Sir, I think this House will agree with me in thanking the Prime Minister for an exceedingly lucid and detailed statement, which has a touch of vision and humanity, made this morning to this House. I think we are grateful to him not only for the statement that he has made but for the grand part that he has played in this Kashmir problem I was a little more surprised at my hon. friend the Professor from Calcutta who looked at the Kashmir problem without any sense of reality or without any historical background although history must be one of his subjects, or without any constitutional idea as to what has been happening in Kashmir, what is the problem, how it has been tackled and what are the implications of the Agreement that has been entered into. Mere academic talk about Kashmir is something that is to be utterly deplored. I welcome any hon. Member standing up and criticising anything that has been done in reference to Kashmir. But to talk about Kashmir as if you were giving a lecture on the subject to your students is not the proper way of dealing with a live problem which is of such intricate and important significance to this country that it must be dealt with from a broader point of view, the point of view of the relationship between Kashmir and India.

Now, may I ask my friend as to where he was at the time when our Prime Minister and his colleagues were going up and down the country to put down the fire of communalism and risking their lives in the process.

PRINCIPAL DEVAPRASAD GHOSH: I was in Eastern Bengal.

DIWAN CHAMAN LALL : My hon. friend says that he was in Eastern Bengal. I do not know whether at any time he read about what was being done by Sheikh Abdullah and his colleagues and the Prime Minister and his colleagues at the time in this part of the world. Had he been here in this part of the world, he would have realised that while there was so much of communal violence and blood shed in East Punjab and West Punjab, there was not one single hair of a man's head touched on communal grounds in the whole valley of Kashmir. It was not the doing of any one of us. It was the doing of Sheikh Abdullah and his colleagues, the leaders of the National Conference. During that period—I believe it was the 23 rd October—while the Maharajah and the entire Administration disappeared from the State of Kashmir, leaving Kashmir completely undefended, even during that time there was not one single instance of communal violence in the valley of Kashmir. Why did this state of affairs obtain in Kashmir ? It was because of the great leadership of Sheikh Abdullah and his colleagues. It is they who believed in Mahatma Gandhi's principles. It is they who believed in communal unity. It is they who believed in the unity of Hindu, Muslim and Sikh. Not only did they believe in it but they acted up to it at the most critical time in the history of Kashmir and of India. They stood by it and brought it into effect. We must feel grateful to them and not take objection to the spending of some money in order to save the great valley of Kashmir. We must not be less "generous than we sought to be in the circumstances. We must not be too

critical of this thing and that thing and talk about signing on the dotted line. Who is signing on the dotted line? The Prime Minister has quite clearly stated that we ought not to bring in the analogy of the other Indian States and that Kashmir must be treated on a different basis. My hon. friend talks about the differences between the citizens of India and the citizens of Kashmir. I happen to be a citizen of Kashmir. I come within one of the four categories mentioned by the Prime Minister. I am one of those people who believe that the stand that the Prime Minister has taken on this question is absolutely correct. Had it not been for this, Kashmir - would not have been a land of the Kashmiris today. It would probably have been a land, not certainly of the people from East Bengal because they do not go there, but the Punjabis certainly would have got there both from Pakistan and India and it would not have been a land of the Kashmiris.

PRINCIPAL DEVAPRASAD GHOSH: Even Maharajas are then capable of doing something good.

BIWAN CHAMAN LALL: I do not understand what my hon. friend's interruption means. The good that is being done is this that the Kashmiri has preserved his land and preserved his culture. He has preserved his own Kashmiri culture. He has not been inundated by multi-millionaires from India, whether they are from Bengal or Punjab or anywhere else. The Kashmiris have preserved their own culture, that is a great thing. That culture is in evidence now, a culture which was the direct result of the preachings of Mahatma Gandhi and carried out in practical life by the leaders of the National Conference, unlike other parts of India, including East Bengal, where people had generated a large amount of hatred and generated animosity community-wise. That is a great achievement on the part of the Leaders of the Kashmir Government. What has been achieved is that Kashmir is now a part and parcel of India,

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but there are certain peculiar conditions about Kashmir, and we have to take notice of those conditions. You cannot ignore them. You cannot shut your eyes to them. You cannot merely say in an off-hand manner that everything that is being done in the other parts of India must be done in Kashmir also and that there must be similarity everywhere and in everything. That cannot be. Kashmir is in a different situation. My hon. friend said, we were ignorant about what was going on there. We did know part of it. By October, 4th 1947, the Pakistan Government, under the direct aegis of Mr. Abdul Quayum—Mr. Jinnah was against it originally against the invasion but Mr. Quayum won him over to his side ultimately—had decided to invade Kashmir. Information came to this effect that 6,000 gallons of military petrol were being allowed to the invaders for this purpose and necessarily other things would follow including munitions. Now, that information was not sufficient for us immediately to invade Kashmir ourselves. We had to wait and the Maharajah foolishly enough would not take a decision. Advised by some of his English officials, he hesitated to take a decision, and when he did take a decision, the Government of India came in and the situation was saved by the sacrifices of the soldiers and officers of the Indian Army, who sacrificed their lives in order to save Kashmir. Sir, the position today is that the Prime Minister of Kashmir has declared openly that that country is part and parcel of India. He has declared openly that he stands by the principles taught by Mahatma Gandhi. I must say, having had myself something to do with this problem, the difficulties that face Kashmir are enormous difficulties. We must realise those difficulties. It is necessary to take the people of Kashmir with you. The Prime Minister of Kashmir and the leaders of the National Conference are creating a dynamic situation in Kashmir, through which no Kashmiri would feel that he is oppressed and looked down upon. That is a situation which is created by loosening the forces of freedom through distributing land to the

[Diwan Chaman Lall.] people. As the Prime Minister has said, although no actual compensation has been paid or could possibly be paid by that poor country of Kashmir, nevertheless an arrangement has been arrived at by which grazing lands are to be left in the possession of landlords at the present moment. They are to retain their houses and also 23 acres of land are allowed to be kept by them. Now, that is compensation enough in a poor country like Kashmir, where for the first time the peasant is being distributed land—which has been denied to him for centuries. That is a state of affairs in Kashmir of which we should be proud. I would request my hon. friend to visit Kashmir at the present moment and see the condition for himself. Four years ago no Kashmiri peasant could have mustered up the courage to look you in the face. Today he looks you in the face, feels that he is a man with some dignity, a man who feels that his destiny and the destiny of his country are in his own hands. I would request my hon. friend from East Bengal to pay a visit to Kashmir and see exactly what is happening in Kashmir today.

Instead of belittling the things that have been done,—great achievements are to the credit of Sheikh Abdullah, Bakshi Ghulam Mohammad and their colleagues; tremendous, great achievements—I would suggest that this House having considered this motion should throw out any amendments of this nature that have been moved which are purely propagandist, which are completely divorced from the realities of the situation, and which do not encompass the problems that face India and through India the world.

I have one more word to say. Sir, there was a time when the Rulers of Kashmir were absolute dictators egged on only by the exigencies of their connection with the British. That is completely altered today. It is therefore up to us to realise the difficulties that are facing the present Rulers of Kashmir and to extend our help to them—financial or otherwise—be-

cause, Sir, they stand for a tremendous, great principle for which Mahatma» Gandhi laid down his life. That principle has been kept alive in the valley of Kashmir and if not for any reason but for that it is necessary that that beacon light that has been here should not be put out but that everything should be done by us to keep that light alive and burning.

SHRI P. SUNDARAYYA : Mr. Chairman, we welcome the outcome of the Kashmir talk as far as it goes. We feel it is a victory for the Kashmir people and a step in advance towards democratic progress in the rest of the country. It is of course a victory for the Kashmir people because the cherished goal of New Kashmir for which the Kashmir people under the leadership of Sheikh Abdullah have been, fighting for the last 20 years has come near, in that they have achieved the abolition of monarchy, they have achieved land reforms without paying any compensation to the exploiters. Sir, it is a step forward for the rest of the country, a step towards democratic progress, when you compare the attitude which the Government of India has been taking in its insistence on the retention of Rajpramukhs, in its insistence on paying compensation to the landlords and other vested interests, in its refusal to form linguistic provinces, in its continuous curtailment of even the modicum of provincial autonomy that exists and compare these things with the outcome of Kashmir talks in which all these points, have been accepted by the Government of India as the just and right claims of the Kashmir people. We hope the outcome of the Kashmir talks will be the beginning in the rest of India for similar progressive policies. Sir, the issue in Kashmir is plain enough. It is a struggle between a democratic set-up and the vested reactionary feudal interests. The issue is; this. Will the Pakistan Government and other vested interests and reactionaries succeed in appealing to the Kashmir people, especially in Kashmir Valley, who are Muslims, to their communal feelings and win them over

to Pakistan and grab Kashmir and destroy all the democratic ideals for which the Kashmir people have been fighting, just as Pakistan did in the North-West frontier where the democratic movement led by Khan Abdul Ghaffar Khan was smashed during the days of partition ? Or will be people of Kashmir, led by Sheikh Abdulla, who have been fighting for a democratic Kashmir—*naya* Kashmir—succeed in winning over the Kashmir people to be with India, because to be with India means their democratic ideals and the ideals of *naya* Kashmir could be fulfilled with the help and with the strength of the democratic forces in India ? Sir, the hope of the Kashmir people and Kashmir leadership has been fulfilled, though not fully, to a considerable extent in the outcome of these talks.

12 noon.

Coming to the details of the Agreement, take the question of abolition of monarchy. Monarchy is going to be abolished and the Head of the State will be elected by the legislature. Though he will have to be accepted by the President of India, I think no President of India will reject an elected nominee of the State legislature of Kashmir, because as Prime Minister himself has said in that case there will be conflict and we hope that the Prime Minister who has played his part in bringing this outcome to this extent will not be a party to any conflict between democratic Kashmir and India. We do not want Yuvaraja Karan Singh to be elected as the head of the State but some other personage should be elected. But it is for the Kashmir Constituent Assembly and we also hope that the Maharaja will not be paid Rs. 15 lakhs which he is getting and he should be paid no more than any other Governor of an Indian province. Sir, this is a great achievement—this abolition of monarchy, which the Kashmir people will see in its proper light. They will compare this democratic step with the retention of the Nawab of Bahawalpur, and other Nawabs and Khans of Kalat, Chitral Hunza etc., and will draw their own conclusions. That is, to remain in India means that the Nawabs will

not be there and their democratic ideals will be guaranteed. If the Government of India becomes bold and brings similar amendments to the Indian Constitution abolishing Rajpramukhs and Nizams then the Kashmir people will certainly feel that it is not just a concession to the Kashmir people but it is a general policy of the Indian Government backed by the democratic forces in the country that are out to abolish all Rajpramukhs. They can rest guaranteed that the Rajpramukhs rule will end; they can feel confident that being in India they will be in a democratic India, not infested with Rajpramukhs and Nawabs.

Take the question of land reforms. Sir, this compensatory clause which is there under Fundamental Rights in the Constitution is a fundamental wrong; to the people of India. It is a great victory for the Kashmir people that this fundamental wrong will not apply to them. It is a great victory for the hundreds of crores of peasants in the whole of India because they can hope and struggle that this will be done in the rest of the country also. The Prime Minister himself said in the other House that he was envious of the land reforms which the Kashmir Government had so quickly carried out, whereas here we are faced with so many hindrances from the Constitutional provisions. Even in U. P. the Zamindari Abolition Act is being questioned now in one of the High Courts of U. P. If the Constitution is a hindrance to carry out these land reforms, then we want the Government to come forward with an amendment that this compensatory clause shall not apply anywhere in the whole of India. In other words, it should be dropped from the Constitution itself.

Sir, the Prime Minister need not be apologetic for this concession. It is a great democratic concession. Unfortunately, a great fundamental wrong, as we would call it, in the form of a compensatory clause has been incorporated in the Constitution and when experience has shown that it is coming in the way of radical reforms, it is for the Prime Minister and for the Party that he represents, if they want to fulfil their

[Shri P. Sundarayya.] own promises to the electorate, to come forward and remove this Constitutional obstacle. Sir, we would like this deletion of the compensatory clause should "be not only with respect to land reforms, but it should be extended with regard to housing property, with regard to any vested interest or property. The Kashmir Government should have the right, whenever it feels it is in the interests of the people, to take over and nationalise other properties also. Then only the Kashmir people will be assured fully that they have the right of free life and that their right to free themselves from exploitation is guaranteed.

We have then the question of the fundamental rights. There are some people who want the people of Kashmir to accept all our fundamental rights that are there in our Constitution. They want that all the fundamental rights in the Indian Constitution should apply to the people of Kashmir also. But I feel the leadership there in Kashmir did right in not accepting *in toto* the fundamental rights that are there in the Indian Constitution, those fundamental rights that safeguard the vested interests, that guarantee payment of compensation to these vested interests, that give the right to detain anybody who agitates and detain him without trial. It is a welcome thing to find that the people of Kashmir have not decided to copy our fundamental rights *in toto*. It is for the Kashmir leadership, it is for their assembly and it is for their fundamental rights subcommittee to decide what rights of the Indian Constitution would apply to the people of Kashmir, and what modifications they would like to make in them.

Next, coming to the subject of the President's powers, even here the Premier has shown a very remarkable advance over the Indian Constitution, especially in regard to article 352 of our Constitution. Here in India, even in the case of internal disturbance an

• emergency can be declared. That portion has been removed in regard to Kashmir and only with the concurrence

<oi the Kashmir Government can an

emergency be declared in the case of internal disturbance. Similarly articles 356 and 360 of the Indian Constitution, which say that if the government cannot be carried on as per the Constitution, and the President comes to know of it, or if the financial stability of a particular State is threatened then he can declare an emergency, also will not be applied to Kashmir without the concurrence of the Government of Kashmir and its legislature. We do feel that with these democratic rights in their hands the Kashmir people have made a great advance and we also feel that their cherished goal is coming nearer.

The outcome of all these talks has been a tremendous blow to the reactionary vested forces not only in Kashmir but also throughout India, because these people and these parties who opposed this outcome of the talks were doing so because they wanted to safeguard their interests, their vested interests as landlords, the vested interests of landlords, the vested interests of Maharajas. They were not fighting for any democratic right of the people. It is also a blow to the continuous propaganda that Pakistan has been carrying on, the propaganda that the communal vested interests there have been carrying on, that Sheikh Abdullah is a stooge of India, a stooge of the Indian Government. It is a blow to their propaganda that Sheikh Abdullah is out to put the Kashmir Muslims under the Hindu domination in India, for this agreement shows that Sheikh Abdullah and the Kashmir Government have not only stood by their promise to the Kashmir people but they have even been able to convince the Congress and the Indian Government to see the justice of their cause and accept their demand.

Certain persons in this House as well as outside say that the defence of Kashmir is costing us heavily. They ask the question, "Why should we spend crores of rupees on Kashmir when Kashmir is not prepared to accede fully and integrate fully with India?" This, I feel, is reducing the thing to a *bazaar* business. These people do not seem to consider Kashmir as part of

India. If Kashmir is part of India, then the defence of Kashmir should not become a separate item and the money need not necessarily come from the people of Kashmir. After all it is part of India.....

PRINCIPAL DEVAPRASAD GHOSH: We want it to be fully part of India.

SHRI P. SCKDARAYYA : It is part of India and that is why our army is there at the request of the people of Kashmir who stood aloof from the communal riots and who stood solidly on the side of the democratic government and saved their country and saved secular democracy in India even to the extent it exists here. To say that crores of rupees should not be spent in the defence of Kashmir only means one thing and that is that these people want Kashmir to be exploited by the Hindu communal vested interests. They want Kashmir to come prepared to be exploited like that or if she is not prepared to come, then they may say give up Kashmir.

(Time bell rings.)

Sir, I would like to take another five minutes, if you will kindly permit me to do so. My group has agreed that there will be no other speech from us and so I hope you will permit me a little more time.

MR. CHAIRMAN : Yes, two or three minutes.

SHRI P. SUNDARAYYA : There is only one more point that I have to make clear and that is about this U. N. business on Kashmir. As the Prime Minister has said, we went to the U. N. with a simple request, that the raiders, aided and abetted by Pakistan were invading Kashmir and that these raiders may be prevented from doing that. But for the last five years they have been forestalling us and bringing forward all kinds of proposals to sabotage the democratic Government of Sheikh Abdullah in Kashmir. Our Government, in its

anxiety to achieve peace has been following a policy which has been sometimes very dangerous to the Indian people and to the people of Kashmir. Why should we allow the U. N. O. to interfere in the affairs of Kashmir which is a part of India ? The Kashmir people want us there. The people through, their leaders, through their constituent assembly want us there. Why should we leave this question to the mercy of the U. N. Observers ? Sir, the U. N. O. is not an impartial body, what ever may be said to the contrary. The U. N. is dominated by the Anglo-American bloc and that bloc wants Kashmir to be a military base for them for the domination of the whole of Asia and even India. Towards this end they are shaping their policies. It is for this purpose that they want our Indian army to be withdrawn from Kashmir. That is why they want Adm. Nimitz to be Plebiscite Administrator in Kashmir. Why should any such Plebiscite Administrator come in anywhere as long as the democratic government of Sheikh Abdullah is there ? They are the people to hold the plebiscite, for ascertaining the will of the people and not the Anglo-American observers, the Anglo-Americans who have been dominating the Indian people for the last two hundred years. Sir

MR. CHAIRMAN : In conclusion ?

SHRI P. SUNDARAYYA : No, Sir, I am just coming to that.

Sir, again and again they are bringing proposals to have a plebiscite without answering our charges and without accepting our two basic demands that all Pakistan armies should be withdrawn and that the whole State should be administered by the Sheikh Abdullah Government itself. They do not answer these two points but give proposals like the Dixon proposals. I am apprehensive that they will once again proceed on the proposal that Jammu and Ladakh should have a separate plebiscite and Kashmir valley a separate one. Such kind of proposals

(Shri P. Sundarayya.) are very dangerous because what is the idea behind separate elections in Kashmir and Jammu and Ladakh ? Jammu and Ladakh have a Hindu majority while Kashmir has a muslim majority. This sort of a procedure is undemocratic and it is communal. The moment you agree to any such proposal of communal plebiscite, you will arouse communal passions and it will mean the betrayal of Kashmir, nothing more. So I would request Government not to accept this proposal of the Anglo-American Imperialists whatever the garb may be. We say ' No intervention by the U. N. O. here.' The democratic will of the people is expressed by their leader. Sheikh Abdullah who has been head of the Kashmir people for the last 20 years ; the people have also expressed their wishes through their Constituent Assembly.

Sir, I have got one more point about financial integration. I was interrupted at that time. Defence is the responsibility of our people, of our Government. Apart from this, financial integration is welcome. But, integration does not mean that the economy of Kashmir should be ruined, or the economy of any State should be ruined. Of course, there is a standing complaint that with the financial integration, the finances allotted to the States are very meagre. So, in the cases of Kashmir, to start with, financial stringency should not be shown as a cause and ample finances, not only for defence but for the economic development of Kashmir also should be secured.

(Time bell rings.)

MR. CHAIRMAN : Thank you.

SHRI P. SUNDARAYYA : I will finish in one minute more, Sir. I will just say one sentence.

MR. CHAIRMAN : Concluding sentence.

SHRI P. SUNDARAYYA : I am not capable of long sentences. Sir.

MR. CHAIRMAN : Yes, get along.

SHRI P. SUNDARAYYA : We do support the outcome of the negotiations as a victory of the Kashmiri people and as a step towards democratic progress of the rest of India and can we hope that the Government of India, led by the Prime Minister will follow these things boldly in the rest of India and bring in the necessary constitutional amendments to abolish Rajpramukhs and drop out the compensatory clause for property acquired ?

PRINCIPAL DEVAPRASAD GHOSH:
Congratulatory to the Government of India on their new found allies in the Communist Camp !

SHRI H. N. KUNZRU : Mr. Chairman, the Prime Minister has made two things repeatedly clear in connection with Kashmir. One is that we did not force ourselves on Kashmir but went there to its help at the request both of the Maharaja and of the principal leader of the Kashmiris. The second thing that he has made clear is that we have been anxious that the question of the accession of Kashmir to India should be finally settled with the consent of the people, but that Pakistan, which is possibly afraid of the outcome, has placed every obstacle in the way of the achievement of this. Negotiations have been going on for four long years with the object of having a plebiscite to find out the wishes of the people of Kashmir with regard to their future. The chief reason why the resolutions of the U. N. C. I. P. have not been carried out is that there has been serious differences between India and Pakistan with regard to the manner in which those resolutions should be carried out and the forces that should be retained on the Indian side and on the Pakistan side. Dr. Graham, recognising this difficulty, thought of overcoming it by suggesting that the process of demilitarization should be a single and continuous process. His method seemed to him at first to promise success but it has not resolved the two difficulties that have prevented the holding of a plebiscite

so far. I hope that my hon. friend, Shri Gopaldaswami Ayyangar's mission will be successful. But, it is difficult to believe that problems that have defied solution for four years will be solved even by his persuasive handling of these questions. We have to face not merely the possibility but the probability of a breakdown in the negotiations. I do not know what line Dr. Graham is taking now. It would, I think, be unreasonable to ask the Prime Minister to give us an account of the negotiations that have taken place so far; but, if he can give us some indication of the direction in which the "United Nations Representative's" mind is moving, I think it will enable us to think about the problem and see whether any amicable solution can be arrived at. However this may be, Sir, as I have already said, if we are realistic, we have to envisage not merely the possibility but the probability of the present negotiations proving as fruitless as negotiations in the past had been. How long, Sir, is this question going to be allowed to remain unsettled? I am in full agreement with the Prime Minister that the best way of deciding the future of Kashmir is to ask the Kashmiris what they want. But, if the Kashmiris are deliberately prevented from having an opportunity of giving expression to their free views, must we lose the initiative for ever and be dependent always on such initiative as the United Nations Security Council may take? Let me say again, Sir, that I do not want that we should resile from a single word that the Government of India has uttered in connection with the determination of Kashmir's future. But, the negotiations cannot, in the interests not merely of Kashmir and India, but of the peace of the world be allowed to drag on indefinitely. Now, Sir, I shall say a word about the agreement that has been arrived at on certain points between the Prime Minister and the representatives of Kashmir including Sheikh Abdullah who came to Delhi recently. The question of monarchy does not trouble me at all. Having abolished hereditary rule in India, it would be deplorable if we stood up for it in Kashmir. Al-

though a great deal has been said about it, I think it is the smallest question that we have to consider in relation to Kashmir. The questions that appear to me important are those that relate to the rights of Kashmiris as citizens of India and the future security of Kashmir and the preservation of democracy there. As regards the first point, the Prime Minister has told us that the fundamental rights enjoyed by the rest of the people in India will be enjoyed by the Kashmiris subject to two reservations. I am familiar with the restrictions placed by the Maharajas of Kashmir upon the acquisition of land in their State and I can well understand therefore the anxiety of the Government of Kashmir with regard to this matter. But it is said that a difficulty arises in the full application of fundamental rights to Kashmir because of its present situation and the infiltration, espionage etc., that are going on there. The President's order under article 370 issued on the 25th January 1950 includes preventive detention with reference to the defence and security of India among the subjects that correspond to those 3 subjects in respect of which Kashmir has acceded to India. The present Preventive Detention Act does not apply to Kashmir but if the Kashmir Government were to agree to its application to Jammu and Kashmir, I think the difficulty would be solved without any deduction from those fundamental rights which the people of Kashmir have a right to enjoy. If the question is left in the present condition when the Constitution of Kashmir is going to be drafted, I fear that this particular disability with regard to the enjoyment of fundamental rights may become permanent, and I hope that the Prime Minister who is anxious about the real freedom that every citizen of India will enjoy, will himself bear this point in mind.

The second thing that I should like to refer to is the agreement arrived at with regard to the application of article 352 to Kashmir. My hon. friend Shri Sundarayya in a thoroughly propagan-

dist speech said that articles 352 and 356 were a slur on the Indian Constitution. Now, what is article 352? It provides for the proclamation of an emergency when the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance. You see that this emergency will be proclaimed not when there is internal disturbance that does not threaten the security of any part of India. The proclamation will be issued only when the security of India or any part of it is threatened for whatever reason. If my hon. friend calls it a slur on the Constitution perhaps he has in mind good reasons for it. If he thinks that he should have the freedom to endanger the security of India or of any part of it, he is gravely mistaken. What is article 356? It says "That the President may declare that an emergency has arisen when it is found that the Government of a State cannot be carried on in accordance with the Constitution." In other words, this article gives a guarantee for the preservation of democracy. I can therefore, well understand the opposition of my hon. friend Mr. Sundarayya to this article.

SHRI P. SUNDARAYYA : May I explain? Why I said it is a slur on the Constitution is, it should not be left to the President to declare an emergency when the democratically elected Parliament is there. You did not allow the Parliament to declare it but you took the power to the President.

SHRI H. N. KUNZRU : My hon. friend is again speaking in a propagandist way. These questions were discussed very fully in the Constituent Assembly and it was not without adequate reason that the President was given power to declare a state of emergency in certain eventualities. Now in regard to this the Kashmir Government has made a reservation. But the Prime Minister in his account of the negotia-

tion in this matter used words that, I think, do not give a true idea of article: 352. I have already read out sub-section 1 of article 352. The President will issue a proclamation of emergency only when the security of India or of any part of the territory thereof is threatened. There may be internal disturbances of various kinds and the President will have nothing to do with them. Whether with or without the consent of the Government of Kashmir he will intervene only when the security of India or of any part thereof is threatened. It is quite possible that disturbances in Kashmir may threaten the security of an adjoining part of India. I don't know. Without being censorious I wish to point out that this matter is related to the defence power which has been placed in the hands of the Union Government. It may be said that we have no reason to suppose that the Government of Kashmir will be unreasonable when an emergency arises. I bring no accusation against the Government of Kashmir, but if anybody were to say that we should, having full faith in the wisdom of the States, allow them to maintain armies, and feel sure that they will place them at our disposal in an emergency, can we ever agree to that? The power in regard to defence is one that the Centre should have exclusively. That is the second point that I wanted to deal with.

Lastly, I shall express the hope that the discussions in regard to financial integration that are going on will lead to a satisfactory result. Granting, as the Prime Minister has pointed out, that there are reasons for treating the case of Kashmir as a special case, still it is necessary that unity should prevail... that there should be not merely unity of citizenship and unity in matters of defence, but also unity in economic interests. I have no desire that the Government of Kashmir should be deprived of its legitimate freedom. But there are certain broad matters in.

respect of which I am sure the Prime Minister will admit that uniformity should prevail and that for this purpose they should be dealt with by a single authority, which can only be the Central Government. I hope that the Prime Minister, if the matter admits of a clearer statement than he has made, will shed some light on this subject.

I am glad that the Prime Minister has been able to succeed to the extent that he has done. I am sincerely glad that the citizenship of the people of Kashmir is backed up by the grant of fundamental rights. Without these fundamental rights the citizenship of India is a meaningless thing. That is undoubtedly an achievement, and I hope in view of this that by good understanding on both sides and with a single desire for the achievement of the highest good of Kashmir and India the negotiators will be able to arrive at a satisfactory settlement of the remaining two questions also that I have referred to.

SHRI JAWAHARLAL NEHRU : May I make one point clear, Sir ? The hon. Member Dr. Kunzru has referred to the emergency provisions as applying to defence. Well, of course they may apply to defence. But quite apart from the emergency provisions, there is entry No. 1 in List I—Union List—which is :

" Defence of India and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation."

That of course applies. That authority is with the Central Government—the full authority in regard to defence. That is apart from article 352. Article 352 is in addition to it, if other situations arise.

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के बीच जो समझौता हुआ है उस का मैं अभिनन्दन करता हूँ। जब हम बचपन में काश्मीर के बारे में पढ़ते थे तो काश्मीर का वर्णन किया जाता था...

*[SHRI KAKASAHEB KALELKAR (Nominated) : Mr. Chairman, I welcome the agreement executed between the Government of India and the State of Kashmir. In childhood when I used to read about Kashmir, it was described as a state where three empires meet.....]

SHRI GOVINDA REDDY (Mysore): The hon. Member knows English. For the benefit of those who do not know Hindi, I would request him to speak in English.

SHRI RAJAGOPAL NAIDU (Madras) : The hon. Member has spoken in English on previous occasions.

MR. CHAIRMAN : We will leave it to his discretion.

SHRI KAKASAHEB KALELKAR : Sir, when we were students, we used to read about Kashmir as a place ' where three empires meet'. Now those three empires are gone. But we have to recognise that it is a place which is the fringe of three great cultures, and the world today is looking at us to see how our policy will be framed in Kashmir. Kashmir is in the heart of Asia. The Buddhists are there ; the Hindus are there.; the Muslims are there. And we who respect all the cultures and all the religions, in the name of a secular State, are out to have a synthesis of all cultures and religions. Our policy in Kashmir is before the whole world. I feel that although Hindu nationalism has been discredited I mean, Hindu communalism has been discredited,

[Shri Kakasaheb Kalelkar.] . Hindu cultural nationalism is still holding its reactionary field. We must see to it that the future belongs not to ! Hinduism, not to Islam or to any particular " ism " but to the universal culture of humanity. All the objections, that I see against the agreement arrived at, are prompted by this Hindu cultural nationalism. What I feel is that the ; future is for those who are not particularly anxious about their own freedom alone but who respect the freedom, individuality and personality of all individuals, communities and nations. The agreement arrived at is a symbol of this respect for the individuality, freedom and personality of Kashmir. Therefore I welcome it with all my heart.

People say that all accessions or integrations should be uniform. We know that during the days of the British Empire and Commonwealth they had different constitutions for different colonies, and that is why they succeeded in holding together for a long time. In India also, which is a land of various races, of various religions and of various languages and cultures we should have the same wisdom. If we want to hold together everywhere the policy should be elastic enough and we should be able to modify it so that we work for the solidarity of India, not through rules and regulations, but through the union of hearts. I entirely support the agreement that has been arrived at.

PROF. N. R. MALKANI . Sir, the Kashmir question is a matter of high policy, and so I feel great hesitation within me to talk about it. Yet I feel that I must share my thoughts with friends here.

I have looked into the agreement not once but several times, and I feel that I do agree with the major part of it. Most of the items are quite good and acceptable. Take the question of land reform, for instance. I think that they have set an example for us, and I congratulate Kashmir on that. I wish we too went in for that reform as peacefully, as quickly, and as constitutionally as they have done. I expect it will come in good time here also. Of course

I I expected that the integration to be* gin with would be only for three subjects. But we all know that States will be compelled to integrate further and further and become one with the centre.* That is what I expect. The same thing is bound to happen to Kashmir. They have begun with integration in respect of three subjects only. I do not think they can remain independent. It is not possible. I do not think Kashmir can remain as it were in the air, integrated in respect of three subjects only. It is a small State surrounded by four different powers. I think it will have to lean on one power more than on any other. It is bound to lean on India much more in the future. If other States have integrated quickly, I think Kashmir will do so even faster than that.

Further, Sir, even about the change that they have made in the Princely Order I have nothing to say much against it. We have no great affection for the princely order. We are all awr.re of the doings or misdoings of the reigning prince and much of the trouble at present is due to him. I even agree to the abolition of the hereditary principle. Nobody is for hereditary principle in the present day when we see what is happening around and thrones are crumbling to dust. But I think this change might have been or should have been brought about with a little more consideration or, as the Prime Minister mentioned, with some generosity. I think the President might have been authorised to select the Head of the State. He would have done so with the approval of the Cabinet there in Kashmir, I think he should have been given the power to select the Head of the State.

Sir, proceeding further, there is one small item about which I have some quarrel, though not much. That relates to a state of emergency when the President should have powers to intervene to restore internal order. In India he could intervene not only when there is actually any internal disturbance but when it is apprehended that there will be any disturbance. I think Kashmir too might not have insisted on its

concurrence before the President could intervene. It is a small matter but, however, I do not like the limitation.

But there are two matters here about which I feel somewhat strongly because they are significant symbols. One is the flag and the other is the matter of citizenship. Sir, let me take the question of the flag first. It is said that the Kashmir flag is going to be retained for " historical and sentimental reasons." What is the history of the Kashmir flag ? To my mind it is only 10 or 15 years old. Sir, what sentimental reasons are there that under that flag there was the fight for independence ? We had our own flag of the Indian National Congress—that was the greatest flag and we fought under it for freedom. I do not see any reason for having or maintaining or preserving any subsidiary flags. And the question of a flag is a question of a great sentiment. It is a very strong sentiment and I do wish that there should be only one flag. Even here in India you are quite aware that we did not adopt a party flag though it was a flag under which some of us died and others went to jail. It was a different flag altogether—a uniform flag for the whole of India. I, Sir, cannot understand why this flag has been recognised not as important as the national flag but still it has been given an importance which it does not have in any other State or part of India.

Sir, there is another matter also equally important and that is about citizenship. I do think, Sir, that any State which accedes to India must have the same rule for citizenship. The only difference made in Kashmir is that we Indians shall not be able to acquire " immovable" property there. Sir, that rule existed because of the fear of foreigners, the Europeans. Are we foreigners ? Are we strangers ? Are we Europeans ? We are Indians and so are the Kashmiris Indians. We believe today that the purest Aryan blood yet persists in Kashmir. We are not foreigners. We are blood brothers and we must have the same treatment there. Supposing I were to go there and pass my last few years quietly in the

beautiful vale of Kashmir, I cannot acquire a house. I cannot build a house and live in my own house there. Sir, further now there has been a ceiling with regard to land and nobody can own more than 23 acres. The danger of hundreds of thousands of Indians migrating to Kashmir and acquiring land and settling down there is a very feeble one. It is really baseless and that fear should not exist in their minds. Nobody is very anxious at the present moment to go and settle in Kashmir and build a house and acquire land. At the same time if we had the same citizenship law, we would feel like belonging to a great and expanding brotherhood.

Sir, as I said, I agree with the major portion of the Agreement, with a substantial portion, with an important portion. But, Sir, I am sorry not so much for the items of the Agreement but the method of approach in reaching that Agreement. If I may say so, the Prime Minister is not here—the approach to the problem is not a Nehru approach. Sir, you will ask me what is that Nehru approach. The Nehru approach is that we should work for unity and solidarity. The Nehru approach is that we should not only think of Kashmir or only of India but of the world. I consider the Prime Minister to be a citizen of the world, one of the greatest citizens of the world and he always thinks in international terms. Sir, he not only thinks of unity, not only thinks in international terms, but thinks in a non-communal and secular way and sometimes he does things here which are unpopular—unpopular especially with the refugees. But he swears by his faith of non-communalism and stands by it. And today it is not only because we have the legacy of Gandhiji, it is not only because we have the legacy of Buddha, but in fact it is the legacy of our nation which is the most non-communal in the world. This legacy was in danger, in jeopardy and he has maintained that legacy in tact and passed it on to us, whatever the people might say to the contrary. This is what I call the Nehru approach. It is also an approach which may be

[Prof. N.R. Malkani.] said to be in consonance with, in harmony with, the world opinion and trend. The world is for unity. The world is tending to be one and there is no place for communalism in it. May I say, Sir, that this Agreement makes Kashmir a unique State different from all other parts of India ? While we are trying to merge C into A and B States and remove the differences between A and B States, we are segregating Kashmir into a State by itself as a unique class. Sir, I do not consider that to be a proper trend or a proper attitude. Sir, similarly may I say that Kashmir has been, more or less, thinking of Kashmir itself and Kashmir has gained by the Agreement ? Kashmir is quite happy about it. But could not Kashmir also take into consideration all the reactions and repercussions of this Agreement on India, on the future of India ? I am sorry to say that Kashmir has thought mainly of itself.'

I also think that the way, the manner in which the princely order has been changed, has been very unfortunate. We are thinking now in the terms of doing away with the Nizam and the demand which did not exist before may become a movement leading to communal strifes and tensions, which we do not want. I do not wish that anything should be done anywhere which will again rake up old strifes and conflicts that have now subsided.

As Sheikh Abdullah left for Jammu, he is reported to have said that he was very happy about the Agreement and that he had 'ironed out' all the differences. I agree that he must be quite happy and that he really ironed out the difference. But I wish he had not ironed them out so much but had come to an understanding, a mutual understanding with a great deal of goodwill on both sides.

SHRI S. MAHANTY : Mr. Chairman Sir, at the outset I must express my sincere thanks to the hon. the Leader of the House for having provided us with an opportunity to discuss this burning question of Kashmir. Sir, I was really very much pained to hear

the most aggressive speech of the morning which came from our esteemed friend, Diwan Cteman Lall. Well, while listening to him, I was reminded of a very famous line in Shakespeare's 'Hamlet'. I made a parody of it and for the benefit of the House let me recite it thus :

SHRI GOVINDA REDDY : There are too many poets here.

SHRI S. MAHANTY : " There are many more things in Jammu and Kashmir

Than are dreamt of by your Party Whips."

Coming to the Kashmir question • proper, there is so much prejudice and so much predilection about this that any well meaning criticism of the Kashmir question is peremptorily dubbed as communal. Sir, a community of political ideas, a community of political demagogy is much more fanatical than a community based on pure religious considerations alone. For after all, what is apt to be religion ? Religion is tolerance, and politics is anything but tolerance. Therefore I urge this House to consider this question with objectivity, without any coloured vision. On my part, I do not believe in any religion. I am neither a Hindu, nor a Muslim nor any other., except that I am a man, a man with, common sense. As a man of common-sense, after perusing these agreements, what has been perplexing me is this whether Kashmir has acceded to India or India has acceded to Kashmir. Now, Sir, I will not go into details. I will not go into past history, which is a story of bungling, a story of muddled-thinking. I will not go into it, nor will I invoke the name of Mahatma Gandhi., the Father of the Nation, for defending, the indefensible.

Coming to the main items of the Agreement, Sir, I stand for the abolition of monarchy. I do not hold any brief" for Maharajah Hari Singh, but what I say is that this whole question has been actuated by purely theocratic motives, I am reading from a speech of Sheikh

Abdullah. It has been published not by any propagandist organisation. It has been published by the Information Department of the State of Jammu and Kashmir. It is headed " The Case for the Abolition of Hereditary Monarchy ". On page 3 of this booklet, it is said—I am reading for the benefit of the House :

" Even a fleeting glance at the history of Arabia will bring out how this basic human right was vigorously put forth there. Prophet Mahommed raised the slogan of human rights and made the concept of human equality clearer. He protested against the selfish and other vested interests and placed before the world the principle of democracy. According to the Prophet, Islam recognises no considerations of dynastic lineage and the like which is no criterion for real greatness."

Islam does not recognise monarchy. ' Therefore monarchy in Kashmir should be abolished. But what about iChengiz Khan and Temurlane ?

MR. CHAIRMAN : It is now 1 o'clock. You can continue your speech . after lunch.

PAPER LAID ON THE TABLE

REPORT OF THE JOINT COMMITTEE.

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR) : I beg to lay on the Table a copy of the Report of the Joint Committee, including Minutes, Appendices and Debates in the House, on payment of salary and allowances to, and abbreviations for, Members of Parliament.

[Paper placed in the Library, Index No. IV C (b) (132).]

MR. CHAIRMAN : The House now stands adjourned till 3-30 p. m.

The Council then adjourned for lunch till half past three of the clock.

The Council reassembled after lunch at half past three of the dock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI S. MAHANTY : Mr. Deputy Chairman, before the House rose for lunch I was just dealing with the abolition of monarchy which is an item in the Agreement and what I was intending to present before the House was that though in principle it was unexceptionable, though I do not hold any special brief for monarchy..... But, Sir, there is not a Minister there. To whom am I talking ?

MR. DEPUTY CHAIRMAN : The Chief Whip is there.

PROF. G. RANGA : But the Chief Whip is not a Minister, Sir.

MR. DEPUTY CHAIRMAN : He will take notes and pass them on. Yes, go on.

SHRI S. MAHANTY : I am so much interrupted. Anyway my point at issue was though in principle it wa< unexceptionable, though I do not hold any special brief for monarchy in Kashmir, still what I pointed out was thc it this was motivated by theocratic ideas. Now, Sir, I will read out excerpts from a speech of Sheikh Abdullah in the Basic Principles Committee. Here, Sir, he says : " After the death of Prophet Islam, the Islamic history

PROF. G. RANGA : May I suggest Sir, that the House might be adjourned for a few minutes until some one of the Ministers is able to come here? Otherwise I do not think it is proper that the House should be asked to go on in this manner without anyone of the Ministers being here. It is not merely a debating society. We are one of the Houses of Parliament.

{At this stage the Leader of the Council entered the Chamber}.

MR. DEPUTY CHAIRMAN : *{To Shri Mohanty}* Now, you go ori. There he has come.