

Kutch Tribunal

- *122. Shri Surendra Pal Singh:
 Shri Vishwa Nath Pandey:
 Shri H. C. Linga Reddy:
 Shri Liladhar Kotoki:
 Shri Shree Narayan Das:
 Shri Hari Vishnu Kamath:
 Shri Surendranath Dwivedy:
 Shri Hem Barua:
 Shri Madhu Limaye:
 Dr. L. M. Singhvi:
 Shri S. M. Banerjee:
 Shri Daji:
 Shri Onkar Lal Berwa:
 Shri R. S. Pandey:
 Dr. Mahadeva Prasad:

Will the Minister of External Affairs be pleased to state:

(a) whether the International Tribunal on the Rann of Kutch dispute has given its award; and

(b) if so, the details thereof?

The Minister of External Affairs (Shri Swaran Singh): (a) No, Sir.

(b) Does not arise.

Shri Surendra Pal Singh: The main reason why India agreed to entrust this case to the international tribunal was that we had hoped that by so doing there would be a change of heart on the part of Pakistan and it would pave the way to the establishment of peaceful relationship between the two countries. Is the Government of India in a position to say now whether that particular objective has been achieved?

Shri Swaran Singh: This had been agreed to be referred to a tribunal before the last India-Pakistan armed conflict, and change of heart is noticeable from that. Actually, the two countries practically went to war after this agreement.

Shri Hem Barua: That was the change of heart.

Shri Swaran Singh: Yes, that may be the change of heart.

So, whatever are our international obligations in respect of this, we should not link them with this over-all objective. The over-all objective is before us, but this is a specific issue about which there was a separate agreement to refer to an international tribunal and the matter at the moment is before the tribunal, and one of the hon. Members of this House, Mr. N. C. Chatterjee, has been helping in the presentation of the Indian case before the tribunal.

Shri Surendra Pal Singh: It is said in certain knowledgeable quarters that a very important document connected with this case, which the Government of India procured from the records of the erstwhile State of Kutch has been missing and is no longer in the possession of the Government of India. May we know if this rumour is correct or incorrect; what is the actual position in regard to this document?

Shri Swaran Singh: This rumour is incorrect, and it has already been contradicted.

Shri N. C. Chatterjee: I can assure you that the original is still in Geneva, I have seen it and a copy is in my brief. There is absolutely no foundation for that charge.

श्री विद्यनाथ पांडेय : मैं यह जानना चाहता हूँ कि अन्तर्राष्ट्रीय न्यायाधिकरण के सामने कच्छ रत्न विवाद सम्बन्धी जो प्रश्न है उसको भारत की तरफ से दिन किन व्यक्तियों ने प्रस्तुत किया है और उनके ऊपर अभी तक कितना व्यय हुआ है ?

Shri Swaran Singh: Mr. Daphtary, our Attorney-General, is the main counsel who is looking after the Indian interests and presenting our case before the tribunal. He is assisted by Mr. N. C. Chatterjee, as I have already said. There are other members also in our team, and our case is being put forward in the best possible form.

Shri Hari Vishnu Kamath: While the international tribunal comfortably

ensconced in the salubrious climate of distant Geneva is carefully, though somewhat tardily, studying the Kutch documents and the relevant material, is it not a fact that there has been large-scale armed Pakistani infiltration into Kutch, and if so, has this fact been reported, to the tribunal, and also to the British Government at whose instance the late Prime Minister Shri Lal Bahadur Shastri agreed to the tribunal; and if so, what has been their reaction?

Shri Swaran Singh: I would request the hon. Member not to say anything which may directly or indirectly cast any aspersion

Shri Hari Vishnu Kamath: On whom?

Shri Swaran Singh: on the working of the tribunal.

Shri Hari Vishnu Kamath: What have I said?

Shri Swaran Singh: I think he mentioned salubrious climate. It is not very salubrious in December. I do not know what is the meaning of salubrious.

Shri Hari Vishnu Kamath: You do not know? Salubrious is very good climate.

Shri Swaran Singh: It is neither cold nor hot. Geneva is very cold in winter.

Shri Hari Vishnu Kamath: Healthy climate. You see the dictionary.

Shri Swaran Singh: To say tardily is also something which definitely casts an aspersion on the working of the tribunal.

Shri Hari Vishnu Kamath: I protest against this.

Shri Swaran Singh: The hon. Member is at perfect liberty to say things against the Government and its representatives, but let us try to keep tribunals, national as well as international, above controversy.

Shri Hari Vishnu Kamath: He is misunderstanding the question.

Shri Swaran Singh: I would appeal to the hon. Member that it is not in our national interests to adopt that attitude.

About the other part, he asked me whether there has been any armed infiltration into Kutch or not. For one thing, it does not arise out of this at all, and any question of infiltration is normally addressed to the Defence Ministry. If he tables a separate question, we will collect the information.

Shri Hari Vishnu Kamath: On a point of order. You have held times without number in this House that a Minister while answering a question should be as precise and careful, as if not more, than we Members, and we have got your ruling also.

Shri N. C. Chatterjee: On a point of information, may I inform Mr. Kamath and the House that the Pakistani delegation insisted that the venue should be shifted to London, we opposed it. The Attorney-General on behalf of India opposed it strongly, and we thought for certain reasons which I need not disclose, which are apparent, we did not want the venue to be changed to London. Ultimately the tribunal was good enough to accept our suggestion and did stick to this place. Therefore, Geneva has been kept.

Mr. Speaker: When Mr. Kamath referred to the salubrious climate and the tardiness in the proceedings of the tribunal, the Minister has answered and asks what was the necessity of bringing in these things. I do realise; I have said so many times that they should be precise in putting questions or giving answers but when a Member introduces these things, the Minister has to answer. Why should he not do that?

Shri Hari Vishnu Kamath: I bow to your ruling. My knowledge of the English language is meagre but 'salu-

bruous' is good climate and healthy climate; there is nothing wrong in it.

Shri Hem Barua: 'Salubrious' does not cast any reflection.

Shri Hari Vishnu Kamath: Prof. Hem Barua also supports me.

Mr. Speaker: I did not object to the climate being salubrious. But when it was first called 'salubrious' and then reference is made to the tardiness, both things combined do cast an aspersion. Therefore, the Minister was justified and he ought to have made that statement.

Shri Hari Vishnu Kamath: I do not know what 'aspersion' means. I said 'somewhat tardily'. The next hearing is in April, six months later... (Interruptions.)

Mr. Speaker: Shri Limaye.

श्री मधु लिमये : अध्यक्ष महोदय, अभी मंत्री महोदय ने कहा और चर्जी साहब ने भी सफाई की कि कच्छ के इन्स्ट्रूमेंट आफ ऐक्सेशन की मूल प्रति और नकल सुरक्षित है। सवाल यह है कि एक प्रति नहीं थी। दो नकलें थीं, एक महाराज के पास और एक केन्द्रीय सरकार के पास। मेरा सवाल यह है कि क्या दोनों में से कोई नकल गायब हो गई है और दूसरे, सीमा निर्धारण के लिए खास करके कंजरकोट इलाके के लिए एक और जरूरी और आवश्यक दस्तावेज अंग्रेजों के जमाने का था, क्या वह भी गायब हो गया है? यदि गायब हुआ है तो उसका कच्छ पंचों के निर्णय पर क्या असर पड़ने वाला है?

Shri Swaran Singh: I have been in touch with the Attorney-General and he has strictly advised me that the subject of what evidence, written or oral, or document has to be presented to the tribunal should not be the subject matter of discussion and it is not in our national interest. I would plead that this question should not be put which might create any doubt about the authenticity of the evidence. ..(Interruptions). I am not giving

way; there is no use getting up like that.

श्री मधु लिमये : क्या एविडेंस रखा है . . .

Shri Swaran Singh: Nobody has got any right to get up and speak unless one gets up and catches the eye of the Chair and he is called by the Chair.

श्री मधु लिमये : मैं अध्यक्ष महोदय से बोल रहा हूँ। आप क्यों गुस्सा कर रहे हैं? इनको गुस्सा करने का अधिकार नहीं है। यह बीच में क्यों बोल रहे हैं? (व्यवधान)

अध्यक्ष महोदय : आर्डर, आर्डर, आप जवाब तो सुनिये।

श्री रामसेवक यादव : यह जवाब दे रहे हैं या समन दे रहे हैं, उपदेश दे रहे हैं? (व्यवधान)

Shri Swaran Singh: We have heard plenty of these sermons and we have no intention to go on in this manner.

Mr. Speaker: Is that document missing?

Shri Swaran Singh: There is absolutely nothing missing and my colleague has mentioned that. I refuse to answer any question about the documents in our possession or as to which we intend to produce or where they are kept I would plead national interest, public interest when I make that statement.

श्री मधु लिमये : अध्यक्ष महोदय, मैं आप से निवेदन करना चाहता हूँ कि इन्होंने क्या सबूत रखा है? यह मेरा प्रश्न नहीं है। . . . (व्यवधान) अध्यक्ष महोदय, मैं आप से विनय करना चाहता हूँ

अध्यक्ष महोदय : आप कहते हैं कि कोई चीज गुम है? वह कहते हैं कि कोई चीज गुम नहीं है।

श्री मधु लिमये : मेरा सवाल दूसरा था कि दो मूल नकलें थीं। क्या दोनों में से एक गायब है ? ... (अध्यक्ष) क्या एविडेंस रखा है यह मैं नहीं पूछ रहा हूँ ?

श्री रामसेवक यादव : अध्यक्ष महोदय, व्यवस्था का प्रश्न है। यह सवाल साफ क्यों नहीं दी रहा है ?

अध्यक्ष महोदय : मैं ने जवाब मांग लिया उनसे। Shri Shree Narayan Das.

श्री मधु लिमये : खुद महाराव ने कहा है कि एक उनसे नकल मांगी गई थी। उनकी यानी सरकार की अपनी नकल गायब है। कब तक छिगमोगे बात को ?

Shri Shree Narayan Das: May I know whether the Tribunal has decided all the questions of procedure and, if so, whether the hon. Minister is in a position to say how long the Tribunal will take to come to a decision?

Shri Swaran Singh: The questions of procedure have been decided and actually the arguments have commenced. Our side has already finished its address and the learned counsel from Pakistan is, I believe, now addressing the Tribunal. We will then reply. It is difficult now to give any exact time by which the decision would be available. It is bound to take another three to four months.

Shri Ranga: Apart from the question whether there were three or four copies of the agreement that was reached between the Government of India and the Maharao of Kutch or there was only one copy, and whether that one has been lost and some copy given to the Maharao has been presented or anything like that, would the hon. Minister give the assurance to this House that they have been advised by the highest legal authority available to them including the Attorney-General that the document that they have themselves presented

before the Tribunal is enough for our purposes and will serve our nation's case?

Shri Swaran Singh: As my colleague Shri N. C. Chatterjee who has been present there at the time of the discussions already assured the House—no document is missing and so far as....

श्री मधु लिमये : उन्होंने यह नहीं कहा है, आप उनकी भाड़ में न छिपाइये।

Shri Swaran Singh: ...our national interests are concerned, they are in very competent hands and we have got all the relevant evidence. I do not want to be difficult and that is not my habit, but there must be such a thing as national interest and when our own counsel advises me that any discussion about what document we have got, where we have got, whether there is anything missing or present or not present, is a matter which should not be discussed publicly or in the House, I must accept that advice and I would seek the protection of this House.

श्री रामसेवक यादव : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है, माननीय चैटर्जी साहब ने अपने जवाब में यह कहीं भी नहीं कहा है कि इ क्यूमेंट गायब है या नहीं है...

श्री मधु लिमये : उन्होंने सिर्फ इतना कहा है कि एक इस्ट्रूमेंट अफ़ एकसेशन की नकल उन्होंने दे दी है।

श्री रामसेवक यादव : लेकिन मंत्री महोदय ने जवाब देते वक्त उनकी भाड़ में कह दिया है कि उन्होंने उसका जवाब दे दिया है। यह उचित नहीं है। यह भ्रम सारे देश में फैलता है कि कोई डॉक्यूमेंट गायब है या नहीं है। इसलिये इस बारे में मंत्री महोदय का साफ़ जवाब आ जाये, तो उचित होगा।

अध्यक्ष महोदय : उन्होंने साफ़ जवाब दे दिया है।

श्री मधु लिमडे : उन्होंने कहाँ जवाब दिया है। उन्होंने चैटर्जी साहब का भ्रमसा किया है।

Shri R. S. Pandey: In order to represent the Kutch case before the international tribunal, I want to know whether we have collected all the documents written in Gujarati from the Maharao of Kutch and whether they are in our possession now? It is a very simple question.

Shri Swaran Singh: There are a large number of documents in Gujarati, in English and I presume some even in Sindhi. They have come to the notice of our team who have worked for months together in collecting all the evidence from that area locally, as well as from London and from our offices; all the relevant documents have been collected and are in our custody.

Shri Hem Barua: Shri N. C. Chatterjee has just now said that he has seen the instrument of accession at Geneva. I do not doubt the authenticity of that document. It is authentic. In that context, is it not a fact that the original instrument of accession that was signed between the Head of the State of Kutch and the Government of India when Lord Mountbatten was the Governor-General was missing from the Government of India files and had to be procured by Shri Jivaraj Mehta, our High Commissioner in London from the Maharao. We would like to know whether that is a fact.

Shri Swaran Singh: That is not a fact.

Shri Narendra Singh Mahida: May I know whether the appointment of the Maharao of Kutch on the Indian delegation would have been beneficial to us or not?

Shri Swaran Singh: This is a lawyers' group preparing the case and arguing on our side. Whereas we can get all the information from whatever sources it might be available, it is not a layman's delegation, if I may use that expression.

Shri Nath Pai: May we have an assurance that the presentation of India's case, which is irrefutable and if properly and assiduously submitted any impartial tribunal must uphold it, is being properly attended to? With due respect to Mr. N. C. Chatterjee and other eminent advocates whom we have drafted, we get the impression that whereas the Pakistani delegation is making it a whole-time job, ours is not. I say with the best of knowledge that our case may go for want of proper presentation, with due apology to the very eminent lawyers.....

Mr. Speaker: He has answered it already.

Shri N. C. Chatterjee: India's case has been fully, properly, adequately and comprehensively represented.

Shri Nath Pai: I can give details as to how many attended, for how many hours.

Mr. Speaker: Next question.

Extension of Cease-Fire in Nagaland

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- *123. **Shri D. C. Sharma:**
Shri Yashpal Singh:
Shri Kolla Venkalah:
Shri P. R. Chakraverti:
Shri H. C. Linga Reddy:
Shri P. C. Borooah:
Shri M. L. Dwivedi:
Shri Bhagwat Jha Azad:
Shri S. C. Samanta:
Shri Subodh Hansda:

Will the Minister of External Affairs be pleased to state:

(a) whether Church leaders in Nagaland have proposed an extension of the cease-fire period in the State by 45 days after its expiry on the 15th October, 1966; and

(b) if so, the decision arrived at in the matter?

The Minister of State in the Ministry of External Affairs (Shri Dinesh Singh): (a) and (b). No proposal has been received by the Government of