

Volume I

No. 1 - 21



Thursday
7th August, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Thursday, 7th August, 1952

The House met at a Quarter Past Eight
of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Short Notice Questions and Answers

Mr. Deputy-Speaker: There are some short notice questions. **Sardar A. S. Saigal.**

FAMINE CONDITIONS IN WEST BENGAL

Sardar A. S. Saigal: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are aware of the report published in the *Times of India* dated the 21st July, 1952, Delhi Edition, alleging that five million people in West Bengal were starving and another five million were living in near-starvation conditions;

(b) if the answer to part (a) above be in the affirmative, whether Government will make prompt arrangements in order to save the lives of people from starvation; and

(c) whether Government will place the full facts before the House?

Mr. Deputy-Speaker: There are some other short notice questions also relating to Food and Agriculture. Will it be convenient to answer all these Questions together?

The Minister of Food and Agriculture (Shri Kidwai): I have no objection but they relate to U.P. whereas this one pertains to West Bengal.

My Parliamentary Secretary will read the answer.

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri M. V. Krishnappa): According to the information supplied by the 206 PSD.

Government of West Bengal the total population affected by distress resulting from failure of crops is estimated to be about 45 lakhs. This estimate includes not only those who are utterly destitute but also those who are in difficulty on account of temporary absence of agricultural employment. About 80 families have been affected by floods in Malda and on account of communication difficulties, it has not been possible for the Government of West Bengal to obtain from their district officers an estimate of the population likely to have been affected by floods in Jalpaiguri, Cooch Behar and West Dinajpur.

As has been stated already in reply to short notice questions on the 5th June and 26th June and during the course of the adjournment motion on the 16th and 17th July, in the House of the People, steps have already been taken by the Government of West Bengal to provide relief to the affected population in the following ways:—

(1) free distribution of 15,000 maunds of rice and 15,000 maunds of wheat at the rate of 3/4th seer of rice and 3/4th seer of wheat/wheat products per adult per week through non-official organisations;

(2) fifteen thousand tons of rice and 15,000 tons of wheat are being sold at the subsidized rate of Rs. 15/- per maund to people having extremely low purchasing power through modified rationing shops at the scale of 3/4th seer of rice and minimum 3/4th seer of wheat/wheat products per adult per week. Wheat/wheat products can be issued upto a maximum of 1½ seer. During the discussions with West Bengal Government last week, it was agreed that in consultation with the Government of India, West Bengal Government may, if they think it necessary, increase the limits of sale of subsidized grains from 15,000 tons each of rice and wheat/wheat products to 30,000 tons each. The limits of gratuitous doles may also be raised above 15,000 maunds each of rice and

wheat/wheat products as needed. At present about 1,50,000 people are receiving gratuitous relief and besides the free distribution of wheat and rice referred to in (1) above, Rs. 3,39,000 has been sanctioned for gratuitous relief;

(3) more than 100 relief work centres have been opened and the latest report received from West Bengal indicates that about 50,000 people are engaged in test works. The scale of payment is as follows:—

Nadia—Rs. 1/- to 1/8 per labourer per day,

24 Parganas—Rs. 10/- per labourer for cutting and carrying 1,000 c.ft. of earth,

Bankura—Rs. 10/- to Rs. 20/- per labourer for cutting 1,000 c.ft. of earth; and

(4) the following expenditure has been sanctioned by West Bengal—

(i) Test works ... Rs. 8.7 lakhs.

(ii) Agricultural Improvement loans ... Rs. 15.85 lakhs.

(iii) Land Improvement loans ... Rs. 18.11 lakhs.

(iv) Cattle loans ... Rs. 1.5 lakhs.

(v) Gratuitous relief doles etc. ... Rs. 6.5 lakhs.

Government of West Bengal have also sanctioned expenditure for purchase of 4032 lbs. of milk powder for distribution in the affected areas. A sum of Rs. 10,000 has also been given to West Bengal from the Prime Minister's fund.

Dr. S. P. Mookerjee: It is a very long statement. We cannot follow it.

Mr. Deputy-Speaker: There is a lot of subdued noise in the House. The Parliamentary Secretary may read the answer slowly and distinctly.

Shri M. V. Krishnappa: I crave the indulgence of the House. This is my first answer.

The following steps have been taken to provide relief in the flooded areas in North Bengal—

Jalpaiguri—Rs. 20,000/- have been sanctioned for gratuitous relief. One bale of *dhoti*, one bale of *sari*, 2,000 pieces of children's garments, 900 lbs. of milk powder, 20,000 multi-vitamin tablets and 50 lbs. of biscuits have been sent for free distribution. 480 maunds

of foodgrains air-dropped in Alipur Duars and further 520 maunds of foodgrains flown to Cooch Behar and transported from there to Alipur Duars by train after restoration of train communication.

Cooch Behar—Rs. 10,000/- have been sanctioned for gratuitous relief. 340 pieces of cloth, 2,000 pieces of children's garments and 960 lbs. of milk have been sent for free distribution. 15,000 maunds of foodgrains flown to Cooch Behar.

West Dinajpur—Rs. 15,000/- have been sanctioned for gratuitous relief and Rs. 1,00,000 for distribution as agricultural loan. One bale of *Sari*, 1,500 pieces of children's garments and 960 lbs. of milk are being despatched for free distribution.

Malda—Rs. 2,200/- have been sanctioned for free house building grants to the flood-affected people.

During the first half of July for which information is available, out of the total population of 24.8 millions in West Bengal, 11.2 millions were covered by Government distribution of foodgrains. Under statutory rationing, the population was 6.5 millions and under modified rationing 4.7 millions. According to a recent statement made by the Food Minister, Government of West Bengal, more than half of the total population is now covered by government distribution. The area covered by statutory rationing are Calcutta industrial area, Darjeeling district, Kharagpur and Asansol. Elsewhere distribution of foodgrains is in accordance with the scheme of modified rationing which means that a free market is allowed. In statutorily rationed areas, the quantum of ration is 2 seers and 10 chattaks per adult per week composed of one seer of rice and the balance in wheat/wheat products. In other areas, the quantum is 2 seers composed of 3/4th seer of rice and 1½ seer of wheat/wheat products.

Mr. Deputy-Speaker: I find from the way he is reading that it is an answer covering some ten or twelve pages. I do not know if the time of the House need be taken up by reading the whole of it.

Shri Syamnandan Sahaya: This is the maiden answer of the Parliamentary Secretary. Let him complete it.

The Prime Minister (Shri Jawaharlal Nehru): I suggest that the answer may be placed on the Table of the House. It is impossible to follow what he is reading. I do not know why my colleague has read this out.

Mr. Deputy-Speaker: He may give the substance of it.

Shri Kidwai: There are only one or two more paragraphs in this answer. The other answers will be placed on the Table.

Mr. Deputy-Speaker: Very well. Let this be completed.

Shri M. V. Krishnappa: In areas covered by modified rationing, the population is divided in two classes, "A" and "B". In rural areas, families which are utterly poor, have no land and are exempted from payment of union rates or *chowkidari* taxes, and families paying Union rates or *chowkidari* taxes amounting to -/8/- come under "A" class. Families paying Union rates or *chowkidari* taxes upto Rs. 2/- are placed in "B" class. In urban areas, families having an income of Rs. 100/- per month come under "A" class and families within Rs. 150/- per month come under "B" class. Modified rationing is introduced for all "A" class people wherever the minimum price of rice is above Rs. 25/-. The benefit is extended to "B" class where the minimum price of rice is above Rs. 35/-.

To popularise wheat and wheat products, the Government of West Bengal have distributed rolling boards and pins for making chapaties. It appears from a recent statement of the Food Minister, West Bengal, that there is evidence of increasing popularity of wheat/wheat products in the mufusail now.

The position of stocks of foodgrains with the Government of West Bengal on the 19th July for which latest information is available was as follows:—

| | Rice | Wheat |
|-----------------|-------------|--------------|
| Stock | 85,200 tons | 134,000 tons |
| present rate of | | |
| weekly issues | 10,000 tons | 13,820 tons |

The present stocks are thus good for 8 and 9 weeks for rice and wheat respectively.

As has already been stated in the House, apart from the allotment of one lakh tons of rice towards West Bengal's ceiling quota the Centre was also prepared to supply one lakh tons of rice which was to be sold by the Government of West Bengal at no profit no loss, so that consumers in the Calcutta industrial area could supplement their rice ration by purchases through these Economic Price Shops. The Centre have already agreed to supply all the wheat that may be required by West Bengal for Government distribution. During the discussion with the Government of West

Bengal last week it was decided to supply larger quantities of rice from Orissa to West Bengal, so that the present issue price of Rs. 17/8/- per maund in West Bengal could be maintained.

Mr. Deputy-Speaker: I am sure the hon. Member who has tabled the question would like to go through the statement leisurely and put questions later on.

Shri T. K. Chaudhuri: May I put a short supplementary question?

Mr. Deputy-Speaker: The hon. Member had no opportunity to look into the reply. So, I will call the next question.

Shri T. K. Chaudhuri: Then, when will we get an opportunity to put supplementaries—this afternoon?

Mr. Deputy-Speaker: As a special case, I will see that these answers which are placed on the Table of the House are circulated this afternoon. We will start supplementaries tomorrow.

FOOD SCARCITY IN EASTERN U.P.

Pandit A. R. Shastri: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that there has been a failure of monsoon in the Eastern parts of Uttar Pradesh, especially in Gorakhpur, Benares and Fayzabad Divisions;

(b) whether the failure of the rains has affected the growing of food crops in these areas;

(c) whether the people of the area are in great distress on account of shortage of foodgrains; and

(d) if the replies to parts (a), (b) and (c) above be in the affirmative, what steps, if any, the Central Government are taking in the matter?

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri M. V. Krishnappa): *Extent of Area affected:* Eastern U.P. comprises the districts of Basti, Benares, Gorakhpur, Deoria, Jaunpur, Mirzapur, Azamgarh, Gonda, Ballia, Ghazipur and Bahraich. Owing to prolonged drought over the last 2/3 years and the consequent failure of the crops, the food and economic position in these districts, which are normally deficit, has worsened. There is real scarcity in these districts especially in the extremely deficit pockets of Banaras, Deoria and Gorakhpur districts, but there are no famine conditions as such.

Rainfall in 1952: The rainfall in these districts has been below normal up to the end of July. The latest report received from the Government of U.P. for the week ending 22nd July 1952 shows that weather continued to be cloudy with sporadic showers and generally speaking, there is a break in the monsoon and if the break continues there is likelihood of damage to the standing paddy crop. At the present moment the condition of the crop is healthy and prospects of the *kharif* crop are fair.

Food situation: The Government of U.P. had in stock on 7th July 1952, the latest date for which information is available, 5,05,072 tons of foodgrains comprising 32,476 tons of rice, 2,96,801 tons of wheat and 1,75,795 tons of other foodgrains. These stocks are sufficient to meet any situation that may arise in the Eastern districts and the Government of India are in a position to supply whatever additional quantities of foodgrains are required by them.

The Government of U.P. have introduced in the Eastern districts an Austerity Provisioning Scheme from 1951 under which 4 chh. of foodgrains are issued per person per day with effect from 16th June, 1952. This is in addition to what the consumers can purchase in the open market. The population affected is about 71.89 lakhs and the number of villages is 21,999. A total of 1605 shops have been opened to distribute rations under the Austerity Provisioning Scheme (These figures relate to July, 1952). Since 1st May, 1951, the total quantity of foodgrains distributed by Government in these areas up to 15th July 1952, amounted to 27,01,870 maunds. The consumption of foodgrains under the Austerity Provisioning Scheme is increasing and during the week ending 15th July 1952, 2,19,000 maunds of foodgrains were distributed. The State Government had on the same date stocks amounting to 3,26,000 maunds in these districts. Further supplies are being arranged and despatches of 40,000 tons have been programmed, and arrangements made for their immediate movement. Of all the scarcity-hit Eastern districts Gorakhpur has received the largest quantity of foodgrains for distribution in the rural areas.

Issue Prices: The Government of U.P. have maintained the issue prices approved for last year and are meeting their expenditure on subsidizing the issue of imported foodgrains out of their own resources. A statement of issue prices in U.P. is attached.

Reports of Starvation Deaths: The U.P. Government have been parti-

cularly vigilant in these areas and have been adopting prompt measures to relieve the distress there. They are determined to see that not a single person dies of starvation and in this they had achieved success as no starvation deaths have occurred so far. Rumours and statements about some starvation deaths in the Eastern districts of U.P. have been appearing in the Press off and on and the State Government have contradicted it in a Press Note dated the 28th July, 1952.

12 members of the U.P. Legislative Assembly have issued a joint statement characterising as fantastic and untrue the reports of starvation deaths, and have expressed their gratification that the Eastern districts of U.P. so much neglected during the British regime, have now begun to receive particular attention of the Government for the speedy implementation of works of permanent utility so as to ensure peace and happiness to the masses and to relieve distress caused by scanty rainfall or floods or diseases in future.

Steps taken to relieve distress: The distress of the population of the Eastern districts of U.P. is due not so much to lack of foodgrains as to the lack of purchasing power. To provide purchasing power to the masses Relief Works have been sanctioned and are undertaken on an extensive scale. The amount sanctioned up to the middle of July are detailed below.

- | | |
|---|---------------|
| (i) Test and relief work. | Rs. 41,18,000 |
| (ii) Construction of roads under the Five Year Plan sanctioned by C. P. W.D. | „ 40,04,000 |
| (iii) Grants for famine relief works for constructions of roads (not included in the Five Year Plan) | „ 3,80,000 |
| (iv) Advance for the Banganga Canal project in Basti district. | „ 4,00,000 |
| (v) Plantation of roadside avenues and nurseries | „ 1,35,000 |
| (vi) <i>Taccari</i> loans under the Land Improvement and Agricultural loans Act and for purchase of seed, cattle etc. | „ 88,00,000 |
| (vii) Expenditure on gratuitous relief doles etc. | „ 1,31,000 |
| (viii) Expenditure on drinking water. | „ 10,000 |

A total expenditure of Rs. 47,47,100 has been incurred on famine relief measures since 1st April 1951 up to 15th June 1952. In addition the U.P.

Government have remitted Rs. 8.86 lakhs as land revenue and Rs. 28.64 lakhs as rent. They have sanctioned a further amount of Rs. 34.87 lakhs from 1st April 1952, to 15th June 1952, for distribution as *taccavi* loans for the purchase of seed and bullocks. The realisation of *taccavi* instalments and seed store dues have been stayed where necessary. For the last *kharif* and *rabi* sowings 1.89 lakhs maunds of seeds were distributed and the State Government have a programme for the supply of paddy seed to the extent of 2.5 lakh maunds for the ensuing *kharif*.

With a view to improve the irrigation facilities on a permanent basis a survey of the *terai* area has been undertaken to find out where water reservoirs and channels can be constructed and these when completed will go a long way in providing irrigation facilities on a permanent basis. A special well sinking programme has been planned under which 6,000 wells are being constructed to provide irrigation facilities at cheap rates. A project for the construction of Banganga canal has been sanctioned in the Basti district which will cost Rs. 24 lakhs and estimated to irrigate every year nearly 22,000 acres of land.

With a view to afford greater facilities for the population to secure foodgrains required by them from Government sources arrangements have been made to open Government shops as in Mirzapur district, godowns opened in the interior of Mirzapur and Gorakhpur districts where transport was difficult and expensive and the ration limit under the Austerity Provisioning Scheme has been raised from three chattaacks to 4 chattaacks per person per day from June 16, 1952. The ration limit in Dudhi, Singrauli and Agori areas of Mirzapur district and the areas of Banaras district adjoining Dudhi and Robertganj Tehsils of Mirzapur district has been increased from three chattaacks to five chattaacks per person per day.

Fodder position: Arrangements have been made by the U.P. Government for the supply of forest hay to these districts where the fodder position is difficult. Government forests have also been thrown open for grazing of cattle. No migration of cattle has been reported from any affected district except from the Dudhi and Singrauli areas of the Mirzapur district to the neighbouring States of Bihar and Madhya Pradesh.

Help given by the Central Government: (a) **Foodgrains.**—The Government of U.P. has an import quota of 2,18,000 tons of foodgrains for the year 1952. This quantity has already been supplied to them. In addition a

quantity of 15,000 tons of *bajra* which they offered for export under the Basic Plan has been left with them for internal consumption. If any additional quantities of wheat or other coarse grains are required for distribution in the affected areas, the quantities desired will be made available to U.P. by the Central Government without any difficulty.

(b) **G.M.F. Schemes.**—The Government of India have sanctioned the following grants and loans for minor irrigation works in U.P. during 1951-52 and 1952-53:—

| | Grants | Loans |
|-------------------------|-----------|-------------|
| | Rs. | Rs. |
| 1951-52 | 42,40,500 | 2,16,69,000 |
| 1952-53 (up to date) | Nil | 1,19,60,000 |

This includes a grant of Rs. 24 lakhs as the Government of India's share towards the cost of sinking 6,000 wells during 1952-53 under an arrangement by which the cultivators will contribute 1/3rd of the cost of the value in the form of labour, the remaining 2/3rd being shared equally between the State and the Central Governments. It also includes Rs. 74 lakhs given as loans and Rs. 16.77 lakhs given as grants for the following two schemes intended to serve the eastern districts of U.P.:—

- (i) 1,062 miles of Sarda Canal extension.
- (ii) 100 tube-wells in Gorakhpur. A further 995 tube-wells have been allotted to U.P. under the T.C.A. programme out of which 655 tube-wells are intended to be constructed in the Eastern districts.

A scheme for boring 3000 wells in the scarcity areas involving a loan of Rs. 11.85 lakhs and a grant of Rs. 5.92 lakhs has been forwarded by the State Government as part of their 1952-53 G.M.F. Plan and it is still under consideration.

The urgency in the problem of improving irrigation facilities in the Eastern districts of U.P. has been the subject of correspondence between the Chief Minister of U.P. and the Central Minister of Food and Agriculture. As a result, a request for a subvention of Rs. 4 crores has been received from the State Government and the proposal is under consideration.

STATEMENT

Wholesale issue rates of foodgrains
for the month of June, 1952

| Commodities | Wholesale issue rate per md. | | |
|-----------------------------|---------------------------------|-----|----|
| | Rs. | As. | P. |
| Wheat | 15 | 5 | 9 |
| Ata I | 17 | 1 | 0 |
| Ata II | 11 | 9 | 5 |
| Maida (locally produced) | 30 | 11 | 6 |
| Suji | 30 | 11 | 6 |
| Rice Arwa I | 38 | 6 | 5 |
| Rice Sela I | 34 | 2 | 2 |
| Rice Arwa II | 27 | 14 | 10 |
| Rice Sela II | 25 | 9 | 7 |
| Rice Arwa III | 23 | 10 | 1 |
| Rice Sela III | 21 | 15 | 1 |
| Rice Arwa IV | 19 | 3 | 2 |
| Rice Sela IV | 18 | 1 | 1 |
| Rice V | 15 | 5 | 9 |
| Rice VI | 12 | 12 | 10 |
| Gram | 12 | 12 | 10 |
| Juar & Maize | 10 | 3 | 10 |
| Milo | 10 | 3 | 10 |
| Barley | 9 | 9 | 7 |
| Bajra | 10 | 15 | 6 |
| Gojai | 12 | 4 | 8 |
| Bejhar (Gram and Barley) | 10 | 3 | 10 |
| Bejhar II (Barley and Poes) | 9 | 5 | 0 |
| Gochana | 13 | 5 | 8 |
| Gramdal | 14 | 15 | 9 |

The Prime Minister (Shri Jawaharlal Nehru): May I say a word, Sir?

It is always easy to give a short answer to the longest question and to give facts and figures separately. Mixing up answer to a question with facts and figures makes it difficult to understand, either the short answer or the long answer. I would ask my colleagues to draw up their answers to questions accordingly. A very long answer is a failure to understand on the part of the person who answers.

Mr. Deputy-Speaker: There is a Short Notice Question tabled by Mr. Damodara Menon. It runs into five clauses. This also will be typed and circulated to Members. I take this question as read and the statement laid on the Table.

Has the Parliamentary Secretary placed the statement on the Table of the House?

Shri M. V. Krishnappa: That question has been disallowed.

Shri Damodara Menon: The Parliamentary Secretary says that it has been disallowed. I got an intimation from the Parliamentary Notice Office that my question has been admitted.

Mr. Deputy-Speaker: I understand there are two questions on the same subject. If there are two questions on the same subject, the earlier tabled question is allowed. The hon. Member who has tabled the other question is allowed to put supplementary questions. He can put supplementary questions.

TAXATION INQUIRY COMMISSION

Shri S. N. Das: Will the Minister of Finance be pleased to state:

(a) whether Government have finalised the terms of reference and personnel of the Taxation Inquiry Commission;

(b) whether the constitution of the Commission will be completed before the present session of Parliament closes; and

(c) whether the various States Governments or important non-official organisations have been consulted with regard to the terms of reference?

The Minister of State for Finance (Shri Tyagi): (a) to (c). I am afraid it will be some time before the terms of reference and the personnel of the proposed Taxation Enquiry Committee are settled, as it is necessary to await the report of the Finance Commission which is expected by the end of November. Government have, however, already appointed an Officer on Special Duty to make preliminary investigations and collect material for the Committee. The State Governments will also be consulted regarding the scope of the Committee at the Finance Ministers' Conference which is proposed to be held about the middle of October next. It is hoped that the Committee will be appointed before the end of the current financial year.

Shri S. N. Das: May I know whether the members at present serving on the Finance Commission are likely to be taken on this Committee?

Shri Tyagi: It is very early for me to say that. We have not yet considered about the personnel of this committee.

Shri E. R. Bhagat: May I know, Sir, the nature and scope of the preliminary investigations done by the Officer appointed on special duty?

Shri Tyagi: As I have already said, his work would be collection of data with regard to various taxes levied by States, be in consultation with the State Governments with regard to their reactions to proposals and formulation of terms of reference for enquiry, etc.

Shri K. K. Basu: Is it under the contemplation of Government to include the real representatives of labour in such an enquiry committee?

Shri Tyagi: As I have already said, the question of selection of personnel has not yet received Government's consideration. This committee will consist of financial experts. It is not as if the committee were going to distribute the revenue from one department to the other. It pertains to the enquiry of the whole taxation system in the country. Therefore, I do not think the selection will be made on the basis of different interests like labour, etc.

Shri A. C. Guha: May I know if the Government has any intention to put representatives of different economic interests in the Committee?

Shri Tyagi: As I said, it will be of experts who can give results. It is a Committee to enquire into the taxation system as a whole and, therefore, the various sections of society are only involved as far as enquiry into their incidence of taxation is concerned.

Mr. Deputy-Speaker: Mr. Venkataraman.

Shri Venkataraman: The joke is lost, Sir. I do not want to put the question.

Shri T. K. Chandhuri: Will the Government consider the appointment of some financial experts nominated by trade unions and labour bodies in this committee?

Mr. Deputy-Speaker: That is a suggestion for action.

Next question. Mr. Gurupadaswamy.

Shri M. S. Gurupadaswamy: I am not putting, it, Sir.

THE
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Thursday, 7th August, 1952.

The House met at Nine of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-22 A.M.

MOTION RE KASHMIR STATE

Mr. Deputy-Speaker: The hon. the Prime Minister might formally move the motion.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to move:

"That the statement made by the Prime Minister on the 24th July, 1952 in regard to Jammu and Kashmir State, be taken into consideration."

The House will remember that a few days ago I made a fairly lengthy statement in this House about the affairs of Jammu and Kashmir State. I do not propose to weary the House by a repetition of what I said then. But at this stage I should like to emphasize certain aspects of this problem.

For the last nearly five years now we have been seized of this problem—and it has been one of the heaviest burdens that the Government has had to carry. It has been a heavy burden because the problem was a complicated one, a problem in which our saying 'aye' or 'nay' was not quite enough. Other factors were involved. There are many things in this world which we would like to have as we wish them to be. But we cannot shape the world to our will. We live, as the

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House well knows, on the eve of what appears to be a tragedy in the world and we try—and when I say 'we' I do not mean we in this House but people all over the world—to avert the tragedy and somehow to assure peace for this world. But nobody can control events completely; he tries to mould them to a certain extent, tries to affect them slightly; but what the ultimate resultant of the various forces and passions and prejudices is likely to be no man knows. It is in this large picture of this world that we have functioned during these last five years or more. And to the misfortune of the State of Jammu and Kashmir and our misfortune, the problem of the State has become a part, may be a small part but nevertheless a part, of this larger picture of the world. And, therefore, the difficulties in our way have increased greatly. It is an international problem. It would be an international problem anyhow if it concerned any other nation besides India, and it does. It became further an international problem because a large number of other countries also took interest and gave advice.

Well, we have tried to fashion our action in regard to this problem, keeping in view always certain obligations and responsibilities that we had. What were those obligations and responsibilities? Number one: To protect and safeguard the territory of India from every invasion. That is the primary responsibility of the State. Secondly, to honour the pledge we gave to the people of Jammu and Kashmir State. And that pledge was a two-fold pledge. One was, again, to protect them from invasion and rape and loot and arson and everything that accompanied that invasion. That was one part of the pledge. The second part of the pledge was unilaterally given by us that it will be for them to decide finally what their future is to be. That is the second obligation. The third was to honour the assurances we gave

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[Shri Jawaharlal Nehru]

to the United Nations. And the fourth was to work for a peaceful settlement. That was no pledge to anybody, but it was the policy we had tried to pursue right from the beginning, because it is in the nature of things that we should pursue that policy being wedded to the ideals of peace. And apart from that it was necessary that we should do so because in this world, as I have just hinted to this House, we live, we appear to live on the edge of a precipice, and one has to be very careful in taking any step which might perhaps make the world tumble over that precipice.

So these were the four major considerations that we had to keep in view, and sometimes it was difficult to balance them. Sometimes they seemed to lead in different directions. It would have been an easy matter if all these factors led us to the same conclusion. But when they pull in different directions our obligations and responsibilities lead us to think not in one line of action but in several. Then difficulties arise. Well, we have faced these difficulties and we have had the hard time sometimes to decide what we should do and what we should not do. I should like the House therefore to think in terms of balancing these very important assurances, pledges, and factors in the situation.

In the course of these years I have come up repeatedly before this House and placed the situation before this House and it is with the concurrence and the support of this House that we have continued to pursue the policy that we have pursued. It has been my belief that in this matter, more even than in other matters, the great majority of the people of this country have approved of the policy that we have pursued. And that approval has been shown to us from time to time by this House or the House that preceded it. We have received advice from innumerable people, friends and critics in this country, and we have always welcomed that advice, even though some of it did not appear to be feasible or right. We have received advice from innumerable people outside this country, from other countries. From them too we welcome advice when it is friendly advice. We do not welcome it when it comes from unfriendly minds or is accompanied by any hint of threat. So we welcome the friendly advice from abroad; we reject the advice that is accompanied by a threat and so we have carried on. We took this matter to the United Nations four years and eight months ago, in the belief that thereby we

were serving the cause of peace and thereby we would settle this question of Kashmir by way of agreement, by way of a peaceful settlement. We have not settled that yet, in spite of the labours of the United Nations and their various organs. I do not wish to blame anybody and certainly, I would like to repeat what I said on the last occasion in this House, when I paid a tribute to Dr. Frank Graham, who has shown enormous patience, enormous perseverance in his pursuit of a peaceful settlement, and so far as we are concerned, we shall help him to the end even though people may get tired of our pursuing the same path, because a peaceful settlement and peace are always worth pursuing, however tired we may get in the process. Many of our colleagues and friends in the country have perhaps got weary of this process and I can very well understand their weariness, but that weariness which they have in much less than the weariness that possesses those in charge of this business, when day after day, week after week, month after month, we have had had to carry this heavy burden. However weary sometimes unconsciously we may have got, we dare not act in a hurry, we dare not act in a temper, we dare not allow ourselves to be led by passion, because the consequences of acting in a temper are bad for an individual; they are infinitely worse for a nation. Therefore, we have restrained ourselves; we have restrained ourselves when from across the border from Pakistan loud cries of war and loud threats arose. We restrained ourselves and I am glad to say that generally speaking our people in this country, our press in this country restrained themselves. So we have proceeded and I have every sympathy and every understanding for those who sometimes felt that we should do something, shall I say, more active, less restrained. One can understand that and I was sure then and I am dead sure now that to have acted otherwise would have been utterly wrong. I am not talking about any minor step here or there but rather about the major trend of the policy that we pursued. As before, we have now to keep these four major obligations in our minds.

Having gone to the United Nations, we have pursued that course. Some friends have advised us to withdraw this matter from the United Nations. I am not quite sure if they have studied this subject or considered how it is possible to withdraw this or any such matter from the United Nations, except indeed if the party itself withdraws from the United Nations. When the United Nations

is seized of such a matter, it was seized of it at our instance. That is true, but if we had not moved the United Nations, others might have moved it and others can move it. It continues to be seized of it. If we said "we withdraw from the United Nations" it would only be a sign of impatience and temper on our part without resulting in what perhaps some people hope. Therefore, the question of withdrawal from there does not arise, unless, of course, this House wishes that we the Government of India and the Union of India itself withdraws from the United Nations and face all the consequences that it brings. That is a thing, I suppose, this House does not wish, as I do not wish it.

I have ventured in all humility sometimes to criticise the new developments in the United Nations, which seemed to me to be out of keeping with its Charter and its past record and professions. Nevertheless, I have believed, and I do believe that the United Nations in spite of its many faults, in spite of its having perhaps deviated, partly gone sometimes in what I consider not a right direction, is a basic and fundamental thing in the structure of the world today and not to have it would be a tragedy for the world. Therefore, I do not wish this country of ours to do anything which weakens the gradual development of some kind of a world structure. It may be that the real world structure will not come in the lifetime of many of us, but unless that world structure comes, there is no hope for this world because the only alternative is world conflict on a prodigious and tremendous scale. Therefore, it would be wrong, I submit to this House, for us to do anything to weaken those beginnings of a world structure that we see, even though we may disagree with it and even though we may sometimes criticise it, as we have done. Therefore, for these and other reasons, I do not understand this cry of our withdrawing this matter of Kashmir from the United Nations. It is not a question of withdrawing it from some law court to the other. This matter is not before the United Nations as a forum. It is before the Nations of the world, whether they are united or disunited and whether they are a forum or not. It is an international matter. It is a matter in the minds of millions of men. How can you withdraw it from the minds of millions of men by some legal withdrawal or otherwise, from some forum? The question does not arise. We have to face the world; we have to face our people; we have to face facts and we have to solve them.

Then again some friends seem to imagine that the easiest way of solution is by some exhibition of armed might—"Let us march our armies." That, I submit, in this case as in every case all over the world is never a solution and the more I live and the longer I grow in experience, the more convinced I become of the futility and the wickedness of war to solve a problem. I regret that it is my misfortune even so to spend money on armaments, to keep armies and navies and air forces and the like, because in the world as it is constituted today, one has to take those precautions. Any person in a position of responsibility must take those precautions and if we take those precautions, we have to take them adequately, effectively, and to keep a fine Army, a fine Navy and a fine Air Force. That is so. But to think in terms of throwing our brave boys into warfare, indulging in warfare, is not a thought I indulge in unless circumstances force my hands as they forced my hands on a late evening in October, 1947, and it was after the most painful thought and consultation, and if I may, in all humility and without sacrilege, say after consulting the Father of the Nation, that I came to that conclusion.

So we did that. Although friends—may talk about defending the territory of India and may say: A part of the territory of India has been invaded. It is held by the enemy; what about that? Did you defend that territory of India? You have failed in your defence. That argument would be perfectly justified, that criticism would be right in so far as it goes, and it was our duty and it is our duty to rid and push out the enemy from every part and that particular part of the territory of India also. That is where there comes a certain conflict between various obligations and responsibilities. We decided, right at the beginning we had decided as the House knows, that we were agreeable to a plebiscite in which all the people of Jammu and Kashmir State would take part. And it was a curious thing that having so decided, that this war should have to be continued, because there was war for 14 or 15 months from the beginning, from the end of October, 1947 to the end of December, 1948; it continued, and it was for us to decide at the end of 1948 or the beginning of 1949 whether we should carry this war to a bitter end and thereby recover this lost territory, however long it may take, or whether we should call a halt to active military operations and try some other and more peaceful method. We decided, conditioned as we were, and I submit we decided rightly, to put an

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end to active military operations, and try other methods. Those other methods have not brought a solution in their train thus far. And yet, I think it would be right to say, that the mere fact that such an extraordinarily explosive situation as in the Jammu and Kashmir State during the last few years, has been halted, itself is no small success. We see in other parts of the world how other countries have functioned and how they have got more and more tied up and sunk in to all kinds of morasses and how it becomes a more and more difficult—if you pursue the path of war—risk to take yourself out of it. We had the courage, and in all humility I say, the wisdom to pull ourselves out of continuing an unending war before it was too late so that we might think more calmly, more patiently, more wisely. Well, whether it has yielded any result yet or not, this fact remains that it has yielded this result, that we have not been having a war for the last 3½ years, or whatever the period may be. That is not a bad result, although it may not be the full result hoped for.

Then later we declared that any further aggression or attack—I say any further because there had been aggression and there was continuing aggression—any further aggression or attack or military operations in regard to Kashmir, if such takes place by the other side, that would mean all-out war not in Kashmir only, but elsewhere too. That too was a decision not lightly undertaken, but after serious thought and careful consultation. We said that knowing full well the consequences of what we said, balancing them and yet coming to that conclusion, and I believe it is because we came to that serious conclusion—which was no threat, but which was a statement of an absolute fact in our minds, because there could be no attack on Kashmir, any further attack, without this matter becoming a major war so far as India was concerned—having made that perfectly clear. I think we succeeded in stopping many a possible attack that would have taken place on Kashmir in the hope that the opposite party would have come off with it, and tried to repeat what had been done in the later weeks of October, 1947. So, that has been the position.

Now, two or three basic things follow from this. One is that in so far as the United Nations are concerned, we shall continue, unless this House decides

otherwise, we shall continue, to deal with them in the manner we have dealt with them. That manner has been to try our utmost for a peaceful settlement but not to give in on any vital point, not to give up any of the responsibilities or obligations that we shoulder. That has been our position, that is, not to dishonour the pledges that we have given to the people of Kashmir or to the people of India as a whole. So, we shall carry on with them.

The House knows that we accepted certain resolutions of the United Nations and of the U.N. Commission that came here. We accepted them, not that we liked every part of them, but because in our earnest desire for a peaceful settlement, we accepted them, but even in doing so, we made it perfectly clear that we would not by-pass the pledges we had given or the responsibilities we had undertaken. At a later stage, much later, another Resolution was passed: by the Security Council which tried to impose an arbitration on us. We rejected that Resolution or that part of it because it was one thing for us to agree to a certain proposal having balanced all factors, but it was a completely wrong thing for us to give up our responsibilities, duties, obligations and pledges and assurances, and put the matter in the hands of another person whoever he might be. That we could never do. It was quite another thing for us to hand over the faith of the four million people of Jammu and Kashmir State to the decision of an arbitrator. Great political questions—and this was a great political question—are not handed over in this way to arbitrators from foreign countries or any country. So we had to reject that resolution of the United Nations. And we stand by that rejection, and we are not going to agree to anything which comes in the way, which prevents us from honouring the pledges or the assurances we have given.

Subject to that, we shall go all out to seek a peaceful settlement. Now among the assurances and pledges that we have given has been the pledge which really flowed from our policy which was no new thing for us, the pledge that the people of Jammu and Kashmir State would decide their future. Let me be quite clear about something about which there seems to be a good deal of misunderstanding, namely this business of accession to India. The other day I said in this House that this accession was complete in law and in fact. Some people, and some newspapers chiefly abroad seem to think that something that had

happened in the last week or fortnight or three weeks had made this accession complete according to my views. What I said was that this accession was complete in law and in fact in October 1947. It is patent and no argument is required because every accession of every State in India was complete on those very terms in July, August or September or later in that year. They all came in on these three basic subjects, foreign affairs, communications and defence. Can anybody say that the accession of any State of India was incomplete in the month of August or September or October or November of 1947, because they came only on these three subjects? Of course not. It was a complete accession in law and in fact. So was the accession of the Jammu and Kashmir State in law and in fact on a certain late date in October, probably the 26th or 27th if I get the exact date.

It is not open to doubt or challenge. I am surprised that anybody here or elsewhere in the world should challenge it. I was telling the House that when the first United Nations Commission came here accompanied by legal advisers and others, it was open to them to do so. But it was quite clear to them, and their legal advisers said that there could be no challenging the legal validity of that accession apart from everything else. So while the accession was complete in law and in fact, the other fact which has nothing to do with law also remains, namely our pledge to the people of Kashmir—if you like, to the people of the world—that this matter can be reaffirmed or cancelled or cut out by the people of Kashmir if they so wish. We do not want to win people against their will and with the help of armed force, and if the people of Jammu and Kashmir State so wish it, to part company from us, they can go their way, and we shall go our way. We want no forced marriages, no forced unions like this. I hope this great republic of India is a free, voluntary friendly and affectionate union of the States of India. I do believe that the people of Jammu and Kashmir State not only came to us as they did, but indeed it was at their request that we took them. It was not under pressure, but it was at their request that we took them into our large family of States, and I believe that they have those friendly feelings which the other States have towards us. I believe that on repeated occasions they have shown this fact and even in the election of this Constituent Assembly that took place nearly a year ago, they exhibited that feeling of friendship and union

with India. And I am personally convinced that if at any time there is any other method of ascertaining their feelings, they will decide in the same way. But that is my personal opinion, it may be your opinion or the House's opinion but the fact remains that we said openly to them and to the world that we will give them a chance to decide, and we will stand by their decision in this matter. Therefore we must honour that pledge. Within the limits of these assurances and pledges, we shall pursue the policy that we have pursued and I submit it is in keeping with all these assurances, pledges and policies that a short while ago we met the representatives of the Government of Kashmir, who are not merely the representatives of the Government but who undoubtedly are the popular leaders of Kashmir. We met them, we talked to them, and we discussed many matters with them. We did not discuss with them in a spirit of bargaining or in a spirit of two opposite parties meeting and trying to pull each in its own direction. We discussed matters with them, with a view to solving our intricate problems, with a view to unravelling the knots, and with a view to finding some way which would fit in with the various assurances that we had given and they had given, and with the policies they stood for and we stood for—many of these policies were of course common. So we discussed with them in a friendly way and we came to certain agreements which I placed before this House during the last occasion. It is obvious that those agreements do not finalise the picture. Much has to be done, and much has to be thought out, but two or three facts remain. One is that in the nature of things at the present moment, it is necessary to consider the case of Jammu and Kashmir State on a somewhat separate footing from the other States in India. It is inevitable that we should do so, if you bear in mind this past history of four or five years, the assurances we had given and the fact that Kashmir has become an international issue, apart from being a national one. So we have to treat it on a somewhat separate footing; that does not mean any special right or privilege except in so far as it may mean, some slightly greater measure of internal autonomy. Certainly it does mean that. It may be that it is a developing, dynamic situation. One may change it gradually more and more but it is not right under existing circumstances for us to try to do something by any kind of mental coercion or pressure exercised to that effect. That would defeat our object and that indeed would be playing into the hands of those who criticise us.

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So that is the method we have employed and it is in the full freedom of friendly discussion that we arrived at certain agreements which I placed before the House. And I trust that today in this debate the House will consider all these various aspects of this question and give us its support.

10 A.M.

Mr. Deputy-Speaker: I shall now formally place the motion before the House. Motion moved:

"That the statement made by the Prime Minister on the 24th July 1952 in regard to Jammu and Kashmir State, be taken into consideration."

I shall call upon hon. Members who wish to move their amendments.

Shri Vallatharas (Pudukkottai): I beg to move:

(i) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that the changes proposed and suggested in the statement to be made in the Constitution may be referred for report to a Joint Committee of fifteen Members of both the Houses of Parliament."

(ii) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that the changes suggested and proposed in the statement to be made to the Constitution may be introduced in the House in the form of a Bill to be passed into law."

(iii) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that the financial integration of the State of Jammu and Kashmir has been delayed and rendered as an uncertain event in the near future."

(iv) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that the accession of the State of Jammu and Kashmir is incomplete in law and fact and is not in consonance with the requirements of the Constitution."

Mr. Deputy-Speaker: Amendments moved:

(i) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that the changes proposed and suggested in the statement to be made in the Constitution may be referred for report to a Joint Committee of fifteen Members of both the Houses of Parliament."

(ii) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that the changes suggested and proposed in the statement to be made to the Constitution may be introduced in the House in the form of a Bill to be passed into law."

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"and having considered the same this House is of opinion that the financial integration of the State of Jammu and Kashmir has been delayed and rendered as an uncertain event in the near future."

(iv) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that the accession of the State of Jammu and Kashmir is incomplete in law and fact and is not in consonance with the requirements of the Constitution."

Shri Raghunath Singh (Banaras Dist.—Central): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House thanks and congratulates the hon. Prime Ministers of India and Jammu and Kashmir, who following the great tradition of the Indian non-violent peaceful revolution reiterated the principle that the basis of relation and co-operation in politics is not force but the path of the love and common ideal as is shown by the Father of Nation."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House thanks and congratulate the hon. Prime Ministers of India and Jammu and Kashmir, who following the great tradition of the Indian non-violent peaceful revolution reiterated the principle that the basis of relation and co-operation in politics is not force but the path of the love and common ideal as is shown by the Father of Nation."

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): I beg to move:

That at the end of the motion, the following be added namely:—

"and having considered the same, this House approves the policy followed by the Government of India in her relations with the State of Jammu and Kashmir."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House approves the policy followed by the Government of India in her relations with the State of Jammu and Kashmir."

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that other States should also be accorded the same status as has been accorded to the State of Jammu and Kashmir."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that other States should also be accorded the same status as has been accorded to the State of Jammu and Kashmir."

Prof. D. C. Sharma (Hoshiarpur): I beg to move:

That at the end of the motion, the following be added, namely:

"and having considered the same, this House congratulates the Prime Minister for solving the Kashmir problem inspite of all kinds of odds."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House congratulates the Prime Minister for solving the Kashmir problem inspite of all kinds of odds."

Shri M. S. Gurupadaswamy (Mysore): I beg to move:

(i) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that Kashmir should accede to India on other subjects which are mentioned in the Union List."

(ii) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that Kashmir issue should be withdrawn from the U.N.O."

(iii) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that matters relating to the suggested changes in the Constitution be referred to a Joint Committee of ten members of both the Houses of Parliament."

Mr. Deputy-Speaker: Amendments moved:

(i) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that Kashmir should accede to India on other subjects which are mentioned in the Union List."

(ii) That at the end of the motion, the following be added, namely:—

"and having considered the same this House is of opinion that Kashmir issue should be withdrawn from the U.N.O."

(iii) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that matters relating to the suggested changes in the Constitution be referred to a Joint Committee

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of ten members of both the Houses of Parliament."

Shri U. M. Trivedi (Chittor): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of the opinion that—

(i) no case has been made out for preferential treatment of Jammu and Kashmir;

(ii) the terms of the proposed agreement are repugnant to the Constitution of India; and

(iii) no implementation of the terms should be effected without prior amendment of the Constitution and giving an opportunity to the country to express its verdict on the proposed changes."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of the opinion that—

(i) no case has been made out for preferential treatment of Jammu and Kashmir;

(ii) the terms of the proposed agreement are repugnant to the Constitution of India; and

(iii) no implementation of the terms should be effected without prior amendment of the Constitution and giving an opportunity to the country to express its verdict on the proposed changes."

Shri P. N. Rajabhoj (Sholapur—Reserved—Sch. Castes): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that Constitutional safeguards provided for the scheduled classes and tribes in the Constitution shall be made applicable to the State of Jammu and Kashmir."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion

that Constitutional safeguards provided for the scheduled classes and tribes in the Constitution shall be made applicable to the State of Jammu and Kashmir."

Sardar A. S. Saigal (Bilaspur): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House approves all the steps taken so far in the matter."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House approves all the steps taken so far in the matter."

Shri N. Somana (Coorg): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that the agreements referred to in the statement of the Prime Minister entered into between the Government of India and the Government of Kashmir are in the best interests of the Union of India and the State of Kashmir."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that the agreements referred to in the statement of the Prime Minister entered into between the Government of India and the Government of Kashmir are in the best interests of the Union of India and the State of Kashmir."

Shri T. K. Chaudhuri (Berhampore): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that the policy followed by the Government of India in Kashmir tends to put serious obstacles on the place of progressive democratic reforms in Kashmir and the normal process of democratic integration of Kashmir into India."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that the policy followed by the Government of India in Kashmir tends to put serious obstacles on the pace of progressive democratic reforms in Kashmir and the normal process of democratic integration of Kashmir into India."

Shri V. G. Deshpande (Guna): I beg to move:

(i) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that the Constitution of India be applied to Jammu and Kashmir State in its entirety."

(ii) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House directs the Government of India to treat the accession of Jammu and Kashmir State as final and irrevocable and not dependent on plebiscite."

(iii) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that Indian Government should discontinue its participation in the negotiations conducted under the aegis of the U.N.O. and proceed with the task of liberating those territories of Jammu and Kashmir State which are occupied by the so-called Azad Kashmir Government."

Mr. Deputy-Speaker: Amendments moved:

(i) That at the end of the motion, the following be added, namely:—

"and having considered the same, this House is of opinion that the Constitution of India be applied to Jammu and Kashmir State in its entirety."

(ii) That at the end of the motion, the following be added, namely:—

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"and having considered the same this House is of opinion that Indian Government should discontinue its participation in the negotiations conducted under the aegis of the U.N.O. and proceed with the task of liberating those territories of Jammu and Kashmir State which are occupied by the so-called Azad Kashmir Government."

Pandit K. C. Sharma (Meerut Distt.—South): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House places on record its sense of gratitude to the Prime Minister, and approves the statement."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House places on record its sense of gratitude to the Prime Minister, and approves the statement."

Shri Vidyalankar (Jullundur): I beg to move:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House approves the entire policy pursued by the Government of India in her relations with the State of Jammu and Kashmir and records its complete satisfaction with the terms of mutual agreement pronounced in the statement."

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added, namely:—

"and having considered the same, this House approves the entire policy pursued by the Government of India in her relations with the State of Jammu and Kashmir and records its complete satisfaction with the terms of mutual agreement pronounced in the statement."

Both the motion and the amendments are before the House for discussion. **Dr. Lanka Sundaram.**

Dr. Lanka Sundaram (Visakhapatnam): I generally welcome the statement made by the Prime Minister on the 24th of July in respect of

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the very important question of Jammu and Kashmir.

Mr. Deputy-Speaker: In regard to speeches, the time has to be regulated. Not more than 15 minutes will be allowed to any hon. Member; of course, it is always open to the Chair to allow a few more minutes, and that not exceeding five minutes.

Dr. Lanka Sundaram: I was saying that I generally welcome the statement made by the hon. the Prime Minister on the 24th July in respect of the very important and vexed question of Jammu and Kashmir. Having listened to his speech when it was delivered in this House and also having examined the printed text thereof, I gave notice of an amendment, No. 5, which I have this morning indicated I am not proposing to move. The reason why I gave notice of that amendment was that in the statement made by the Prime Minister on the previous occasion, only the domestic aspects of the settlement arrived at between the delegation from Jammu and Kashmir on the one part and the Government of India on the other were properly integrated into some sort of a scheme and that the international aspects of the question were not touched upon to the extent to which I had hoped on that occasion. In the light of the statement made by the Leader of the House this morning, I have ventured to withdraw the amendment I gave notice of with respect to the withdrawal of the Kashmir question from the agenda of the United Nations. I have withdrawn the amendment, in order not to embarrass the Prime Minister of India or the Government of India, for I hold the view that no one in this country is prepared to jeopardise our foreign policy or jeopardise our external defence and also internal security on a question on which passions would be really vitriolic.

Having said that I propose briefly to address myself to the subject-matter of the statement made by the hon. the Prime Minister on the previous occasion. I said I generally welcomed the agreement reached between the Kashmir delegation on the one part and the Government of India on the other. I am heartened to note and am glad of the clarification given by the hon. the Leader of the House this morning that the accession was always complete even in October 1947—I know some American papers have been very critical of the position taken up by India in respect of the Kashmir question, and I am sure that the statement of the leader of the House should dispel all doubts on this aspect of the problem.

As regards the elected Head, I, as a democrat, welcome it open heartedly. As regards the Indian Flag and the Kashmir Flag, there has been a long discussion in the preceding weeks and months, and I am glad to see that the supremacy of the Indian Flag has been accepted by the people and Government of Jammu and Kashmir; the statement made by the Leader of the House on the previous occasion is very clear on that and I am satisfied with it. As regards the forth important issue referred to in the statement of the Prime Minister on the 24th July, namely, the jurisdiction of the Supreme Court, I have got some misgivings about it, but I am prepared to say as a citizen of India that it may be in view of the extraordinarily delicate position occupied by Kashmir in our polity, and I think time will be the healer and the question of jurisdiction of the Supreme Court in respect of what is called compensation for properties will be satisfactorily settled.

Having said this I would like to make one very important observation, and I daresay the Prime Minister would bear with me. I have seen a disposition on the part of the Government of India during the last two years to treat Kashmir separately. From the international angle I have no quarrel with that proposition, but from the domestic angle I am prepared to say with a sense of responsibility that anything done in respect of Kashmir, particularly as regards the elected Head and so on and so forth, will have tremendous repercussions on every other State in India, in particular in Hyderabad. On a previous occasion the hon. Leader of the House took up the position that there could never be the deposition of the Nizam, at any rate as far as the immediate present is concerned. I am here to say that Kashmir cannot be treated separately from the rest of India as far as the position of Rajpramukhs is concerned. I sincerely hope that the Prime Minister has not made up his mind for ever on this point, and that he would not retard the progress of democratic Government in this country especially as regards the continuance of Rajpramukhs. I sincerely hope that very soon this aspect of the question would be taken in hand and that adequate steps would be taken to see that the institution of Rajpramukhs is completely abolished. I am sure that the Prime Minister knows that there is today in this country a tremendous movement being organised from various quarters to secure the aboli-

tion of the institution of Rajpramukhs. I do not think we in this country, and especially the Government of India, whatever strength in Parliament and outside it might possess, can go against the measured statements made by the spokesmen of people, including several redoubtable gentlemen in front of me. As regards Hyderabad in particular, I hold very strongly—and the state Congress had always held and even today it is holding—that the Nizam must be deposed, the State must be dis-integrated, and that there must be a readjustment of boundaries in order to ensure that the body-politic of this country would be based upon secure foundations, based upon the will of the people. Therefore, I do sincerely hope and trust that the Prime Minister would re-examine this question, and see that the question of the abolition of Rajpramukh undertaken in Kashmir would not be permitted to stop there, but would be extended logically and step by step to various other parts of the country.

As regards the international aspect of the question, Mr. Deputy-Speaker, I have made my position clear. Having listened to the statement made by the Prime Minister on the previous occasion and having come to the conclusion that the international aspects of the question were not properly disposed of—because he was explaining a domestic agreement as between the Government of Kashmir on the one side and the Government of India on the other—I gave notice of my amendment. But in the light of the very exhaustive statement made by the Prime Minister this morning I asked for leave to withdraw my motion. However, I would like to say in this connection one or two things which I hope the hon. Leader of the House would not misunderstand or misconstrue. My position is very simple. There is an impression abroad, and I also hold it to a certain extent, that we are trying to run with the hare and hunt with the hound. Let us go back a few years in respect of Kashmir and see what has happened. We have totally rejected the McNaughton proposals on demilitarization, and I do not think I am misinterpreting the proposition when I say that the Prime Minister has rejected that particular portion of the Security Council Resolution appointing Dr. Graham. We have agreed to co-operate with Dr. Graham. In fact a delegation is going in a few days' time from India to consult with him in Geneva. I believe in a certain amount of international etiquette, in protocol and so on and so forth, but it occurs to me that our Government could show a little more resistance to international intrigues which are being sought to be imposed upon this

country, through this particular strategem of keeping this Kashmir problem alive for more than five years and beating it like a dead horse on every occasion available. Technically there may not be reasons for the withdrawal of the Kashmir question from the agenda of the Security Council, but I am convinced we can tell the Security Council forthright, "We have had your dilatory tactics for nearly five years, we have had enough of it. We are running into a *cul-de-sac* from which there is no exit, with the result that we are prepared to make our position completely clear that we will have nothing to do with what the Security Council is going to do." In fact, on two different occasions in the past we have taken up that position. I am glad that the Prime Minister this morning made a reference to the rejection of the proposals about demilitarization. Like that I believe we can tell the Security Council, "We are not any longer going to be a pawn on the international chess board. We will not permit the territory of Kashmir to become the cockpit of international intrigue and sabotage." I feel very strongly on this point that during the past five years under the various propositions put across to us by the Security Council so many missions have come here that every inch of our territory is mapped. In fact, I feel very grievous on this point that the security of this country is almost imperilled by the manner in which foreign missions have gone about the place, only to distract us and to mangle the proposition out of shape and prevent us from reaching a settlement on this vexed question of Kashmir. What I would urge the Prime Minister to do is to take up this question with a little more grit and straightforwardness—I am not saying he is not straightforward in his approach, what I say is that he should convince the Security Council that we will not put up with this nonsense any longer, because I feel five years of our history have been lost on this Kashmir question.

I am not a sadist to demand war, but I am a realist to demand that the interests of this country must be protected. That is the reason why I gave notice of that amendment, but in the light of the very satisfactory statement made by the hon. Leader of the House I begged for leave to withdraw it. I am here generally to welcome this settlement with Kashmir, though constitutional *pundits* might tear up this document especially in view of article 370 of the Constitution relating to instruments of accession and so on and so forth. I feel as a citizen of India that every sympathy must be shown to Kashmir in its pre-

[Dr. Lanka Sundaram] sent plight, because our fortunes are inextricably bound up with the fortunes of that State, which gives us access to five international frontiers. Anything done to jeopardise the foreign policy of India, anything done to disrupt the defence system of this country should be deprecated, and I take this opportunity of deprecating it I may make an appeal especially to friends on this side of the House, that nothing should be said to imperil the security of our country and our defence.

Suri Anil K. Chanda (Birbhum): I am very grateful to you for the opportunity you have given me to speak on this motion, on this historic debate I am also glad because I feel privileged to pay a tribute to the record of our glorious Army on the battlefields of Kashmir. If we have assembled here today to discuss this question of Kashmir it is because of those heroic soldiers and airmen who with their blood have defended the hearths and homes of the defenceless people of Kashmir. These brave young men, with their life's blood, have written the first chapter of the military annals of the Republic of India and their glory will live with us for all time.

I wish it were possible to have this sitting of the House in camera because the Kashmir question, after all, is before the Security Council and in a way it can be referred to as a *sub judice* case. A misplaced emphasis here, a mistaken explanation there may add to the problems of an already complicated issue. If circumspection was ever needed in any discussion of this House it surely is today. Kashmir which used to be the playground of the East has unfortunately today become a plaything of the politicians. The pity of it!

From a perusal of the amendments moved by Members of the Opposition one almost gets an impression that Kashmir is a conquered territory and we are here to dictate our terms to the vanquished enemy. Even the detailed survey given by the Leader of the House the other day on the floor of the House with regard to the historical background of Indo-Kashmir developments does not seem to have illumined the dark recesses of their closed minds. The Kashmir situation is yet in a state of flux and will no doubt so remain for some time to come. It is therefore impossible, to take too narrow and legalistic a view of the things. The human aspect and the political aspect cannot be and should not be ignored. Our hon. friend, Mr. N. C. Chatterjee, the distinguished counsel of Calcutta and the leader of an extinguished political party here, the other day.....

Shri Syamnandan Sahaya (Muzaffarpur Central): Did you say distinguished or extinguished?

Shri Anil K. Chanda: I said distinguished counsel of Calcutta and leader of an extinguished political party here. With great vehemence and force he argued the legal aspect of some of the implications of these recent Indo-Kashmir developments. I am not quite sure whether he had not forgotten the Chamber. I thought he spoke as if he was arguing before the Supreme Court. In this connection, I may remind the House of what M. Clemenceau, the French tiger, said during the first German war. He said that the conduct of war was too serious a thing to be left in the hands of Generals. Mr. Chatterjee's arguments made me feel that the making of laws was too serious a matter to be left in the hands of lawyers.

On the historic day of 15th August 1947 when British paramountcy lapsed, Kashmir was free to decide her future for herself. She could accede to India. She could accede to Pakistan. Perhaps, she could have remained free. Kashmir occupies a very peculiar position. It is different from every one of the six hundred and odd States which made up the princely order of the undivided India. It is because of this fact from the very beginning our Government had very wisely recognised the unique quality—good or bad—of the position of Kashmir. In the words of our Prime Minister, "from the very beginning, we have repeated—even from before the partition—that no step will be taken about Jammu and Kashmir without the concurrence and consent of the people of Kashmir." We have given that pledge most solemnly and with no equivocation whatsoever both to the people of Kashmir and to the world at large. I hope that it is not now seriously contended that we, like some of the great States, should go back on our word and treat our solemn pledge as a mere scrap of paper.

Again, to quote the Prime Minister, he said the other day that "under Article 370 the old principle was repeated and emphasised, that all the changes or any changes require the approval of the Constituent Assembly of Kashmir" and referring to the Constituent Assembly our Prime Minister added "We had envisaged it for a long time." As we all know, that Constituent Assembly has been elected and formed and has been functioning as such from October 31, 1951. It has already taken certain very bold, decisive and in the opinion of many of us very progressive steps. It is in a way surprising that my distinguished

and eloquent friend from South-East Calcutta who was a very distinguished member of the Government of the day when these very important pronouncements were being made today feels dissatisfied with the work of the Constituent Assembly of Jammu and Kashmir. I am sure he did not accept the declarations on behalf of the Cabinet of which he was a member with any mental reservations. He is therefore morally bound to accept the decisions of the Constituent Assembly of Jammu and Kashmir, however unpleasant they might be to him. He however seems to be in a mood to extend validity to the decisions of the Constituent Assembly of Jammu and Kashmir only so long as they are in conformity with his own ideas. He reminds me of the story of a man who stopped another man in the street and asked him, "My good friend, do you believe in God or not? Give me your free and frank opinion?", and as the man was going to reply, the man said, "Sir, I wish to tell you that I have just shot a man dead with this gun because he did not believe in God." Similarly, Dr. Mookerjee would have the Constituent Assembly of Jammu and Kashmir as a valid Constituent Assembly only so long as its decisions would be acceptable to him. That is a very untenable position.

Dr. Mookerjee the other day in the course of his very vigorous opposition to the amendment to the Preventive Detention Act referred to unity in diversity which is the peculiar characteristic of India. It is in admission of this very significant fact that we have achieved unity through diversity by enacting Article 370 of our Constitution which for the time being governs our relations with the State of Jammu and Kashmir. Unity and uniformity are not synonymous. We can have unity without having uniformity. That has been the special feature of our Constitution. Otherwise, we would not have had A, B and C States. Kashmir is another example, a case by itself. If you like, call it a D State. All our States did not accede in the same manner under the same conditions and at the same time. The Orissa States, Junagarh, Jammu and Kashmir and Hyderabad—all acceded in their own way, because they were under different conditions and hence they acceded in a different manner and at different times.

We as a democracy have accepted the principle of the sovereignty of the people. The peoples' representatives of Kashmir, aware of the peculiar position of their country, have made special provisions in their Constitu-

tion governing their relationship with us. It is true that all of us would have liked Kashmir to have acceded to India in exactly the same manner as the other States have done and we fervently hope that before long the day will come when Kashmir will be integrated with India in the same manner as all other princely States have done.

Dr. N. B. Khare (Gwalior): Amen.

Shri Anil K. Chanda: Thank you.

But surely we cannot do it by coercion or force. We cannot forget that the Kashmir issue is before the U.N.O. and that we have on our part made certain very important and solemn pledges before the world. If some of the Opposition Members press for the complete integration of Kashmir into India with their ruthless and sometimes impolitic criticism of Sheikh Abdullah and his Government, they will be defeating their purpose. It is not very wise to cut one's nose in order to spite the face. What is needed today is patience and faith in democracy.

The position of Sheikh Abdullah and his Government must be realised by us, and a proper aspect for the people's verdict, whatever it might be, will in the long run win us our goal. We should not indulge in carping criticism of the Prime Minister of Jammu and Kashmir who is put in a very difficult position there from time to time. If we want the full integration of Jammu and Kashmir, it is not the time now to talk about the complete integration of Ladakh and Jammu. Such a proposal will lead to a partition of Kashmir on communal lines and ensure the loss of Kashmir to India. The hon. Members of the Opposition in opposing the Prime Minister's motion have, I fear, unknowingly but nonetheless surely played the very game of Pakistan. Kashmir has been unique in the history of India's struggle for freedom. It is in Kashmir that we fought the tyrant on the one hand and communalism on the other. In the rest of India we failed because we could not carry the Muslim masses with us all along the line. But if we had a resounding victory anywhere, it was only in Kashmir. Even in the worst days of communal frenzy, not one hair of a Hindu was touched. Are you now going to sacrifice that atmosphere because for the time being discussions with Kashmir have not met with full satisfaction from some of us? In Kashmir, ours has been a winning battle. India showed in Kashmir that Indians could rise above communalism. Even during the battle on the Kashmir front, we always fought on the political and not on the communal plane. The Consti-

[Shri Anil K. Chanda]

tuent Assembly of Kashmir is setting an example to the rest of India. It has already passed certain very progressive reforms, the abolition of landlordism, abolition of hereditary monarchy and the acceptance of the secular character of the State.

The question of a State flag has created an amount of misunderstanding in the minds of many of us. But we have to remember the emotional value that the Kashmir people attach to this flag, the flag under which they have faced tyranny and they have faced death. We have a similar parallel in our attachment to the 'Vande Mataram' song, the words of which are in lips of many of us. Therefore because of the sentimental value we attach to the *Vande Mataram* we have given it the importance and status of a national song. Similarly also, our Kashmiri friends, because of the sentimental value of the flag, want that that flag should also be recognised as the flag of the State, subject, of course, to the supremacy of the national flag of India. I do not think it is very generous on our part to object to that.

For obvious reasons it is quite clear that for some time to come the relationship between Kashmir and the Union Government will remain fluid. Nevertheless, the full jurisdiction of the Supreme Court has been admitted and that alone, will justify the claim made by our Prime Minister the other day that the accession is complete, in law and in fact and that Jammu and Kashmir is a constituent unit like any other and that the people of Jammu and Kashmir are as much citizens of India as any other.

To question the decisions of the Constituent Assembly is only to play the role of our enemies in the United Nations. They are against the idea of the Constituent Assembly which we have accepted wholeheartedly and rightly so. If today, on the plea that Kashmir has not come as close to us as some people would like it to be, we run down the Constituent Assembly of Jammu and Kashmir State, we will be only playing the game of Pakistan. After all our relation with Kashmir is not an accession, but voluntary association based, in the words of Sardar Patel on the maximum of goodwill on both sides.

Shri A. K. Gopalan (Cannanore): We welcome the motion placed before the House and also welcome the conclusion of the talks on the Kashmir question. We welcome it because it is a victory for the people of Kashmir, not only for the people of Kashmir, but for the people of the whole of

India. It is a victory in the sense that two important principles, namely, the abolition of landlordism and hereditary monarchy, for which the people of this country have been fighting for many years, have been decided by the Constituent Assembly of Jammu and Kashmir and the Government of India have accepted them. It is only now a question of time as to when the abolition of monarchy and also the abolition of landlordism without compensation will be done in the other parts of India.

The Prime Minister the other day said that it is the Constitution of India which does not allow the abolition of landlordism without compensation. If that is the hindrance in the way of abolition of landlordism, I am sure they will take early steps to change the Constitution so that the people of India may not say that while they have accepted the principle of abolition of landlordism and monarchy in Kashmir, so far as the other parts of India they want to preserve them.

Let us examine what is the most important outcome of the Kashmir settlement. The cardinal principle that has been accepted is that the people of Jammu and Kashmir will decide their future. The Prime Minister said 'he other day, which he repeated today, that whatever has been done during the past four years and will be done by the Government of India in future, will be on the basis that the issue of Jammu and Kashmir will be decided by the people of Kashmir. It is on that principle that the talks were carried on and it is on that principle on which the Government of India have accepted the accession of Kashmir. We feel that this principle will be extended to the question of linguistic provinces.

We want Kashmir to be a part of India. There are certain forces outside this country that want that Jammu and Kashmir should not be a part of India and they want to snatch it. The majority of the people of Kashmir are Muslims and we should convince them that their interests will be safe if they become a part of India. It is unnecessary for me on this occasion to go into the history of the past four or five years. There are certain forces at work which want to divide the country on the basis of Hindus and Muslims. We do not consider this as a communal question at all. We consider it as a question of landlords and peasants, the capitalists and the workers, the rulers and the subjects, — whether it is the Kashmir raja or the Nizam. The people, Hindus as well as

Muslims, under them suffer all sorts of atrocities. We look at it from this point of view: what will be the position of the Hindu and Muslim peasants; what will be the position of the Hindu and Muslim workers? The ordinary peasant, irrespective of the fact that he is Hindu or Muslim, is only interested in seeing that he gets some land to cultivate and that his interests are safeguarded. Among the Muslims there are zamindars who exploit Muslim peasants; among the Hindus there are zamindars who exploit the Hindu peasants. So, there are only two classes. Among the Hindus, among the Muslims, among the Sikhs there are certain reactionary classes who have got some vested interest. They want the land for themselves; they want to exploit the peasant; they do not want to give it to those who till it. There are the peasants. Whether in Punjab, Kashmir or any part of India there are Muslim, Sikh and Hindu peasants who had been tilling the land for so many years. They have their economic interests, they want that they must get the land and be able to till the land. As long as there are these two interests and this conflict between them, to cover the economic conflict and their economic interests, it is taken as a fight between Hindus and Muslims. As we see, the problem of Kashmir today is certainly a fight between monarchy and the people there, the landless people, whether they are Hindus or Muslims. That is the reason why we say that if we want to keep Kashmir as part of India, it is not only our army, it is not only our help, but it is the help of the people of Kashmir that will enable us to keep it. The people of Kashmir must feel "we must defend our country, because this is our country, the land is ours and our interest lies in remaining as part of India, our interest is not to cut away from India." That must be the feeling of the people of Jammu and Kashmir, whether they are Hindus or Muslims. You must create that confidence among the people there, the confidence and enthusiasm to feel "Here the India Government have accepted this principle, they are giving us the opportunity to decide our issue, they have accepted the land reform, they have accepted the abolition of monarchy and so our interest in Kashmir is safe, it is not a question of Hindu or Muslim, it is a question of saving us from monarchy, from landlordism, from the exploitation of landlords". You must create that confidence in the people of Jammu and Kashmir, the majority of whom

are peasants. The real problem today is to give them that confidence. We cannot keep Kashmir as long as the majority of the people of Kashmir, whether they are Muslims or Hindus and especially Muslims, have that revolting spirit, as long as they want to revolt, as long as they feel "there is no safety for us in this country, we are exploited and our case is ignored by the Government, and so we have nothing to do with this Government, our interest is to cut away from India and join Pakistan." If that is the feeling of the people of Kashmir and if we do not get them to our side, if suppose a small aggression from Pakistan takes place, even if we send our army and fight we will see them supporting the aggressors and not supporting our army against the aggressor. That is why as far as the principle of giving the issue of Jammu and Kashmir in the hands of the people is concerned, the conclusion of the talks has been on the basis of that principle.

There is another very important point I have to touch. The communal question can never be solved unless you adopt these four methods: abolition of monarchy—whether it is the Kashmir Maharaja or the Nizam or in Travancore-Cochin or anywhere else—abolition of landlordism, abolition of capitalist exploitation, and freedom of conscience. It is only these that can unite the Hindus, Muslims, and Sikhs in this country. It is only these that will remove any bitter feeling between Hindus and Muslims and Hindus and Sikhs. The feeling is there today in the country because the vested interests want to divide the country on the basis of communities. There are unemployed men and landless peasants. But the landless Sikhs for instance feel that they are all Sikhs. They do not feel on the basis of their own interests or class because they are not organised in that way. The moment all the peasants in the country, irrespective of whatever communities they may belong to, understand that they are landless peasants, certainly they will organize and fight against those who possess the land. So, on this basic certainly the action that we have taken, namely, abolition of monarchy and abolition of landlordism without compensation, will greatly create confidence in the minds of the people of Jammu and Kashmir, whether they are Hindus or Muslims, that they should remain part of India and not go out of India.

Another point in regard to the land problem is this. There have been

[Shri A. K. Gopalan]

questions that we are not allowed to buy land there. There is a clause that we are not allowed to buy land there. And it is pointed out that they are allowed to buy land here. I take it in this way. If anybody wants to purchase lands there and have a monopoly of land or accumulation of land, certainly that is not allowed. Whether in Kashmir or in any other part of India, the purchase and accumulation of land must be stopped and there must be a legislation by which nobody is allowed to purchase land and accumulate land. But the question was put to me: suppose a poor man goes there, he wants to buy one acre or half an acre of land, and he wants to live there; will it not be allowed? Certainly that will not be the position. If a person wants to go and settle there and wants a place to live in and if this settlement makes it impossible for a poor man to have a piece of land, certainly that is not good. But I am sure the principle of that is that nobody outside will be allowed to come there and purchase and accumulate land creating another problem for them.

So far as the fundamental principles and other things are concerned, if the fundamental principle in the Constitution is to be applied there with respect to this land reform, immediately there will be agitation. In Jammu and other places there is agitation even today by the landlords that the fundamental principles and the right of reference to the Supreme Court must be allowed to apply to Jammu and Kashmir also. If it is applied it means that the land reform cannot be carried out because the Constitution is against it today.

So, generally speaking, what we have to say is that as far as this move of the Government is concerned, certainly it helps the unity of India, it helps the interests of India, it also certainly helps the people of Jammu and Kashmir not to go out of India, and it is a good weapon against those who want to create confusion and disunity in the country.

There is one point on which we could not agree. It is about the role of the U.N. If they want that this question of Kashmir should be kept in the U.N. even today, what is the reason behind it? The main object of the U.N. today is not to see that there is unity and that India is united as a whole. They say that there must be a plebiscite. They want to utilize all their resources. Even inside Jammu and Kashmir today we see there are their interests. They

want to divide the people into Hindus and Muslims. Their interest today is that Kashmir and Jammu must be divided. They want that the majority of Muslims in Kashmir may vote against joining India and join Pakistan and that Jammu may join India. Their interest, as far as we have seen it today, is not for the solidarity of Jammu and Kashmir, not to see that Jammu and Kashmir is part of India. They want a division of Jammu and Kashmir and they want to see that the division takes place by some way. So they say there must be a plebiscite.

The Prime Minister has said that it is a question between the Kashmir Government and the India Government. The Constituent Assembly of Kashmir has said that they are certainly part of India and it is also admitted in the accession. If there is any settlement it can only be between the Indian Government and the Kashmir Government. Therefore there is no need to keep the problem in the hands of the U.N.O. Further the U.N.O. may decide for a plebiscite. Already they have worked out a plan for a plebiscite in Jammu and Kashmir in a manner which will not be to the interest of both India and Kashmir. There is no purpose served in keeping this problem in the U.N.O. My suggestion is that the Kashmir question must be immediately withdrawn from the United Nations so that the people of Kashmir may enjoy the benefit which they have got today and Jammu and Kashmir may continue to be a part of India. Even if there are differences, they may be solved by negotiation as we had settled differences today. The Kashmir Government have got certain powers and with this, I am sure they will be able to carry out ameliorative measures and get the confidence of the people, whether Hindu or Muslim and also strengthen the unity between Kashmir and our country. So on this basis, we welcome the motion and we tell the Government that as far as the implementation of this policy is concerned, we will certainly be on the side of the Government.

Dr. N. B. Khare: Our friends opposite are always looking askance at us on account of our association with the Communists on our right. Now they have no reason to do so any longer because they are now fellow travellers of communists in this question and I congratulate them for this. The hon. Member who spoke before my friend, Mr. Gopalan has given us a high compliment by calling us 'an extinguished party.' I am not one of those who has lost a sense of humour. I appreciate the compliment and I value it. The only thing is that when

we give a thrust to the Members opposite, they begin to squeal and scream and we cannot understand that. We take such compliments in sport, because we do not mind. I may tell this House that this party is not 'extinguished'. We will never be extinguished—it may be a flickering flame now but that does not matter. I am sure it will some time or other begin to burn fiercely on account of the mistakes committed by the ruling party. Then he was a little bit inaccurate in his facts. He said that not a single Hindu was killed in Kashmir. I tell him that about 40,000 Hindus were killed in the recent riots. While referring to Mr. Chatterjee, he said that he was a distinguished legal practitioner in Calcutta, let me tell him that Mr. Chatterjee cannot practice in the High Court of Calcutta, because he was a judge there previously. He is practising now in Delhi.

Before one could deal with the subject proper, it may be worth while to make a brief reference to some very recent historical facts. The Maharaja of Kashmir on the 12th of November 1930 in the Round Table Conference made a speech supporting the Congress stand. It is a matter of history and one can identify it. Therefore, the British naturally became angry with him and in 1931 communal riots were fomented in Kashmir through the British agency and in collaboration with the present Chief Minister of Kashmir. This can be verified from the correspondence which I have got here which passed between the British, the present Prime Minister and the Khalif of the Qadians. I am not going into the details. For the present, I only make this statement.

Then a wrong statement was made by the Prime Minister in the Council of States in regard to the recent happenings in Kashmir.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

He said that Dogra regiment in Kashmir killed some Muslims. It is not a fact. On the 27th of August, 1947, 3 Dogra sepoy and one jamadar were killed by Muslims and similar incidents followed on the 3rd of September of that year. Therefore all these troubles took place. The Dogra sepoy were not to blame and these facts can be substantiated from a book entitled 'To America' published by the Kashmir Government. This brief recital of historical facts in the immediate past was necessary to understand the background of the love drama which was enacted behind the scenes in the Capital about a fortnight ago between India and Kashmir. When that drama was finished on the

24th of July, the hon. Prime Minister made his statement on the floor of this House, giving us the result of that drama. I think, in that drama, Kashmir played the part of the hero and India played the part of the heroine. Nobody looked at the faults, foibles and blemishes of the object of love. After all love is blind. India gracefully abandoned herself into the loving arms of Kashmir. What is the result of the proposed agreement? It is a voluntary abdication of the power over Kashmir by the Government of India. It is also a sort of violation of our Constitution. It also lowers the prestige of the august personage, the President of our Republic. All this had been done to placate the intransigent Chief Minister of Kashmir. That person is an adept in the art of making the best of both the worlds. He has mastered the Hindus through our Prime Minister because the Hindus are pusillanimous and they will not at all oppose or be irritated whatever harm is done to them and he has mastered the Muslims in Kashmir by catering to their fanatical demands. For the last three years he has been criticising the Indian Press, the Indian leaders and even the Indian army. His lip sympathy to Gandhian ideals and secularism and his allegiance to our Prime Minister and the superficial castigation of the leadership of the late Mr. Jinnah could not hide his desire for a separate status for Kashmir and he has got it. Now our Prime Minister to hide his political debacle regaled this House with the geography of Kashmir. He tried to make a point that Kashmir is more akin to Central Asia than India.

11 A.M.

He was at great pains, I mean he indulged in by a lawyer who has got a weak case. Let me tell the House that howsoever north Kashmir may be, it lies on the Indian slopes of the Himalayas which is the northern boundary of India. You cannot escape this geographical fact. Besides, an old book called *Rajtarangini* and also other historical facts of recent occurrence will confirm that culturally India and Kashmir have been indissolubly bound together for ages. There is no use saying that Kashmir is more akin to central Asia than India.

He told us with great gusto that Kashmir has become a part of India by this agreement, that it is a heart-to-heart union. Kashmir has always been a part of India. Where is the question of its becoming a part of India hereafter? And he has said that Pakistan has no position in Kashmir either legally, constitutionally or otherwise. Let me tell you that

[Dr. N. B. Khare]

even now Pakistan or its stooge Azad Kashmir occupies one-third of the area in Kashmir. It is doing so with force of arms. What is the good of telling us that in fact and law Kashmir has acceded to India. After all, as the maxim goes, possession is nine points of law.

Then if it is a fact that the whole of Kashmir has acceded to us in 1947, as have other states acceded to India, and this fact is to be maintained, now is the Prime Minister going to turn out the Pakistani forces from the occupied area? He has not told us, nor will he ever do so.

And I do not want to say much about the U.N.O. After all, I think if the Prime Minister has still illusions about it, I am sure he will be very soon disillusioned.

The Prime Minister told us that instead of a union by Constitution or by agreement by words, a union of hearts is more enduring and more welcome. I concede that. But he says that the basis of our union with the people of Kashmir is the national movement which we both carried out for the deliverance of Kashmir from feudal rule, and we made common cause in it and we underwent together common sufferings. Well and good. I quite realise it. But, I may tell him that other States also, along with Kashmir, more or less had joined in the same national movement for liberation from feudal rule. Then, why should there be a differentiation between Kashmir and other States which have also taken part in the same movement and undergone common sufferings. I can understand a feudal ruler being extinguished. I use the word deliberately. I am for it. I am a democrat. I do not want feudal rule anywhere. If it is so it is quite natural. There is nothing to laugh at. I am a democrat, perhaps better than you. None so dense as those who refuse to understand.

If the feudal rulers are to be extinguished, then why apply it to Kashmir alone? There are others after all who are more sinful than the Maharaja of Kashmir. It is patent in fact. Perhaps as I read in the papers there is a demand made by a British firm dealing in arms for Rs. 10 lakhs for arms supplied to the Razakars in the Hyderabad regime. I think better have a look there first. If you want to abolish any ruler, I say with all emphasis, begin with the Nizam of Hyderabad and let the others follow.

A variety of reasons have been given—there is one thing more which

I have forgotten. After all, abolition of hereditary rule, feudal rule, is quite good, but in the present democratic set up, no Indian ruler is an arbitrary ruler. He simply adorns the Gaddi of the rulership constitutionally in a democratic set up. If it is wrong everywhere, abolish all of them.

I shall take two minutes more and finish very quickly. A variety of reasons have been advanced with regard to Kashmir. The only reason is that it has a Muslim majority and a Hindu Ruler at the head of its administration. Then it is a grave injustice to Ladakh and Jammu. After all, Kashmir is not a homogeneous State. The first ruler was only master of Jammu. He purchased Kashmir and conquered Ladakh, and he made the whole united. Thus, Ladakh and Jammu will have special right to demand accession to India after the elimination of the maharaja. Sheikh Abdullah once said that if Jammu and Ladakh went out and joined India, he had no objection. Now he says quite differently. Perhaps he is buttressed, he has gained strength, from the Prime Minister.

I may omit everything. I cannot help it. But one thing is there. The Nagas and Sikhs demanded separate States. Our Prime Minister rightly turned down their demands, I congratulate him. He has done so because they are frontier States. But let me tell him that Kashmir is much more a frontier State than the Naga and Sikh areas, because it has boundries with India, Pakistan, Afghanistan, Russia and China. It is much more dangerous, and so this arrangement is not happy.

With your permission, to show how things are, to show the double-face of the person, I will read three paragraphs written to me by one from Srinagar dated the 30th July. It reveals on what dangerous ground we are, at this moment. This is the letter:

"30th July, Srinagar

"Yesterday, Sheikh Abdulla addressed Government servants at a private meeting in the Secretariat. Gazetted and non-gazetted employees were present. Since press representatives were not allowed, the real substance of his speech may not reach India."

Shri Sved Ahmed (Hoshangabad): On a point of order, Sir. The hon. Member ought to disclose the author of that letter.

Dr. N. B. Khare: It is anonymous.

Shri Syed Ahmed: It should not be allowed to be read here.

Mr. Chairman: May I know who the author of the letter is? I understood the hon. Member himself was the author of the letter.

Dr. N. B. Khare: It is a letter from Srinagar dated the 30th July.

An Hon. Member: He might himself have written it.

Mr. Chairman: Unless and until the authorship of the document is disclosed. . . .

Dr. N. B. Khare: Absolutely not. I will never do it even if my throat is cut.

Mr. Chairman: Then I think the hon. Member should not refer to this document.

Dr. N. B. Khare: All right.

Shri V. G. Deshpande: I want to raise a point of order. A charge has been made against an hon. Member of the House that he has fabricated the letter. I want to submit that somebody has sent him a letter whose name he is, in honour bound, not to disclose. This charge should first be withdrawn.

Mr. Chairman: Order, order. The hon. Member will resume his seat. This letter has not been allowed to be read out in this House, and therefore the question of fabrication or otherwise does not arise. There is no point of order involved.

Shri V. G. Deshpande: An hon. Member said that it was written by himself. That remark should be withdrawn.

Mr. Chairman: Mr. Datar.

Dr. N. B. Khare rose—

Mr. Chairman: I thought the hon. Member had finished.

Dr. N. B. Khare: Only one thing more. The Prime Minister's remark is that Kashmir has acceded to us in fact and law. Well and good, but so long as the sword of Damocles in the shape of a plebiscite is hanging over us, and so long as Kashmir is entangled in the tentacles of the Octopus U.N.O., I do say this remark of the Prime Minister is only phoney and not real. That is all.

Shri Datar (Belgaum North): It is a matter of great grief that in respect of the solution of the Kashmir problem we have a school of thought

in India that is not taking into account the correct position and the dire results that would follow provided we follow the policy that they are laying down for us. Kashmir to us is a very dear land. Kashmir has been part of India since the time of Ashok. Kashmir was the land where Buddhism spread, Kashmir was the land of Kashmiri Pandits who have for us maintained and preserved the Vedic culture, and hence we are all interested in having Kashmir as an eternal and permanent part of India. So we have to move in such a direction that Kashmir would remain a willing part of India. For that purpose we have to follow a line of action which is quite delicate and we have to maintain also a sense of self-restraint in dealing with this great question. Yesterday the hon. Member from Maharashtra told us that even before Mr. Jinnah thought of the partition of India, we had a school of thought, and a leader who had thought of having a division of India into Muslim India and Hindu India. That is the measure or the extent of the misfortune, so far as we in India are concerned. Now I desire that we should not commit any further fatal mistakes so far as Kashmir is concerned. Unfortunately for us there were certain predominantly Mohammedan parts in India which went out of India, but here we are having a part of India, namely Kashmir which is not going out of India and which has acceded to India both in fact and in law. Therefore if we approach this question properly and tactfully it is quite possible that Kashmir would remain a permanent part of India. For this purpose, we ought to see how History has grown in Kashmir, how it has been a part of India and how Kashmir is likely to be a permanent part of India. I would not go into dim history, but I would deal with the history during the last one hundred years. We had the treaty of Amritsar in 1846 under which three or four parts which together now constitute Kashmir and Jammu came under an ancestor of the present ruler. Since that time we have a Hindu rule in the sense that we have a Hindu ruler. But unfortunately the antecedents of this Hindu ruler were far from desirable. Whatever it was, it was a part of India and when the British rulers occupied the whole of India Kashmir was treated along with other Indian States in what is known as a 'subsidiary alliance', and it became a part of what was known as Indian India or native Indian State. I would then pass over a number of events, and come to the fateful year 1947. In June 1947 we had a declaration by the British Government that they had withdrawn para-

[Shri Datar]

mountainy from the Indian States—the so-called princely states. The moment this paramountcy was withdrawn, all the Indian States, small and big, thought that they were sovereign States, and that they could deal with their subjects themselves as they liked. Therefore we find that after the declaration of the withdrawal of paramountcy in June 1947, the ruler of Kashmir did not accede to India nor to Pakistan. But he made a statement which has been referred to in his final letter of accession to India that he was considering as to whether he should accede to Pakistan or whether he should accede to India or—and here we have got an interesting portion—whether Kashmir should remain an independent State. That was the position that was unfortunately taken by him. Then Kashmir had what is known as a 'standstill agreement' with Pakistan. Then came further events which were moving very rapidly; the moment they had a standstill agreement with Pakistan, the Pakistan authorities tried to strangle this beautiful land into a final submission to Pakistan. Events moved very rapidly, and ultimately they culminated in an invasion and aggression really by Pakistan armies and by Pakistan forces in the name of the tribal people. In October 1947, the ruler of Kashmir had to approach India for relief, and it is one of the greatest and most glorious chapters of Indian history that India rushed to Kashmir and gave all the aid that she could give. Sometimes people glibly talk that crores of rupees have been spent on the Kashmir campaign. I do admit that several crores have been spent, but I do submit in all humility that these crores have been very usefully spent and on humanitarian grounds also. The aid that India gave halted the progress of the Kashmir aggression, and under these circumstances Kashmir remained independent and inviolable, under these circumstances, we have to see that the action that has been taken by the Indian Government was absolutely correct not only on humanitarian grounds,—though that to me is one of the most touching things, because after all we are human beings, and it does not matter even if crores of rupees are spent on humanitarian consideration—but on other grounds also, because we went to the help and succour of a country which was raided. I read a book recently entitled 'Fight for Kashmir' by an Indian and Hindu author—I say Hindu for the purpose of the edification of our Hindu Mahasabites—by name Ram Prakash. If you read that book, tears would come to your eyes, because

it will be seen how there was literally a 'rape' of Kashmir.

Coming back to my narrative, India helped Kashmir also on strategic grounds. That is a point also which we have to note. Kashmir is a part of India, but on the Kashmir side and all other sides, we have frontiers which are not necessarily and completely favourable to us, and therefore it is that the Government of India rushed to the aid of Kashmir on humanitarian grounds primarily, but in the ultimate analysis we shall find that that action could be supported also, on grounds of defence and strategic importance. Then we had the accession of Kashmir to India in respect of three subjects, while the other questions had to be negotiated subsequently. At this time, we had the Constituent Assembly working in India. It was to our good fortune that on this Constituent Assembly also we had members from Kashmir. They and we together sat down and evolved a Constitution which was extremely useful so far as the integrity of the nation and the realities of the situation were concerned. We find, in the Constitution that we have passed and of which we are very proud, that there are certain articles like Article 1 and a number of other articles which would clearly show that Kashmir is treated constitutionally as a complete and vital part of India. The Kashmiri language has been recognised as a regional language, and then Kashmir and Jammu together came under 'Part B' States. But there were certain peculiar circumstances, and certain realities of the situation, that had to be taken into account. The Maharaja of Kashmir was recognised by the President as the Rajpramukh in order that he may be fitted into the Indian Constitution. It was made clear so far as the people of Kashmir are concerned, that they have certain peculiar problems, unlike the ones that we have in Hyderabad or Mysore. So, Kashmir has to be treated on a separate basis though in the ultimate analysis it is going to be a part of India in the same way in which we have got Hyderabad and a number of other States. The relations between Kashmir and India started on this basis. Then certain provisions were made in the constitution according to which it was open to the plenipotentiary parties, namely the Government of India and the Government of Kashmir to try and negotiate for a permanent settlement; so we have got Article 370 in our Constitution, which makes provision for transitory circumstances, the underlying idea being that we from India

should meet the wishes of the Kashmir people so far as their special conditions are concerned. There is one other most important point to be noted. When Kashmir acceded to India, it was an accession not by the ruler himself, of his own accord, but by the ruler with the full consent of the leader of the largest popular party in Kashmir. We should also note that so far as Sheikh Abdullah is concerned, it is absolutely wrong to say that he is communal, and that his party is the Muslim Conference party. For a number of years there was this Muslim Conference. Subsequently when actually the power came to the hands of these people, that power had to be used not for Muslims alone who constituted 78 per cent. of the population but also for the Hindus who were only 22 per cent. of the population. So under these circumstances, the 22 per cent. of the population was not hustled into submission. The very popular organisation that we had in Kashmir was turned or converted into an all-Kashmir body and it is known as the National Conference. We also heard Sheikh Abdullah the other day and all his policies and actions point to the conclusion that the State is being treated as a secular State, and so far as all the sections of the people are concerned, they are being treated alike, subject to certain exceptions here and there, which are not due to the policy that is laid down. We have also a number of cases where irregularities might happen, but so far as the principal policy is concerned we have to see that the policy is secular and that it is not a Muslim State at all, nor a Hindu State, but it is purely a secular State, a particular region which strives to be and which is ambitious to be a part of India. There are certain provisions in the Indian Constitution which have naturally attracted the Kashmir people. The Kashmir people had carried on a struggle against monarchy. Similarly struggles had been carried on in different states in India. Thanks to Sardar Vallabhbhai Patel, We have an integration where almost all the States and their rulers disappeared in a non-violent way. We have some rulers yet, they are called Rajpramukhs, but so far as these Rajpramukhs are concerned, their 'pramukhatwa' or ascendancy would soon go and they would not be rulers any longer in the course of the next 15 or 20 years.

I am looking forward to the time when the whole of India would take a cue from what has been done by the Kashmir Constituent Assembly. The Kashmir Constituent Assembly has abolished monarchy; that is a step which has to be taken by us. So if all

these circumstances are taken into account, I am confident that we in India would so act that the Kashmir people would be induced to remain with us and not get out of India. Therefore, let us speak very carefully let us not speak desperately, let us not speak bitterly; nor should we make any distinction between Kashmir, and Jammu and other parts. Let us not in a spirit of narrow-mindedness make a division in Kashmir—divide Kashmir and take the small portion of Jammu and leave the larger, the most fertile and great valley, the happy valley of Kashmir, to others. Now, the trends that we are seeing are entirely in favour of Kashmir completely remaining in India, not just joining India. It will completely remain in India provided we take the correct action, provided the members of the particular party who are speaking here take a correct and realistic and long-range view. Just as the Members of the Communist Party have welcomed this agreement, similarly I am appealing to the Members of the Jan Sangh, the Hindu Mahasabha and all others that they should do so in the very interests of what they cherish, namely, the consolidation of Indian culture. We are not for consolidation of Hindu culture; we are for consolidation of Indian culture. Indian culture is a common culture, Indian culture is not a sectarian culture and if that culture is to be strengthened and if Kashmir has to be with us permanently, then let us take a proper attitude and let us approach this question realistically. I am hoping that God will give wisdom to all the people to take a lesson from the past mistakes that we committed. Let us not repeat any further division of any part of India.

Shri V. G. Deshpande rose—

Mr. Chairman: I have not called the hon. Member. Shrimati Vijaya Lakshmi.

Shrimati Vijaya Lakshmi (Lucknow Distt.—Central): I rise to support the motion before the House. On two occasions we have had an opportunity of hearing very fully from the Prime Minister about the situation in Kashmir. I do not want to take the time of the House in repeating any of the arguments that have been already discussed, but I would like to draw the attention of the House to one or two aspects of the situation which have perhaps not been so fully discussed before. I was in New York, on that memorable day in October 1947, when the Indian Government took the action, the historic action, of sending troops to Srinagar, and it was my duty to hand over to the then Secretary of State of the United States of America, General George

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Marshall, the official announcement of that act. I had occasion in the U. N. and outside to sense the feeling of the ordinary man as well as statesmen and others regarding the Kashmir issue. Again, a few months later, I was in Moscow and the next year at the time when the 'cease fire' was agreed to I was in Paris, at the United Nations Assembly. And on all these occasions the one thing that struck me, and indeed everybody who was there, was the fact that Kashmir was to the western mind a geographical spot on the map of the world. They were not interested in the various implications of Kashmir's accession or non-accession; they were not interested in our relationship with Kashmir or Kashmir's relationship with Pakistan. All they were interested in—and remember the background was fear of war all the time in Europe, fear that something might arise which might start another conflagration—was the question, does this situation in Kashmir present an international threat and will it lead to another war? Situated as it is geographically, what are the dangers likely to arise from this action taken by India? That was one of the—I will not say the only—considerations because quite obviously statesmen and politicians, of course, had many others, I am talking very generally of the western mind. Not only at that time but as recently as a few months ago when I was in Washington everytime the question of Kashmir came up, it was this fear of a third world war that seemed to be behind the minds of people who spoke about it. The reason why I refer to this is because I would like hon. Members to remember that many of the delays that have been caused by the United Nations in deciding this problem,—and in coming to a decision,—have been due to this fact, that public opinion in the west does not easily understand the Kashmir issue. May be because we are at fault and could not get it across properly, but I do not think that is the real reason. The real reason is this all-pervading fear in the West—specially in the States which makes them look at it as a dangerous inflammable geographical point, and when we are impatient with the United Nations—and I share the impatience of this House and of people outside—I would beg of hon. Members to remember that this is not a question that can be dealt with in haste. It is true that it is a vital national concern to us, but it is also true that having sent the question to the United Nations, we have permitted the spotlight of the world to be focussed on Kashmir. And therefore, any step we take, any

action we take, must be consistent with the line that we have followed, must be consistent with our Constitution and with the accepted ideals of democracy for which we stand. We cannot rush through to a decision simply because we are impatient. We have to take the world with us and if the world is slow of understanding even then we have to be patient. Because as the Prime Minister has pointed out the consequences of hasty action in the kind of world in which we live today are so immeasurably greater than ever before, that we have to pause and think a hundred times even when interests nearest to our hearts are delayed or imperilled.

The Prime Minister has referred to the question raised about the withdrawal of this case from the U. N. Very briefly I would refer to that before proceeding to my next point—not because of the question raised in the House but because in the minds of many people in the country outside this House there is this thought: Why should we continue to keep this item on the agenda of the United Nations when we do not get any satisfaction and there are interminable delays? Now, even if we wished to withdraw this item from the agenda it would not be possible. The main consideration is the psychological one mentioned by the Prime Minister because psychology largely governs this and other international issues today. But the technical reason is that an item having been placed on the agenda of the Security Council, the Council can accept a settlement of a dispute reached by the parties, or it can impose a settlement on the parties if they are unable to come to a decision themselves—that is what the Security Council once tried to do in our case and was rejected. And rightly rejected, by our Government. The third alternative is that it may decide that the General Assembly is competent to deal with the matter. But there is nothing in the rules to allow an item to be withdrawn by one of the parties to the dispute once it has been placed on the agenda of the United Nations. Therefore, even if we wish to do it that would not be technically possible, because whether we like a particular action of the United Nations or not there is, I hope, a sufficient understanding of the fact that adhering to the basic principles underlying the U. N. Charter we have much to gain and nothing to lose, and this applies equally to every member nation.

We have got into the habit of trying to over-simplify problems. Listening to talk on Kashmir, I am a

little disturbed at the way in which issues are sought to be made clear-cut. The question is an exceedingly complicated one, both by itself and in the context of the world situation, and every word that is said about it has to be weighed and every step we take must be in the wider context of world security and peace and progress. I would like to condemn the kind of unthinking remark—one so often hears about the waste of money in Kashmir, the waste of time and energy, that is going on in Kashmir, and so on. And it surprises and hurts me to listen to reference, in and out of season, to the crores of rupees that are being spent on Kashmir which could be used to build up our education, our health or our industries. And I grant you all these are vitally important to our progress. But I would like to say to the House in no uncertain terms that there are some things in the world which are more important even than the national budget and one of them is national honour. And, we cannot reduce the action we took in Kashmir which involved acts of great heroism and sacrifice on the part of innumerable brave young men, to figures in a budget, and I would beg of our critics to remember this fact. Because even though we are pledged to non-violence, and I for one hope that that pledge will never be broken, I am realist enough to understand that there may be times when we may have to defend our honour and our freedom. And how are we going to defend them if our minds are always concentrated on the number of crores that appears in a budget? They have to be taken into consideration, of course, but not weighed in the scale of national honour.

We have criticised certain things in Kashmir. We have referred to the fact that there is no trust, there is growing suspicion, and so on. But I want to know why it has happened that out of the great friendship and understanding that existed between the Government of India and the leaders of Kashmir even a tiny rift, should have appeared. It appeared because of irresponsible remarks, and criticism of the things that were happening in Kashmir and which people either did not trouble to understand in their real context or would not understand. We have been talking about the land reform. I expected our friends of the Communist Party to join hands with us on that issue, so I cannot express surprise there, but I must express surprise of criticisms made in other quarters of the land reform policy and the other recent changes in Kashmir. It is obvious that un-

less and until Kashmir is stable, unless and until the democracy of Kashmir has been interpreted into the lives of the people as indeed democracy in any country has to be, unless and until the people themselves feel that they have a stake in the future, how is Kashmir ever to be a solved problem? There will always be innumerable little things which will make it into a sort of problem child. Two of the main foundations on which democracy rests today are bread and land. To the extent that those problems are solved democracy will be secure. We talk about democracy and we are proud of our Constitution—indeed we have every reason to be proud of it—but unless we are able to interpret that Constitution very rapidly into the lives of our people unless we are going to solve the problem of food which is not only our problem but is a world problem today, unless we can have full production and a complete redistribution of the land, we are going to find ourselves in a situation which will not be easy to overcome. The sands of time are running out and people are not going to wait eternally for the democratic methods to succeed, and even though hon. Members of this House may take pleasure in the very fine words used in our Constitution or in the constitution of any country, ultimately it is the implementation of those words that we can rely upon. Therefore, the bold step taken by the Prime Minister of Kashmir in the redistribution of the land will I think not only have its consequences in Kashmir but it will have consequences in India. We can take a lesson from that, and that we too must speed up anything we intend to do with the land—unless we do that we shall be faced with gigantic problems. On this issue as well as on the question of ending feudal rule voices were raised in criticism and condemnation but the voices are of those people who themselves and vested interests, and are disturbed because they see in the ending of these things in Kashmir, the beginnings of a new order and a threat to those old feudalistic ideas which they themselves represent. Therefore, these voices need not be taken seriously.

The maintenance of the secular state is something that we have to deal with very firmly. I am not surprised when I hear sometimes irrelevant discussions or statements on the nature of the secular State in India—I do not mean in this House but often outside—because I have had to deal with similar statements on innumer-

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able occasions in other countries. In fact, recently a very high-powered gentleman asked me what India meant by a secular State and in spite of every effort on my part to try and explain, he still felt vague. Finally, I said, "Well, it means freedom of religion and equality of opportunity". He was delighted and surprised he said, "Why has anybody not explained this to me before." This sounds like a silly story but the fact is that we have to repeat again and again that we want in India and in the world this kind of a State in which people will be free to live and worship and lead their lives as they wish regardless of their religion, a State in which there will be no discrimination and there will be equal opportunity granted to everybody regardless of religion. This ideal is being maintained by the Kashmir Government and both are in line with the policies of our Government. Therefore, unless we can support them we shall lay Kashmir open to various kinds of dangers that threaten her from her enemies.

The condition of the world is very delicate today, but conditions in Asia are even more so. It is not my purpose to take up the time of the House by entering into the reasons for this. Hon. Members are constantly reading about the situation in newspapers and books, but I wish to remind the House that there is a tide in the affairs of nations as of men which taken at the flood leads on to fortune. Such a tide has arisen in Asia. The situation in Kashmir is a sort of symbol of that tide, and if we can resolve all differences that may exist with Kashmir in an amicable manner as is now being done; if an honourable and permanent settlement can find acceptance of this House, then I submit that many of our problems *vis-a-vis* the international world will be equally solved and India will have vindicated her pledge of peace and the enlargement of human freedom.

Shrimati Sucheta Kripalani (New Delhi): The Kashmir issue is such a complicated subject that we all—at least I—stand up to speak with a great deal of hesitation. You may say one thing and it may be interpreted in another way. Therefore, one has to be very careful as to what one has to say. I do not wish to cover the subject very widely but will confine my remarks to the recent occurrences which have given rise to a good deal of heart-searching and criticism in India. Unfortunately, I was away when the Prime

Minister made his statement about Kashmir, but I have read his speech very carefully and with a good deal of anxiety. He has described the agreement that he has arrived at with the Chief Minister of Kashmir as follows: "We have arrived at very satisfactory decisions and agreements which are in consonance with the wishes of the people of Kashmir and in consonance with the Constitution." I am afraid many of us in India do not feel the same way. I wish we could also have a similar feeling of satisfaction, and we could also feel that all that is being done or is sought to be done is in consonance with the Constitution of India. We have an apprehension that such an agreement may give rise to certain very grave difficulties in this country. Therefore, before we come to an agreement we should very carefully weigh both sides of the question.

It cannot be denied that Kashmir is being given a special status with a greater measure of internal autonomy, both political and constitutional, than any other State. When we are making a special case of Kashmir, are the arguments for it convincing? The concessions that we are giving to Kashmir may not necessarily be wrong. India is a very big country. There were several Indian States which were integrated into India and—if we decide to have a different kind of political association in respect of a particular State, we can do so. Not that we are debarred from doing so. But we have to see whether this Constitution permits the formation of this new type of political association and, whether we can allow this new type of political association to one State only and if we do so whether the same concession may not be demanded also by other States. Therefore, while there is nothing necessarily wrong in it, the question is one of how we should proceed in this matter; whether at this stage we should give special concessions to Kashmir. That is the matter which has to be discussed and decided. The arguments advanced by the Prime Minister for making this special concession to Kashmir, I am afraid, are not adequate and are somewhat misleading. We are living in a time when the unity of India must be sedulously fostered. India has always had fissiparous tendencies and those tendencies are still present. Not only are they present, but they are increasing. I was most surprised to learn that even the

present Chief Minister of Madras, who was previously a Minister of the Central Government and for some time the Governor-General of India, as soon as he moves to a State, pleads for greater power for that State. If we give semi autonomous status to one unit of India, the other units will also very reasonably ask for it. Therefore, whether by conceding special concessions to Kashmir we are helping India or are doing great harm to India is a point that has to be discussed and found out.

Let us go over very briefly the most important points involved which will show how far we are deviating from the Indian constitutional pattern.

[MR. DEPUTY-SPEAKER in the Chair]

The first point that our Prime Minister gives in his speech is the point regarding a category of special citizenship for Kashmir. Under the Maharaja's rule, there were four types of citizens by reading the Prime Minister's speech, I do not understand whether it is proposed to continue those four categories of Kashmiri citizenship. The point is not clear. In any case, it is sought to give Kashmir a special type of citizenship right. Why? The argument given in favour of this is that they do not want people from outside Kashmir to go there and rob the Kashmiris of their land. Now, I am sure the people of India are not anxious to go there and settle there. (An Hon. Member: They are) Excuse me, I am not of that view. I am quite sure there is sufficient provincial feeling in this country and sufficient provincial patriotism that a Bengali would like to live in Bengal, a Punjabi would like to live in Punjab, and a Sindi would like to go back to Sind if possible. Suppose there is an emergency, the Kashmir Government can, I am sure, enact a suitable law by which they can prevent this. There is no need to make a change in our Constitution for this purpose. There is already a provision in the Constitution about citizenship and why should a special category of citizenship be created for the sake of Kashmir? I do not understand it and I am not convinced about it. Suppose a progressive State puts certain restrictions on the transfer of land as between a certain class of citizens and another for the sake of national economy and for protecting the weaker

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section of the people; suppose it enacts a law that a certain section cannot keep more than a specified quantum of land; there is a social objective in it. But what is the social objective behind this step? There is no social objective behind this, because under this measure you can even prevent a tiller of the soil from owning the land, and we want the tillers of the soil to own the land. Suppose a peasant wants to acquire a little land in Kashmir, can you give him the land or not?

Suppose each State brings in this kind of measure. For instance, I who am living in Delhi cannot go and acquire land in Meerut, or somebody living in Calcutta cannot acquire land in Bihar. Then, will India remain a nation, if we allow this? I cannot take this as a progressive measure; I take it as a retrograde measure. It is neither a social or economic measure—it is a political measure.

Then much has been said with regard to the modification and exceptions to be made in regard to Fundamental Rights. It has been said that this might jeopardise Kashmir's land reforms. Most progressive people in India appreciate the land reforms. I am not one of those who is against the land reforms introduced by Sheikh Abdulla. I appreciate them. But I think that these land reforms can be maintained with the constitutional provisions. Therefore, why should we make special concessions to Kashmir for the land reforms I do not understand.

The Prime Minister in his press statement expressed great admiration for the reforms and great dissatisfaction with the conditions prevailing in India which prevents him from having such reforms. I would like to put this question to him. If the land reforms are good—and I can say that many people are behind such reforms—in that case why can we not have similar provisions here? Why can we not amend our constitution and let Kashmir land reforms and Indian land reforms be brought on a par? That is the logical consequence. People will ask you this question. If you allow these land reforms in Kashmir, you should allow them in India too. We will welcome such a change and we shall be behind the Prime Minister if he introduces such reforms.

[Shrimati Sucheta Kripalani]

The elimination of the right of the hereditary ruler has raised a lot of controversy. We here do not appreciate hereditary rulers and we would like to see the last of them. But with regard to Kashmir a peculiar situation arises. When we are allowing Kashmir to do away with the hereditary ruler, why are we allowing hereditary rulers to remain in other States? We want all the hereditary rulers to be abolished and eliminated. We have the greatest sympathy for the abolition of hereditary rulers and we want it to be done. We only want that there should be uniformity. If you allow a special concession to Kashmir, naturally the criticism arises; why this special concession to Kashmir? My hon. friend Dr. Mookerjee sitting next to me will say: "Why not the same concession for Hyderabad—why not for others?" What argument have you got for that? There is very great logic behind it. I would like the abolition of hereditary rulership everywhere. You may introduce changes in the Constitution—we shall all back you.

Then the question of the flag comes. I do not understand why we are allowing Kashmir a flag of her own. It was said that this concession has been made on sentimental grounds—not on grounds of reason. If this concession has been made on sentimental grounds, I would like to say this. When we got our freedom, when we came to power I was in the Congress at that time—we felt very great sentiment for our tricolour flag with the *charka*. Why was that flag not made the national flag? We made another one our national flag. This flag remained the Congress Party's flag. Why is it that in Kashmir alone one political party's flag is to be used as the State's flag. We have not allowed the other States to use their flag. Why this special concession to Kashmir? Only in Mysore was it allowed to a limited extent and that right also has been withdrawn.

The flag has a special meaning. It is the embodiment of national unity and solidarity. If you allow a State to have two flags, to which flag would the people owe their allegiance?—I would like to know. Willy-nilly, the question of divided allegiance comes. If they feel greater sentiment for that flag, what is their sentiment for our flag? I do not know how far it is correct—but I am told that the national flag is very rarely used. The flag that is mostly used is the flag of Kashmir State. Will it further the unity of

India? Will it further the solidarity of India? Will it help the country, if we allow such a concession to one particular State?

Another very dangerous concession that we are contemplating is with regard to the application of the emergency provisions under Article 352 of the Constitution. Under this article the President has certain emergency powers and we have curtailed his powers with regard to its application to Kashmir in the matter of internal disturbance. In the matter of internal disturbance, it will be subject to the request, or the concurrence of the Government of the State. Now, why have we given this concession? Internal disturbance in Kashmir has a special meaning. Kashmir does not merely belong to Kashmiris it belongs to the people of India. The geographical situation of Kashmir is such that our welfare, our security, is very greatly dependent on this State. Internal disturbance in Kashmir may not always mean merely internal disturbance. It might get complicated with external disturbance. Will you be able to draw a fine line of demarcation between internal disturbance and external disturbance in the State of Kashmir? The line may be blurred under just these situations when a prompt decision may be necessary. To allow this concession to a State is a very serious matter. It naturally brings in the question of divided jurisdiction and divided jurisdiction for a border State like Kashmir may lead to disastrous consequences.

Before we give such wide powers to a State we have to think very seriously. I have nothing against the Chief Minister or the leadership of Kashmir. They are our old friends and I have great sympathy for them. I have great appreciation of their difficulties. But I want to make an appeal to the leadership of Kashmir that while we appreciate your difficulties, when we want to help you, in the same way you too should appreciate our difficulties. If you are only thinking in terms of Kashmir alone, then you are not working for the welfare of the whole country. When Kashmir acceded to India—may be on three subjects—she became an integral part of India. If you are one of us, you should look for the welfare of the whole country. If by demanding certain special privileges, certain extra constitutional rights, you are jeopardising the integrity and unity of India, you are doing a grave injustice to the country as a whole. We

want to give you all help. But at the same time we want you not to put our Prime Minister in that awkward position by demanding special extra-constitutional rights which others too can claim. When others claim that right by what logical argument will it be denied to them? Is this the beginning of the disintegration of India? Are we a nation, or are we a conglomeration of small independent nationalities. I do not believe with certain political parties here who call each State a nation. There is only one nation—that is the Indian nation and all States are part of it. We have most carefully to safeguard our unity and independence. We cannot afford to let our unity to disintegrate. We are treading on very dangerous grounds, if we are going to make special concession to satisfy the Kashmiri leadership.

12 Noon.

I understand your difficulties—it is not that I do not appreciate them. I do not at this stage want to go into those details. The Prime Minister in his speech has traced the whole history and told us what were the difficult situations and how we have come to this position today. There is no need to go into it, but at the same time we cannot allow the independence and unity of India to be jeopardised in any way. If we cannot jeopardize the security of Kashmir, we cannot jeopardize the integrity of India. So we have to look to the whole picture. I would appeal to the Kashmiri friends not to think of Kashmir alone but of the whole of India and I would certainly appeal to our Indian friends that we are not to think of Kashmir as a step-child or a State not fully integrated. Kashmiris are as good Indians as we are. Therefore we have to work together to preserve the security and integrity of India.

That is all that I have to say.

Shri A. C. Guha (Santipur): I rise to support the motion placed before the House by the Leader of the House. I shall deal with it more from the point of view of history and politics than from the point of view of law. I was not a student of law. If anything, I was a student of history and politics, and from that point of view I shall deal with this question.

It has been stated, and I think it is admitted by all, that in fact and in law Kashmir is a part of India and has integrated with India. But then

there have been some grievances about the special terms and conditions under which Kashmir has acceded to India. It is also admitted that Kashmir occupies a peculiar position from the point of view of history, from the point of view of geography, and also from the point of view of present politics. One of the speakers who preceded me referred to history and claimed that Kashmir has always been a part of India. He has also mentioned *Raj Tarangini* in relation to the history of Kashmir. But I would humbly ask him: when was Kashmir politically a part of India except perhaps for a very short period, that is from the conquest of the Moghuls in 1588 during the time of Akbar to somewhere nearabout the middle of the Eighteenth century. That is to say, for less than two centuries it was part of India politically. But for a much longer period it was part of Afghan territory and was under the rule of Afghanistan. I admit that Kashmir was culturally and from the point of view of tradition, a part of India. The Hindu and Buddhist religion and tradition of life was there. And when Hindu and Buddhist religion, culture and civilization spread to far off territories, even to Central Asia, then Kashmir was also within the orbit of Indian culture and civilization. That tradition has long been maintained, and even now it is being maintained in parts of Kashmir.

But at the same time we should not forget that Kashmir even geographically is not wholly a part of India. It has more geographical affinity with Afghanistan, at least some parts of it than with India. Ladakh is on the other side of the Himalayas and on the upper valley of the Indus and more a part of Tibet than of India. So is the case with Baltistan and Gilgit also.

Then our present claim to Kashmir practically starts with the conquest of Kashmir by Ranjit Singh and the Treaty of Amritsar when Lord Dalhousie handed over the Valley of Kashmir to Gulab Singh.

It is better not to go into the history of the ruling dynasty of Kashmir, how it came to possess Kashmir and how it has been behaving all these years. So there should not be any regret for the abolition of that ruling dynasty, or for the matter of that for the abolition of any ruling dynasty of the

[Shri A. C. Guha]

six hundred odd native States which were in India before the achievement of Independence and before the partition of India.

Then, from the point of view of language also the Kashmiri Dardic language is not strictly speaking an Indo-Aryan language. It is an Aryan language, but not an Indo-Aryan language. It separated from the mother Aryan stock earlier than the Iranian language separated from India. At least in its original form it had more affinities to the language of the Avesta than the Sanskrit language that became prevalent in India later on. So we should bear in mind this historical and geographical background when we deal with the question of Kashmir.

Then from the point of view of present politics we should not forget under what circumstances India was partitioned, under what circumstances India achieved its independence. We should remember that about eighty per cent. of the population of Kashmir belong to the Muslim creed. And it was the claim of the Muslim League, supported by Muslims all over India, that they formed a separate nation, and on that claim India was partitioned. So we must also appreciate the difficulties that the leaders of Kashmir are now faced with. We should not be too haggling when we deal with them and we should try to appreciate their difficulties. We would have been happier if Kashmir had fully integrated like other States. That is admitted. But considering the circumstances I think the House would agree that this has been the best that is possible for the present. And it is a moral and political victory for India.

The recent negotiation has marked a definite improvement in the position. The position that was envisaged here before the negotiation started. I think that has been very considerably improved. It has been admitted that Kashmir has acceded to India on three subjects. Those three points, Defence, External Affairs and Communications are not exclusive or rigid single points. They include so many points and these will give wider connecting links between India and Kashmir, than the mere enumeration of those three points would signify.

It was mentioned several times that Kashmir is becoming a republic within a Republic, as if it is an unheard of thing. It is something peculiar and absurd. Even in the Soviet Constitution all the republics are republics.

All the federating units are republics. It may be that when the idea of nation-states will give place to ideas of federation, most of these federating states will be on the basis of having republics within a republic.

Another point was made that Kashmir is framing its own Constitution and that is also supposed to be something peculiar and absurd. I think that when the Constituent Assembly started here in 1946, according to the Cabinet Mission Plan, it was settled that the different states of India or the representatives of the different states of India would frame their own constitution, and the Constituent Assembly would simply ratify those constitutions. In other States we know the federating units have got the right to frame their own constitution. I think that even in the American Union, the first thirteen federating states framed their own constitutions and later they decided to form into a federation. Even in the Russian Constitution at least in the 1924 Constitution I think all the federating units framed their own constitution and later they decided to form into a federation. So there is nothing peculiar or illogical in the position that Kashmir is trying to form its own constitution.

Much has been said about the fundamental rights, particularly about the land reforms that have been effected in Kashmir. It was the last clause in the Charter of Human Rights and of Citizens that was enunciated by the French Revolution in 1789 that the sanctity and inviolability of property was enunciated. I think since then history and humanity have marched far ahead. We can no longer hold the sanctity and inviolability of private property as standards according to which a nation should formulate its policies and plans. If the fundamental rights of India have proved a handicap to our march towards better society, if they have proved to be a handicap in our carrying out our development programmes, I think we should take courage to change those fundamental rights. I think the Government or the party in power would have to change the fundamental rights considerably. If we are really serious about development according to the idea which the Congress has so long been preaching. If Kashmir has now shown the path, if Kashmir has now released the social forces to realize that objective, I think we should congratulate Kashmir and emulate it also. About a week ago in this State was held a conference of the representatives of

Part B States and they have made the claim that all the Rajapramukhs should be abolished. They could have made that claim simply because of the decision of Kashmir. Otherwise, they would not have that courage.

When our arrangements with these native states were made, we had tremendous odds and I should like to put on record my sense of appreciation to that great leader Sardar Vallabhbhai who managed that great problem very tactfully and courageously. Yet we cannot say that the arrangements made with those native princes were quite satisfactory. Those despots were given rights and privileges which I do not think they deserve from the point of view of history or of social development. If Kashmir has set an example of abolishing those rights and privileges, we should congratulate Kashmir.

I have not much time to speak. There are many other points, but I would like to remind the House of one dictum given by Lenin that it is for the majority to concede to the minority the right to secede and it is for the minority to exercise their right and privilege to accede. If we go on the theory of compulsion, I think it will be a bad day, morally and politically for India. We have given our solemn pledges to Kashmir as regards the plebiscite and we have also allowed them to convene the Constituent Assembly as a sovereign body. Now if they exercise their right, we should take it in good spirit. When we have given them a right to exercise the plebiscite, we admitted that there will be a free accession on the part of the Kashmir people. If they now freely decide to accede on certain conditions, we should take it in good spirit. I would like to say one thing more. I envisage an epoch when India may become the central focal point of a larger federation or a confederation. India is surrounded by other small countries or territories, small in size, small in development and small in resources. It may be that we have to take them within the orbit of India under special terms and if Kashmir has set an example to that or if India has set an example of the flexibility of our Constitution I think we are opening a new chapter in Indian History. It may be that India may be the centre of far wider federating states I do not like to mention the name of the states because in this context mention of names may not be quite tactical.

But I can mention at least two States, Bhutan and Sikkim. They are our border states, and they are in a

way part of India, but we have to make some special arrangement for them, and I can envisage that they will come nearer and nearer to us and some other States also bordering the present India, not only States, but also territories, may come nearer and nearer to India, and may be willing to become component parts of the Indian Federation on special terms and special arrangement. And by making a special arrangement for Kashmir, I think our Government have shown statesmanship and a wider perspective and have set an example which may open a brighter and more glorious chapter of India's history. With these words, I support this Resolution.

مولانا مسعودی (جموں اور کشمیر)

جغلاب تہائی اسپیکر - میں سنبھتا

ہوں کہ کشمیر کے بارے میں آج صبح

سے جس دوستانہ فضا میں اور

سنجھدگی کے ساتھ گفتگو ہو رہی ہے

اسے دیکھتے ہوئے شاید اس میں میرے

حصہ لہنے کی کوئی خاص ضرورت نہ

ہونی چاہئے تھی لیکن ایک در باتیں

جو س ہاؤس میں اور باہر کہی

کہی دھرائی گئی ہیں اور جو ایک

حد تک بہت زیادہ خطرناک قسم کی

ہوں میں جغلاب والا کی وساطت سے

ان کی طرف اس معزز ہاؤس کو

متوجہ کرنا چاہتا ہوں۔

کشمیر کا معاملہ اس میں کوئی

شہدہ نہیں اور ہر شخص اس کو

تسلیم کرتا ہے کہ اپنی قسم کا خاص

معاملہ ہے۔ اور اس کو ہندوستان کی

باقی استعماریت کے ساتھ تھاس نہیں

کہا جا سکتا۔ کشمیر پر سوچتے وقت

لڑمی ہات ہے کہ وہ اہم باتیں جن

میں سے اس وقت کشمیر گذر رہا ہے

ان کو نظر انداز نہ کیا جائے۔ اس میں

[مرلانہ مسعودی]

گولی شدہ نہیں کہ تقسیم کے بعد ہندوستان کی مختلف ریاستوں میں کچھ نہ کچھ اٹھل پتھل ہوئی - کڑوے ہوئی - رہنمائی آئے - جھکے ہوئے ساری چیزیں ہوئیں لیکن وقت کے ساتھ ساتھ یہ ساری چیزیں اپنا ایک سانچہ اختیار کر گئیں اور اب کشمیر کے علاوہ باقی ریاستوں میں ہم خوشی کے ساتھ یہ محسوس کرتے ہیں کہ حالات آہستہ آہستہ نارمل شکل اختیار کر رہے ہیں - اس لئے ان باقی ریاستوں کے بارے میں غور کرتے وقت ایک عام سانچہ یا ایک عام پیمانہ استعمال کیا جا سکتا ہے - جو بات ایک ریاست میں تھیک ہے وہی دوسری ریاست میں بھی تھیک ہو سکتی ہے لیکن ایسے حالات کشمیر میں نہیں ہیں - کشمیر پورے پانچ سال سے ایک جنگ کی فضا میں سے گذر رہا ہے - وہ ایک میدان جنگ ہے یہ تھیک ہے کہ وہاں آج سے دو تین سال پہلے سیز فائر ہوا - گولی بند کر دی گئی - اس لئے کسی کو شبہ ہوگا کہ وہاں بھی ایسے حالات ہیں جو یہاں ہیں - لیکن در حقیقت کیفیت ایسی نہیں - پاکستان نے قبائلی رہتہ کی شکل میں جو حملہ کیا تھا اس حملہ کا جواب دینے کے لئے فوجیں جو کام کر رہی تھیں - سیز فائر سے یا گولی بندی کرنے سے روکنا تو روکنا نہیں اصل

جنگ جو پاکستان اور کشمیر کے درمیان ہے یا جو پاکستان اور ہندوستان کے درمیان ہے وہ اب بھی اس طرح جاری ہے - سیز فائر اعلان کے بعد ہندوستان کمنٹنس اس مسئلہ کو طے کرنے کے لئے ایک دوسری شکل میں سامنے آئے - اور وہ ہیں امن رائے حاصل کرنے کے ذریعے کشمیر کے مسئلہ کو طے کرنا - اسی پر امن رائے کو حاصل کرنے کے لئے باقاعدہ ایک جنگ لڑی جا رہی ہے - باقاعدگی کے ساتھ سیز فائر لائن کی دوسری طرف اس جنگ کی تیاریاں ہو رہی ہیں اور اس باقاعدگی کے ساتھ سیز فائر لائن کے اس طرف بھی ہمیں جوابی تیاریاں کرنی پڑ رہی ہیں - یہ ایک بلیادی فرق ہے جس کو نظر انداز کسی صورت میں بھی نہیں کرنا چاہئے - اس فرق کو سامنے رکھتے ہوئے جب دیکھا جائے تو نظر آتا ہے کہ سیز فائر کے بعد جہاں مسلحہ باوردی آج ہندوستان اور پاکستان کی اپنی اپنی جنگ روک دی گئی ہے وہاں دونوں طرف غیر مسلح اور بغیر وردی فوج ایک پولیٹیکل ہتھیار لیکر سیاسی ہتھیار لیکر میدان میں اتری ہوئی ہے لیکن اس معاملہ میں کسی حد تک سیز فائر لائن کے اس طرف یعنی پاکستان والوں کے ان غیر مسلح سپاہیوں اور پولیٹیکل ورکرز پر رشک آتا ہے - ان کو پاکستان کی طرف

سے جس کدو مکمل تائید قدم قدم پر اور بات بات پر ملتی آئی - مجھے بدقسمتی سے کہنا پڑتا ہے - اس طرف سے مصفا پر کام کرنے والوں کو نہیں ملتی - بلکہ اگر شکایت نہ ہو تو یہ کہوں کہ اس طرف سے لڑنے والوں کی پیتھ میں بارہا اپنوں ہی کے ہاتھوں چھری گھونپ لی جاتی ہے ظاہر ہے کہ ایسی حالت میں جب کہ آپ کی طرف سے ایک سہاٹی میڈلن میں لڑ رہا ہو - وہاں آپ کی طرف سے اس کو جو امداد ملنی چاہئے اس کے بدلے آپ اس پر پتھر پھینکیں تو یہ آپ کی کامیابی کی دلیل نہیں ہو سکتی - اس کی ایک چھوٹی سی مثال یہیں کڑوں گا وہ یہ ہے کہ بدقسمتی سے کشمیر کے اندر جس وقت ایک طرف سے پاکستان والوں کا حملہ ہوا اس وقت جہاں وادی کشمیر میں ہم امن وامان قائم رکھنے میں کامیاب رہے اس وقت کشمیر کے ایک حصہ میں جو کہ پنجاب سے قریب تھا اور جس کے اوپر پنجاب کا اثر آسانی کے ساتھ روا نہیں جا سکتا تھا اس حصہ میں فرقہ دارانہ فسادات ہوئے - اس حصہ میں جموں ضلع کے ارد گرد اور مہرپور ضلع کے آس پاس وہی صورت ہوئی جو مشرقی پنجاب اور مغربی پنجاب میں ہو رہا تھا - جس طرح مغربی پنجاب میں ہندو اور سکھ اقلیت

کو امن نہیں ملا اور مشرقی پنجاب میں مسلمان اقلیت کو امن نہیں ملا - اسی طرح سے مہرپور میں ہندو اور سکھوں کی جان نہیں بچ سکی اور کٹھوعو اودھم پور اور جموں ضلعوں میں مسلمانوں کی جان نہیں بچ سکی جموں میں کچھ لوگ تھے جو اس مار دھاز کے ذمہ دار تھے - اور اگر آپ سہاتا گاندھی کی ۲۵ دسمبر ۱۹۴۷ء کی رپورٹوں کے بعد کی تقریر کو آٹھا کو دیکھیں تو آپ کو اندازہ ہو جائے گا کہ اس وقت خصوصیت کے ساتھ جموں میں جہاں خود مہاراجہ ہری سنگھ بیٹھے ہوئے تھے - جہاں ان کی فوجیں تھیں - جہاں ان کے تمام اختیارات موجود تھے - وہاں قتل اور لوٹ کے کتلے دردناک اور افسوسناک واقعات ہوئے - میں ان کی تفصیلات میں نہیں جانا چاہتا بہر صورت ان واقعات نے ایک پارٹی پیدا کی جس کے جرائم اس قسم کے تھے کہ وہ آسانی کے ساتھ ملک کے عام لوگوں کے ساتھ اور ہمزبان نہیں بن سکتی تھی - جب کشمیر اور جموں میں بھی امن قائم ہو گیا تو اس پارٹی کے لئے یہ ضروری تھا کہ کچھ وقت تک چپ رہے اور کچھ وقت کے بعد اپنے وجود کو کسی نہ کسی نئے شکل میں پیدا کرے - خیر - وہ پارٹی چاہے کچھ خیالات رکھتی ہو - وہ چاہے جو کچھ کرنا چاہتی ہو - لیکن

[مولانا مسعودی]

یہ بات مائی ہوئی ہے کہ وہ وہاں مقامی طور پر اس جماعت کے خلاف اور اس نظام کے خلاف برسر پیکر ہے جو جماعت ہندوستان کی طرف سے پاکستان کے ساتھ لڑ رہی ہے۔

ایسی صورت میں یہ مقامی وقت اور مقامی مصیبت بجات خون تھی۔ لیکن اب ہندوستان کے کچھ لوگوں کی طرف سے (میں عام ہندوستان کے بارے میں یہ نہیں کہہ سکتا۔) لیکن ہمارے بھائی اور ہمارے ساتھیوں کے ایک چھوٹے سے حصے کی طرف سے اس قسم کے خطرہ کی طرف سے آنکھیں بند کر کے اور بلا سوچے اور سمجھے۔ یہاں کی سیاسی باتوں کو مد نظر رکھ کر۔ جموں کے اس قتلے کی تائید شروع ہو جائے تو اس کا نتیجہ کیا ہوگا۔ اس کا فائدہ کون لے گا؟ آج ایک نعرہ لگایا جاتا ہے اور کہا جاتا ہے کہ کشمیر سے جموں اور لداخ کو الگ کریں گے۔ میں آپ کی توجہ اس نعرہ کی طرف دلانا چاہتا ہوں اور میں چاہتا ہوں کہ آپ سنجیدگی کے ساتھ اس نعرہ کے نتیجوں پر غور کریں۔ اگر محض سوسری طریقے کے کوئی شخص یہ کہہ دے کہ چونکہ جموں میں ہندو ہیں وہ آسانی کے ساتھ ہندوستان کے ساتھ آ سکیں گے۔ اور چونکہ لداخ میں بھی ان کے خیال کے مطابق کچھ غیر مسلم ہیں ان کو بھی لے لیا جائے باقی رہ گئے

تھوڑے سے مسلمان۔ ان کے لئے دیکھا جائیگا تو یہ بھی ایک طریقہ ہے سوچنے کا اور کوئی شخص اس طریقہ سے بھی سوچ سکتا ہے۔ لیکن یہ کتنا کھو کھلا، گھونٹا اور پورا طریقہ ہے ایسے مسئلے پر سوچنے کا۔ سب سے پہلی بات آپ یہ سوچیں کہ اس دلیل کی بنیاد کس بات پر ہے اس دلیل کی بنیاد اس بات پر ہے کہ ایک ہی ملک میں رہتے ہوئے ہندو اور مسلمان الگ قومیں ہیں۔ ہندو اور سکھ الگ تہلگ قومیں ہیں۔ بدھ ایک الگ تہلگ قوم ہے۔ نعرے کی ساری بنیاد اسی چیز پر ہے۔ ورنہ کوئی وجہ نہیں ہے کہ اس طرح سوچا جائے کہ جموں کے جو ہندو ہیں وہ ادھر آجائیں اور کشمیر کے مسلمانوں کے بارے میں دیکھا جائیگا۔

پہلے اس بنیاد کو لہجے۔ تو آج یہ بات کس کے دعویٰ کی تائید کرتی ہے۔ یہ بات بین الاقوامی میدان میں ہندوستان کے اصول کی تائید کرے گی یا پاکستان کے دعویٰ کی تائید کرے گی۔ پاکستان کا تو مسئلہ ہی یہ تھا۔ وہ تو یہ کہتا ہے کہ چونکہ ریاست جموں اور کشمیر میں مسلمان اکثریت میں ہیں لہذا ہم کو ریاست ملنی چاہئے۔ تو یہ خیال لے دے کہ اس کی بنیاد ہے۔ ہم پانچ سال سے اس کے ساتھ لڑ رہے ہیں اور ہماری طرف سے یہ جواب ہے کہ ہم اس

بلفاد کو تسلیم نہیں کرتے - آج جس وقت ہمارے بڑے بڑے نہتا اور بزرگ لہندہ ہندوستان کے آتھتے ہیں اور یہی نعرہ لگاتے ہیں کہ جموں میں ہندو ہیں وہ ادھر آجائیں اور مسلمان جو ہیں ان کے بارے میں دیکھا جائیگا تو پاکستان کو اور کیا چاہئے - اس کی ایک دلیل جب آپ نے مان لی اور اس پر آپ چلے - اب اس کے بعد اس دلیل پر چل کر کہا آپ یہ سمجھتے ہیں کہ اب اس جموں کے بارے میں حقیقت واقعی لے لہنگے؟ یہ ناممکن ہے - کہیں اس لئے کہ سب سے پہلے آپ نے ذہن میں یہ ایک غلط خیال ہے کہ جموں صوبہ میں (جیسا کہ پرجا پرشد والے کہتے ہیں) - ہندوؤں کی اکثریت ہے - اصل حقیقت یہ نہیں ہے - یہ صحیح ہے کہ کشمیر کے مقابہ میں جموں کے صوبے میں ہندوؤں کی کافی تعداد ہے - لیکن یہ کہنا کد اگر دونوں صوبوں کو الگ الگ کر کے دیکھا جائے تو جموں میں ہندوؤں کی اکثریت ہے - یہ بالکل جھوٹ ہے - اور دھوکا ہے - اس دھوکے میں آکر ہمارے کچھ درست غلط باتیں کر رہے ہیں - واقعہ یہ ہے کہ جہاں کشمیر میں ۹۳ فی صدی مسلمان ہیں وہاں جموں کے صوبے میں بھی ۶۰ فی صدی مسلمان ہیں - جو آخری مردم شمارے آپ کے ہاتھ میں آسکتی ہے وہ سنہ ۱۹۴۱ کی ہے - اور اس کو آٹھا کر 195 P.S.D.

دیکھ لیجئے - ۱۹ لاکھ کی آبادی میں سے بارہ لاکھ اور ۲۱ ہزار سے زیادہ مسلمان ہیں صوبہ جموں میں - اور کہا پاکستان والے چپ رہیں گے - آپ اپنی اس دلیل کو پکا کرتے جائیے - اچھی طرح سے پکا کھجئے - اور جس وقت پورے طور پر کھلے مہدان میں آکر آپ کہیں گے کہ ہم تو اس لئے کہتے ہیں کہ جموں ہمرا ہو جائے کیونکہ وہاں ہندوؤں کی اکثریت ہے - وہ صرف مردم شماری کی رپورٹ آپ کو دکھا کر آپ کی دلیل کو رد کر دینگے اور جموں بھی لے جائیں گے اور کشمیر بھی - کشمیر تو آپ نے اسی دلیل سے ان کے سپرد کر دیا ہے کہ ہم تو آبادی کی اقلیت اور اکثریت کو مانتے ہیں - ابھی آپ نے اس بات کو مان لیا ہے اور کہتے ہیں کہ کشمیر کے بارے میں دیکھا جائیگا اور یہ ہوگا اور وہ ہوگا - اس طرح کشمیر تو آپ نے ان کو دے دیا - اور آپ چاہتے ہیں کہ جموں ہی ادھر آ جاوے - لیکن جموں کے لئے بھی وہی دلیل آپ کے خلاف استعمال کی جاوے گی - یہ ایک خطرناک جال ہے جس میں میں دیکھتا ہوں کہ ہمارے کچھ دوست نہایت بے فکری کے ساتھ اور انہیں بلند کئے چلے جا رہے ہیں - (ایک آنریبل ممبر بہت تھوڑے لوگ ایسے ہیں -) یقیناً بہت تھوڑے لوگ ایسے ہیں - لیکن میں آپ کو بتلانا چاہتا ہوں کہ کسی مکان کو بنانے کے لئے

[مولانا مسعدی]

بہت زیادہ لوگوں کی ضرورت ہوتی ہے لیکن اس کو جلا ڈالنے کے لئے زیادہ آدمیوں کی ضرورت نہیں ہوتی - کوئی ایک آدمی بھی یہ کام کر سکتا ہے۔

تو جناب :- اصل چیز اس کے پیچھے کیا ہے - میں ایک چھوٹا آدمی ہوں اور ایک بڑی بات نہیں کہوں گا - چوتھے مذہب سے بڑی بات کہنا ہندوستان میں برا سمجھا جاتا ہے - لیکن ایک خیال جو میرے ذہن میں پیدا ہوتا ہے وہ میں آپ کے سامنے رکھنا چاہتا ہوں - وہ یہ ہے کہ جب سے کشمیر کا مسئلہ شروع ہوا ہے بین الاقوامی معیار پر کوشش کی جا رہی ہے کہ اس کو بھی کوریہ کی شکل دے دی جائے - جس طرح سے شمالی کوریہ اور جنوبی کوریہ وائے آپس میں لڑ رہے ہیں جس سے دور دراز بیٹھی ہوئی قوموں کو موقع مل رہا ہے کہ ان کے معاہدوں میں دخل دیں اور وہاں سے کسی صورت میں بھی ایسے پانوں نہ ہٹائیں اور دنیا بھر کی لڑائیاں ان کی زمین پر لڑیں - ایسا ہی وہ کشمیر کے بارے میں بھی چاہتے ہیں - وہ کوشش مختلف طریقوں سے ہوتی رہی ہے - یہ کوشش اب تک اس لئے ناکام تھی کہ جو کچھ بھی ہو - کشمیر کے وہ لوگ جو محض شہخِ مجدالکُتہ اور نیشنل کانفرنس کے ساتھ ہیں اور وہ

لوگ جو بلذت، جواہر لال نہرو میں مکمل اعتماد رکھتے ہیں وہ متحد ہو کر ہندوستان کے ساتھ اپنی آواز کو ملانے رہے ہیں - مگر آج اس چیز کو برروئے کار لانے کے لئے کشمیر اور جموں کو انک الگ کر کے دکھایا جا رہا ہے - پہلے یہ کوشش کی جا رہی ہے کہ اس مسئلے کو ادھر سے ہوا دی جائے اور یہاں سے امداد کی جائے - اور پھر موقع آنے پر اس چیز کو پھیلایا جائے - اور اس طرح جموں اور کشمیر کے درمیان ایک کشمکش پیدا کر دی جائے - اور اس طرح سے ایک ایسا وقت آجائے کہ جموں اور کشمیر ایک دوسرے کے ساتھ اس طرح سے برسو بیگار نظر آئیں جس طرح سے کہ شمالی اور جنوبی کوریہ - یہ ایک کھیل ہے جو کہ اس مسئلہ کو لے کر کھیلا جا رہا ہے - میں ان درستوں سے جو یہاں بیٹھے کر اس مسئلے کی تائید کرتے ہیں ادب کے ساتھ یہ عرض کروں گا کہ وہ اس چیز کو دیکھیں - یہ چیز ان کی آنکھوں سے اوجھل نہیں ہونی چاہیے کہ اگر کشمیر کو عدلاً دوسرا کوریہ بنا دیا گیا اور آہستہ آہستہ کشمیر میں کوئی ایسی شکل پیدا ہو گئی کہ اسکے ایک حصہ میں دنیا کے جو مختلف گروپ ہیں ان میں سے ایک کا ہاتھ ہو اور دوسرے میں دوسرے کا ہاتھ ہو تو پھر آپ سمجھ لیجئے کہ اس صورت میں پورا ہندوستان اور

پاکستان ایک آگ کی بھٹی بن جائیگا۔
تو یہ یک خطرناک ترین چیز ہے۔
جو میں اس سلسلہ میں آپ کے
سامنے رکھنا چاہتا ہوں۔

میں ان چھوٹے چھوٹے سوالات اور
ان باتوں کے جواب میں نہیں جانا
چاہتا جو پچھلے دنوں گورنمنٹ سے
پیدا ہوئے ہیں اور جن کے بارے میں
بہت زیادہ بحث دوسرے ہاؤس میں
ہو چکی ہے۔ لیکن میں ایک بات
عرض کروں گا۔ میں یہ مانتا ہوں کہ
کشمیر میں ہندوستان کے قومی
جھنڈے کے ساتھ میں ایک اور دوسرے
جھنڈے کی اجازت دینا واقعی ایک
فہر معمولی سی بات ہے۔ میں مانتا
ہوں کہ سٹیزن شپ کے حقوق میں
کشمیر کو کوئی خاص رعایت دینا بھی
ایک غیر معمولی بات ہے۔ میں یہ
بھی مانتا ہوں کہ فنڈامینٹل رائٹس کے
بارے میں بھی کوئی خاص فرق رکھنا
یہ بھی غیر معمولی بات ہے اور
مذمتب ہیڈ آف دی اسٹیٹ مقرر
کرنا نمایاں طور پر غیر معمولی بات ہے۔
یہ سب غیر معمولی باتیں ہیں۔
اور ان سے بھی زیادہ غیر معمولی بات
یہ ہے کہ اسٹیٹ کے جو زائد حقوق
ہوتے ہیں بقیہ اختیارات ہوتے ہیں
ان کا سرچشمہ رعایت کی اسمبلی
ہوگی اور ان کو استعمال کرنے کی وہی
مجاز ہوگی۔ مگر کیا ان سب سے زیادہ
بڑی اور فہر معمولی بات یہ نہیں ہے
کہ آپ نے مجھے اس پارلیمنٹ کے

جہوں اور کشمیر اسٹیٹ کو ایک
کانسٹیٹیوشنل اسمبلی بنا کر اپنا
کانسٹیٹیوشن بنانے کی اجازت دے
دی ہے؟ جب یہ سب سے بڑی غیر
معمولی بات آپ نے کی اور میرے
مصطوب بزرگ ڈاکٹر شہاما پرشاد مگر جی
تے کی۔ اور انہی بڑی اور غیر معمولی
بات کو ضروری سمجھا۔ تو یہ بلا وجہ
نہیں تھا۔ اس کے لئے کتنی مضبوط
وجوہات تھیں جن کی وجہ سے انہوں
نے کشمیر کو ایک کانسٹیٹیوشنل اسمبلی
بڈنے اور اس کے ذریعہ ایک کانسٹیٹیوشن
بنانے کا اختیار دیا۔

جب اتنے بڑی غیر معمولی بات
آپ نے کی تو ایک غیر معمولی بات
سے بیسیوں غیر معمولی باتیں پیدا
ہوتی ہیں۔ اس لئے ان غیر معمولی
باتوں پر اس وقت اعتراض کرنے اور
نکتہ چینی کرنے کا اور کوئی اور فائدہ
نہیں ہو سکتا سوائے اس کے کہ ہم
عوام کے دماغوں میں ایک قسم کی
پریشانی اور کنفوزن ڈالیں۔

تر۔ جذاب والا۔ ان جلد الفاظ
کے ساتھ میں اس تجویز کی تائید
کرتا ہوں جو پرائم منسٹر نے آج صبح
اس ہاؤس کے سامنے کہی ہے اور
میں امید کرتا ہوں کہ کشمیر کے
مسئلہ پر غور کرتے وقت اور بولتے وقت
تمام وہ دوسرے جو ہم سے لفظ بلفظ
متفق ہوں یا نہ ہوں اس بات کو
ضرور مد نظر رکھیں گے کہ کشمیر ان کا

[مولانا مسعودی]

میدان جنگ ہے وہ ایک غیر معمولی
حالت میں سے گزر رہا ہے اور اس کے
ہارے میں بات کرتے وقت پورے وطن
پرستانہ جذبہ سے بات کریں گے -

(English translation of the above
speech)

Maulana Masuodi (Jammu and Kashmir): Mr. Deputy-Speaker, Sir, in view of the friendly atmosphere and the serene manner in which the discussions on Kashmir are taking place in the House since this morning, it may not have been very necessary for me to take part in the Debate; but a few things that have been talked about here, as well as outside the House, and which may prove dangerous to a very great extent, have necessitated my coming forward and requesting to be allowed the indulgence of this august House.

There is no doubt in it that the Kashmir question is unique in its character; we cannot judge it by using the same barometer there which we use in judging other States of India. While we discuss Kashmir we have to keep a few facts in mind. We cannot overlook those facts and circumstances through which Kashmir is passing these days. There is no doubt in it that after partition of the country there were some disturbances in different States, refugees came and trouble arose. All these things happened but as days rolled on, things began to come to normal and in course of time they adopted a certain pattern. At this stage we are happy to observe that all the States are coming to normalcy. So we can use a common measuring rod for all these States. What is good in one state can also be good with regard to the other states as well. But so far as Kashmir is concerned, conditions there are somewhat different. It is a war zone. It is true that there has been cease-fire from the last two or three years but one would doubt that conditions prevailing there are just what they are here. Conditions differ. It might be that the tribal raids which were instigated by Pakistan have been brought to a stop but the real war between Kashmir and Pakistan or between India and Pakistan is still there. After declaration of cease-fire other commitments of India, that is to say, to solve the problem of Kashmir by a peaceful plebiscite etc., have come to the forefront. In order to win that plebiscite

there is a regular struggle going on between the parties. Regular war preparations are being made on the other side of the cease-fire line and we also have to make preparations in order to meet that threat. That is the fundamental difference, and it cannot be ignored in a light manner. On observing the whole situation keenly we find that behind the lines on both sides of the cease-fire line people have jumped in the political field and preparations are being made to win the plebiscite. Some times I envy the position that is enjoyed by the political workers and unarmed soldiers on the other side of the cease-fire line. At every step they get much more encouragement and approval of Pakistan than what we on this side of the cease-fire line possibly get. Excuse me, Sir, when I say that sometimes we do a dis-service to our own men and harm our own cause. Apparently when a soldier on behalf of you is fighting on the front and instead of encouraging him you stab him in the back, it is not going to help us in our mission. To give you a little example when raiders, abetted and encouraged by Pakistan attacked Kashmir, we were successful in maintaining internal peace in the valley but that part of the State which was adjacent to Panjab and where effects of the Panjab developments could not easily be resisted, became a victim to communal frenzy. In that part of the State *viz.*, round about Jammu and Mirpur districts things developed in the same manner in which they developed in the East and the West Panjab. As Hindu and Sikh minorities in the West Panjab and Muslim minorities in the East Panjab did not get any peace, similarly Hindus and Sikhs were not spared in Mirpur and Muslims were not spared in the districts of Kathua, Udhampur and Jammu. There were some persons in Jammu who were responsible for this loot, arson and murder. And in this connection if you would take the trouble of reading the speech of Mahatma Gandhi delivered on the 25th December 1947 at his prayer meeting, you would find what dreadful deeds of loot and murder were committed in Jammu, where no less a man than the Maharaja of the State, Maharaja Hari Singh was present, where there were his armies and where there was his writ in vogue. I do not want to go into these details. Anyway these developments gave rise to a party whose activities the common man would not support or approve. When peace was established in Jammu, this party in its own interests, remained quiet for some time and waited for the opportunity to come into existence in some new form.

Whatever might be the policy and programme of this party, it is certain that it is against that party which is fighting Pakistan in Kashmir on behalf of India.

Under these circumstances the party was in itself a local nuisance, a local trouble. But, now, if some persons from India (I do not imply the general public), some section of our friends and brethren would begin to support this group in Jammu without thinking about the consequences, what would happen? Who could benefit by it? Today a slogan is being raised that Jammu and Ladakh should be separated from the rest of Kashmir. I want you to think over its consequences seriously. If somebody would say that Jammu is predominantly Hindu and that there are non-Muslims in Ladakh, so they should be integrated with India and Muslims should be left alone for the time being, that is no doubt a line of thinking and one can understand that argument. But how absurd that argument is, keeping in view the nature of the problem. First of all see what is the basis of this argument. Its basis is that Hindus and Muslims living in the same country are two nations, and that Hindus, Sikhs and Buddhists are separate nations. This is the whole basis of this argument; otherwise there is no reason to think that Hindus of Jammu should come over to India and the case of the Muslims of Kashmir should be considered afterwards.

Think over it. Whom is this argument going to support? Would it support the case of India or the case of Pakistan? Pakistan's case is based on this very claim. They say the State of Jammu and Kashmir being predominantly inhabited by Muslims should accede to Pakistan. Their case is based more or less on this very claim. But so far as we are concerned we have been fighting against this claim for the last five years or so. Our reply to them is that we do not subscribe to that view. Today when great leaders of India rise and say that Jammu being predominantly a Hindu area should come over to India and so far as Muslims are concerned their case would be considered afterwards, I say what more does Pakistan want? When you accept their argument and formulate your programme on that basis, do you think that you would be able to have that small area of Jammu even? It is impossible. The reasons are that you have a misconception that Jammu Province is predominantly Hindu as is claimed by the Praja Parishad people. That is not a fact.

It is true that the population of Hindus in Jammu is comparatively larger than what it is in the Kashmir Valley. But it is wrong to say that Hindus are in a majority in the Jammu Province, if we take it as a separate entity. This is quite a false statement and a delusion and some of our friends say things under this delusion. The fact of the matter is that while in Kashmir the population of Muslims is ninety-three per cent, it is sixty per cent in Jammu as well. You can see the latest census figures viz. of 1941, in this connection. You would see that out of the nineteen lakh population of the Jammu Province, more than twelve lakhs and twenty-one thousand people are Muslims. Under these circumstances, would Pakistan concede your point? When you come in the field and say that you take Jammu because the majority population there is Hindu, they can smash your argument by showing you the census figures and in this way they would be able to lay their hands on Jammu as well along with Kashmir. Kashmir would go of its own accord when you would say that you believe in majority and minority communities. About Kashmir you say that its case would be considered later on; that means you are handing over Kashmir to them. You want that Jammu should come to India; but in that case as well the same argument would be used against you. This is a dangerous game which some of our friends are indulging in, with their eyes closed and without thinking over it properly. (An Hon. Member: There are not many such people.) No doubt, they are very few of them, but you should know that for building a house we require a number of persons but for burning it we need just a few. Anyone can do that feat.

Sir, what is there behind this all? I am a small man and it may sound presumptuous on my part to say that efforts are being made to develop Kashmir into another Korea. Just as North Korea and South Korea are fighting with each other and the nations of the world are having a chance to interfere in their internal affairs and are fighting battle after battle on that soil, similarly they want to do it with regard to Kashmir. This effort is being made in different ways, but it has been rendered fruitless so far because the people of Kashmir who are with the National Conference and Sheikh Abdulla and who have perfect confidence in Pandit Jawaharlal Nehru have been in agreement with India on this issue. But today efforts are being made to achieve that very objective by showing Jammu and

[Maulana Masuodi]

Kashmir as separate entities. To begin with, attempts are being made to initiate this move from that end and help it from outside and, when the occasion arises, to spread it and give birth to a constant struggle between Jammu and Kashmir. In this manner a time would come when Jammu and Kashmir would be at daggers drawn, or, in other words, it would be another North and South Korea. This is a game which is being played. I would request those of my friends who support this move to keep in mind that if the Kashmir problem would develop into another Korea and if the world powers belonging to opposite blocks begin to take sides in it, it would be disastrous for the whole of India and Pakistan. In brief, it would be a most dangerous thing.

I do not want to go into those petty questions that have been raised here during the last few days and about which there have been sufficient discussions in the other House. But I would submit one thing. I admit it is an extraordinary thing to allow Kashmir to have a separate flag under the aegis of the National Flag of India. Some privileges have been given to Kashmir with regard to citizenship rights; that is also an extraordinary thing. There would be some difference in regard to the fundamental rights and Kashmir would have an elected Head of the State; these things too are extraordinary. The State Assembly will have jurisdiction in regard to the residuary subjects and would be the final authority in all these matters; that is also an extraordinary thing. But of all these extraordinary things is it not the most extraordinary thing that you yourselves i.e. this Parliament, gave the right to the Kashmir State to frame its Constitution with the help of a Constituent Assembly? When you did that extraordinary thing and my revered friend Dr. Shyama Prasad Mookerji did that, it was not without a reason. There were strong reasons for allowing Kashmir to have a Constituent Assembly and to frame its own Constitution. When you did such an extraordinary thing, it is natural that a number of extraordinary things should arise from that. To raise objections to these extraordinary things, at this juncture, is, to my mind, of no avail; it may only create a confusion in the minds of the people.

With these words, Sir, I support the motion that has been moved in the House by the hon. the Prime Minister this morning and hope that all of our friends whether they agree with us or

not, while speaking on Kashmir would keep it in mind that Kashmir is their battle-field and that it is passing through a crucial period. I further hope that their speeches in this connection would be guided by a sense of patriotism.

Shri Velayudhan: I have already moved a motion approving the policy followed by the Government of India with regard to India's relations with the Jammu and Kashmir State. Having heard most of the speeches here on the Kashmir question, I also want to contribute humbly to the foreign policy that was followed by the Prime Minister of India. In my humble opinion, when we consider or discuss the policy regarding Kashmir, the most important factor we have to bear in mind here is the position of Kashmir in relation to our committal to the United Nations Organisation. I do not give much importance to the land reform that was effected in Kashmir—not because it is not a very important policy. I am not giving much importance to the abolition of monarchy in Kashmir, because it is only a mirage; there is no monarchy at all in Kashmir today. I was to a great extent surprised when I knew that some members supported the Government for abolishing the monarchy or opposed the Government on the point of this monarchy question. The third question is regarding the relation which commits India to Jammu and Kashmir. On this particular point, there was great difference between the various sections in the country as well as between the parties in this Parliament. In my humble opinion, whatever the relation that binds India and Kashmir at present, the one factor we will have to bear in mind is that Kashmir is in the hands of the UNO and unless and until that question is settled, we cannot commit ourselves to any definite internal policy with regard to Kashmir. We have not forgotten that India has taken this question to the UN. Rightly or wrongly, India was committed to a plebiscite at that time; we still abide by it, as the Prime Minister said. But at the same time, the experience we had in the UNO with regard to the Kashmir question was not a very happy one. To tell a fact, we had also a fear about the plebiscite. We had the Graham Report and the reports of other UN experts also, but at the same time, we can imagine that the plebiscite idea has practically receded into the background and today the most important idea behind the Kashmir question is the Constituent Assembly idea. Here I have to pay my tribute to the Prime Minister of India. Here lies our

master strategy, our foreign diplomacy. If the UNO was not treating us satisfactorily, if India was not getting justice from the UNO, we have now effected a strategy, the Constituent Assembly idea. When I heard the speeches of some Members here, I was to some extent surprised. Some of us forget the strategy that was followed in the foreign policy by our Prime Minister. In the last four years we were following a certain foreign policy. To my mind, the whole foreign policy of the Government of India was conditioned by the Kashmir question and **nothing else.** It is from this point of view that we have to look at this question. So far, what we have done is correct. I think so far we have succeeded, but we do not know what is the future. Therefore, to those who speak with responsibility from the point of view of the Hindu Mahasabha, or from the point of view of the Jan Sangh or from the point of view of the Communist party, it is my humble submission that at this time it should be the responsibility of the House as a whole to keep a little silence over this Kashmir question until it is solved by the UNO. We cannot always divulge the strategy of our foreign policy. It is a very difficult and delicate question. When this discussion was to be brought before this House, I was thinking that it should be in a secret session so that we could know from the Prime Minister of India, who is the master strategist of our foreign policy, first-hand information regarding details of the strategy he has followed or he wants to follow in respect of the Kashmir question. But then, we are now discussing this question in open session.

Now, some people want that it should be taken off the UNO agenda. What is the net result? Are you prepared for a war with Pakistan? Are you prepared to involve India in a greater war? Of course, India is not prepared. Not from the policy of ideology, I am saying, but by sheer opportunism this is not the time for India to enter into a battle-field.

Regarding our relations with Kashmir as far as the three subjects are concerned, there was a lot of criticism that India would disintegrate herself if this week-kneed policy was followed. That great son of India, Sheikh Abdullah has only brought about a paltry reform, not a big reform. Even on the land reform which he has brought about, there is nothing to gloat over it. Some fallow land—not all the land,—he has not nationalised all the land—has been distributed to some peasants and landless people. That is all that has happened. There-

fore, there is nothing to gloat over it. It was only a piece of legislation. It was not a revolution. If Kashmir has not acceded to India completely, if Kashmir remains as it is today, I do not think India will be disintegrated. Disintegration of India will take place or can take place only from within India, not from Kashmir. This is my opinion. Therefore, we will have to be very careful, very cautious when we discuss this Kashmir question. Not only India is passing through a change, but a world conflagration is imminent if you look into the world situation. What is then going to happen to the Kashmir question? We are going to send our representatives to the UNO next month and we will have to fight the battle on the floor of the U.N. Our Government should, therefore, be on the lookout to send our best men, most intelligent men, to discuss this matter before the U.N. With these few words I support the motion moved by the Prime Minister of India.

श्री नन्द लाल शर्मा (सीकर) :

धर्मण शासित राष्ट्रे

न च बाधा प्रवर्तते ।

नाघयो व्याघयश्चैव

रामे राज्यं प्रशासति ॥

माननीय उपाध्यक्ष महोदय, काश्मीर के सम्बन्ध में विचार प्रकट करने में मेरा यह विश्वास है कि इस संसद् में कोई भी ऐसा सदस्य नहीं है जो इस बात को अनुभव नहीं करता कि इस समय वहां कितनी ही उलझनें पड़ी हुई हैं और किसी सदस्य की यह भावना नहीं है कि काश्मीर के साथ कोई मझाकर किया जाये, क्योंकि यदि हम उस के वातावरण को विक्षुब्ध बना कर अपने स्वार्थ की पूर्ति करना चाहें तो निश्चय ही न तो स्वार्थ पूर्ति होगी और उस से काश्मीर के काम में घक्का भी लग सकता है । मैं इस बात की ओर इस संसद् का ध्यान दिलाना चाहता हूं जिस की ओर हमारे काश्मीर के प्रतिनिधि और कुछ महानुभावों ने काश्मीर के एक भिन्न और विचित्र स्वरूप का वर्णन किया है । मेरा तो यह विश्वास है कि काश्मीर केवल भारत का एक अंग ही नहीं, बल्कि जिस बन्दे मातरम् का आप गुण ।

[श्री नन्दलाल शर्मा]

थे, वह काश्मीर भारत माता का मस्तक है और मैं चाहता हूँ कि हर एक भारतवासी चाहे वह कांग्रेसी हो, हिन्दू महासभाई हो या कम्युनिस्ट हो काश्मीर को इसी दृष्टि से देखे। हमारे दुर्भाग्य से भारत माता के टुकड़े हुए और उस की दायीं और बायीं भुजा बंगाल और पंजाब कट चुकी और उस के सिर पर भी ज़रूम पड़ चुका है, कुछ हिस्सा उस का भी कटा हुआ पड़ा है। मुझे वह दिन स्मरण है और मैं उस की ओर माननीय प्रधान मंत्री का ध्यान आकर्षित करना चाहता हूँ जब उन्होंने यह प्रतिज्ञा की थी कि काश्मीर की एक एक इंच भूमि से इन डाकुओं और हमलावरों को मार कर निकालेंगे, वह उन की प्रतिज्ञा अभी तक अधूरी है, और आज भारत का हर देशवासी उस प्रतिज्ञा की पूर्ति की ओर उत्सुकतापूर्वक ध्यान लगा कर देख रहा है कि वह श्म घड़ी कब आयेगी जिस की हम सब लोग इतने दिनों से प्रतीक्षा कर रहे हैं। वह दिन कब आयेगा जिस दिन हमारे प्रधान मंत्री अपनी उस प्रतिज्ञा को पूरा करने में सफल होंगे। आप को भूलना नहीं चाहिये कि जिस दिन काश्मीर पर आक्रमण हुआ था, भारत-वर्ष के कोने कोने से और बच्चे बच्चे के मुँह से यह आवाज़ उठी थी कि वह काश्मीर के लिये अपना बलिदान देने को तैयार है और उसमें किसी पार्टी का कोई प्रश्न नहीं आयेगा। इसलिये मेरा यह निवेदन है कि मेरे कांग्रेसी भाई इस बात को सोचें कि जब हम लोग कभी कोई उन से मतभेद की बात करें, जिस से वह सहमत न हों, तो उन्हें उस का यह अर्थ नहीं निकाल लेना चाहिये कि हम कोई उस में कांग्रेसियों का दोष दिखाना चाहते हैं। हो सकता है कि हम किसी रोग की चिकित्सा का एक उपाय बतायें और आप कोई दूसरा ठीक समझें, हम रोग का निदान दूसरे प्रकार से करना चाहें

और आप ने उस रोग का निदान दूसरे प्रकार से किया हो।

अभी यह आवाज़ उठी कि हम यू० एन० ओ० (U.N.O.) के सामने काश्मीर का प्रश्न ले जा चुके हैं, और वह काश्मीर जो कभी हमारा रहा है और उस के साथ हमारे पुराने से पुराने भौगोलिक अथवा सांस्कृतिक सम्बन्ध रहे हों, परन्तु आज के दिन काश्मीर का प्रश्न केवल भारत का ही नहीं, अन्तर्राष्ट्रीय खिलवाड़ की चीज बन गयी है और अमरीका और इंग्लैण्ड आदि देश उस में खेल रहे हैं। लेकिन हमें एक बात का हमेशा ध्यान रखना पड़ेगा और सतर्क रहना पड़ेगा कि कहीं काश्मीर के प्रश्न को ले कर बन्दर-बांट न हो जाये, ऐसा न हो कि बन्दर पनीर अपने हाथ में रख ले और उस को बांटने के प्रयत्न में छोटे छोटे टुकड़े कर के अन्त में सारा खुद हड़प जाये और स्वाहा कर ले। मुझ से मेरे काश्मीर के प्रतिनिधि मित्रों ने पूछा भी था और हालांकि इस समय यहां पर मेरे हिन्दू सभा और जनसंघ आदि के सज्जन नहीं हैं, तब भी मैं यह कहना चाहता हूँ कि काश्मीर के बटवारे का प्रश्न इस समय हमारे लिए खतरनाक है। मैं समझता हूँ कि वहाँ के अल्पसंख्यक लोगों का जीवन ज़रूर कष्टमय है और उन को तकलीफ़ है और मैं प्रधान मंत्री और सज्जनों का ध्यान इस ओर आकर्षित करना चाहता हूँ कि चाहे वह प्रेमनाथ डोगरा हों, या प्रजा परिषद् के दूसरे सदस्य हों और इस को हमारे मौलाना मसूदी ने भी स्वीकार किया है कि प्रजा परिषद् वाले भारत से पूर्णतया मिल जाना चाहते हैं। हमें एक बात ज़रूर सोचनी पड़ेगी कि काश्मीर में जो अल्पसंख्यकों की एक पार्टी है वह कैटेगोरिकली (categorically) इस बात को कहती है कि हम को सब विषयों में भारत

के साथ पूरी तरह मिल जाना चाहिये । मैं पृच्छना चाहूंगा कि काश्मीर की बहुमत वाली नेशनल कांफ्रेंस (National Conference) जो अपने आप को सोलहों आने नेशनलिस्ट (Nationalist) कहती है, इंडियन (Indian) कहती है, वह नेशनल कांफ्रेंस-आज अपने लिए एक दूसरा फ्लैग (flag) स्वीकार करती है और वह कान्स्टीट्यूशन (constitution) द्वारा स्वीकार किये गये नियमों को स्वीकार करने में क्यों हिचकिचा रही है और मेरे नेशनल कांफ्रेंस वाले भाई आज खड़े हो कर यह क्यों नहीं कह देते कि हम सोलहों आने भारतवर्ष के साथ हैं और हम काश्मीरियों को अपनी दूसरी अलग सत्ता कायम करने की कोई आवश्यकता नहीं है, और अगर वह ऐसा ऐलान कर देते हैं तो फिर चाहे वह प्रेमानाथ डोगरा हों, या कोई भी व्यक्ति हो, उस को कुछ कहने या बोलने का अवसर ही नहीं रहेगा । मैं चाहता हूँ कि हम लोगों को भी ईश्वर सद्बुद्धि दे और इस समय हिन्दू, मुसलमान का प्रश्न खड़ा करना निश्चय ही अपने पैर पर कुल्हाड़ी मारना है, भले ही हम अपने मन में कट्टर से कट्टर हिन्दू हों, अथवा कोई दूसरे कट्टर से कट्टर मुसलमान हों, लेकिन हम को यह सोचना पड़ेगा कि भारत देश में जो भी लोग रहते हों, और अपने को भारतीय कहते हों, उन को हमें एक भारतीय के अधिकार देने पड़ेंगे, ऐंग्लो इंडियन जो यहां भारत में बसते हैं उन्हें भी हमें भारतीयों के अधिकार देने पड़ेंगे । मेरे पास बैठे हुए भाई अछूतों की बात करते हैं । उन के लिए तो मैं कहूंगा कि अछूतों के लिए भारतीय संविधान में विशेष रूप से जिक्र है, उनको पूर्ण स्वतंत्रता, पूर्ण स्वराज्य, साम्राज्य, वैराज्य, महाराज्य आदि सब कुछ दे दिया गया है । इतने अधिकार आप को दिये जाने पर भी आप हिन्दू जाति को गाली देने और कोसने से चूकते नहीं ।

श्री पी० एन० राजभोज (शोलापुर-रक्षित-अनुसूचित जातियां): Sir, on a point of order: आपने जो कहा कि हम ने गाली दी, तो आप बतलायें कि हम ने क्या गाली दी ?

श्री नन्द लाल शर्मा : मेरा यह निवेदन है कि चाहे वह अछूत हों, मुसलमान हों, ईसाई हों, पारसी हों, अथवा यहूदी हों, कोई भी हों, भारतवर्ष में रहने के नाते वह सब भारतीय हैं और उन को वही अधिकार प्राप्त हो सकते हैं, हो रहे हैं और होने भी चाहियें जो किसी भी हिन्दू को प्राप्त हो रहे हैं या होंगे ।

Mr. Deputy-Speaker: I think hon. Members may not hereafter refer to them as "untouchables" because untouchability is an offence under the Constitution.

श्री नवलाल शर्मा : I beg pardon of the Deputy-Speaker but the word Achut was mentioned by the hon. Member himself and I only repeated it. I did not use it myself.

हमारे यहां तो अछूत नाम का शब्द भी नहीं है, अस्पृश्य नाम की कोई जाति भी नहीं है और मैं खुल्लमखुल्ला इस बात को यहां पर कहना चाहता हूँ कि हमारे हिन्दू धर्म शास्त्रों में अस्पृश्य नाम की जाति का कहीं वर्णन नहीं आता है । यह दूसरी बात है कि समयानुसार कोई अस्पृश्य रहे, वह तो कोई भी रह सकता है, मैं भी अस्पृश्य रह सकता हूँ । मैं काश्मीर के सम्बन्ध में आते हुये यह कहना चाहूंगा कि काश्मीर के बंटवारे का प्रश्न खड़ा करना, जम्मू और लद्दाख के सम्बन्ध में कोई बात कहना, इस अवसर पर बड़ी अहितकर और घातक सिद्ध हो सकती है । पहली बात तो यह है कि जैसे आज से कुछ दिन पूर्व बंगाल और पंजाब के बंटवारे का प्रश्न मेरे कुछ भाइयों ने खड़ा किया था और उस का जो परिणाम हमें

[श्री नन्द लाल शर्मा]

भोगना पड़ा वह सब के सामने है और यह हमारा दुर्भाग्य है कि काश्मीर के बंटवारे के प्रश्न को अन्तर्राष्ट्रीय जगत ने पकड़ लिया है और आज के दिन लाउड स्पीकर्स बहुत सेंसेटिव (sensitive) हो रहे हैं और कोई भी आवाज़ बहुत जल्दी पकड़ते हैं और अगर हम ने उस दिशा में कोई क़दम बढ़ाया तो वह अपने पैर पर कुल्हाड़ी मारना होगा और मैं इस बात को चढ़े वह कितने ही अच्छे भाव से की जाये, लेकिन मैं इस बात को मानने को तैयार नहीं हूँ कि उस से भारतवर्ष और काश्मीर के आपसी सम्बन्ध अच्छे होंगे।

इसलिये काश्मीर के बंटवारे के सम्बन्ध में चाहे वहाँ के सारे के सारे हिन्दू एक दिन में ही बलिदान हो जायें, उन को उस बलिदान के लिये तैयार रहना चाहिये, किन्तु काश्मीर के बंटवारे का नाम आगे के लिये कभी नहीं लेना चाहिये। मैं यह भी समझता हूँ कि अभी हमारे भारतवर्ष का जो बंटवारा हुआ है, भारत माँ के जो टुकड़े हैं उन टुकड़ों की भी मरहम पट्टी करनी है, काश्मीर की भी मरहम पट्टी करनी है और काश्मीर और भारतवर्ष का जो टुकड़ा आज इस समय अलग हो चुका है, अभी उस को लौटाने का प्रश्न है। भाग्य से जो टुकड़ा हमारे पास बचा हुआ है यदि उस के बंटवारे का प्रश्न भी हम खड़ा कर लेंगे तो इस से बढ़ कर कोई और दुर्भाग्य नहीं होगा।

Mr. Deputy-Speaker: It is more than 1 O'clock. Does he wish to continue?

Shri Naad Lal Sharma: Yes, Sir.

Mr. Deputy-Speaker: Then he may do so after lunch. Before the House rises, I wish to make an announcement regarding the programme of work. The House will have to sit on the 8th, 9th and 11th. The work to be done is as follows:—

The Minister of Defence to move that the Reserve and Auxili-

ary Air Forces Bill, as reported by the Select Committee, be taken into consideration.

The Minister of Defence to move that the Bill further to amend the National Cadet Corps Act as passed by the Council of States be taken into consideration.

The Minister of Commerce and Industry to move that the Essential Supplies Act as passed by the Council of States be taken into consideration.

The Minister of Home Affairs to move that the Bill further to amend the Code of Criminal Procedure as passed by the Council of States be taken into consideration.

The Minister of Commerce and Industry to move that the Bill to provide for the regulation of certain matters relating to forward contracts be referred to a Select Committee.

The Minister of Rehabilitation to move the Bill to amend the Evacuee Property Administration Act.

This is all the work.

Shri B. Shiva Rao (South Kanara—South): How about the hours of work for tomorrow?

Mr. Deputy-Speaker: Having regard to the fact that two Bills have to be passed, as passed by the Council of States, and the rest as reported by the Select Committee. I do not think the business will take very long. I do not think there is any necessity to sit in the afternoons.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): We shall continue the proceedings this afternoon and after watching the progress we shall decide whether to sit in the afternoons or not from tomorrow.

Mr. Deputy-Speaker: There is absolutely no fixity about the time. If necessary, we shall sit in the afternoons. I suggest that just as we did, we may meet in the mornings at 9 and sit up to 1 O'clock. If there is need we shall re-assemble at 3 or 3.30. But we must finish all the work by the 11th. On the 12th we shall possibly have to await the report on

the Preventive Detention Bill from the Council of States.

Shri Jawaharlal Nehru: We need not wait. There is plenty of work to be done on that day.

But may I suggest something, Sir? Of course, it is for you and the House to decide. It is better that if necessary we sit both in the morning and in the afternoon tomorrow and have Saturday off. Otherwise, to sit for half a day tomorrow and another half a day on Saturday may not be so convenient.

Several Hon. Members: That would be better.

Shri S. S. More (Sholapur): Will there be work on the 12th?

Mr. Deputy-Speaker: As at present advised, there does not seem to be any work on the 12th. That is what the Secretary told me.

Shri Jawaharlal Nehru: Oh, yes. There is plenty of work.

Mr. Deputy-Speaker: That is how I was told.

Shri Jawaharlal Nehru: No, Sir.

Mr. Deputy-Speaker: Day to day the matter will be decided and the announcement made. In any case, I do not think the House will have to sit beyond the 12th.

Shri Jawaharlal Nehru: Cannot say.

Mr. Deputy-Speaker: Tomorrow we shall meet at 9 O'clock in the morning.

Shri Jawaharlal Nehru: And in the afternoon also.

Mr. Deputy-Speaker: I know that, but I was mentioning the assembling time in the morning.

Today we shall meet at 3 O'clock.

Some Hon. Members: 3.30, Sir.

Mr. Deputy Speaker: I leave it to the House. I thought that since a large number of hon. Members want to speak we may meet at 3.

An Hon. Member: The Speaker announced yesterday that we shall meet today from 3-30 to 6-30 P.M.

Mr. Deputy-Speaker: I am prepared to follow it. Then we shall meet at 3.30.

The House then adjourned for Lunch till Half Past Three of the Clock.

The House re-assembled after lunch at Half Past Three of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

श्री नन्दलाल शर्मा :

घमॅण शासिते राष्ट्रे

न च बाधा प्रवर्तते ।

नाघयो व्याधयश्चैव

रामे राज्यं प्रशासति ॥

माननीय उपाध्यक्ष महोदय, कभी कुछ एक व्यक्तियों को संसद् में यह ध्यान आता है कि प्रत्यक्ष में यह मंगला चरण क्यों ? मैं जानबूझ कर अपने कम्युनिस्ट भाइयों के लाभ के लिये यह कहता हूँ। उन के कान में शायद भगवान का नाम न पड़ता हो। इस नाते घर्म का नाम, ईश्वर का नाम किसी बहाने से उन के कान में पड़ जायेगा। कभी तो बीज अपना काम करेगा।

आज के अपने पिछले भाषण में मैं ने कहा था कि अल्पसंख्यक दल के एक आध व्यक्ति के नाम से, जिन का नाम भी लिया गया था, काश्मीर के बंटवारे की बातचीत चल रही है। मुझे उन लोगों से निश्चित रूप से तो पता नहीं है लेकिन मैं उन के भाव का केवल एक ही अर्थ लगाता हूँ कि वह लोग भारत के साथ मिलने की इच्छा रखते हैं। यह उन्होंने अपना सोलह आने निश्चय व्यक्त कर दिया है। इस के साथ ही मैं ने वहाँ के बहुमत दल के अपने बन्धु से जो कि यहाँ बैठे हुए थे यह निवेदन किया था कि वह लोग भी अपनी ओर से १६ आना एक घोषणा कर दें कि वह भारत में सदा के लिये पूर्णतया विलीन होने के लिये तैयार हैं, भारत का अंग हैं। यह बात मैं इसलिये ही नहीं कहता कि भौगोलिक और सांस्कृतिक दृष्टि से हम एक हैं, बल्कि इसलिये कि काश्मीर सदा से भारत का

[श्री नन्द लाल शर्मा]

अंग रहा है। अशोक का नाम लिया गया था कि अशोक के समय से काश्मीर भारत का अंग है। बाल्मीकीय रामायण पाश्चात्य ऐतिहासिकों के विचार से भी अशोक के समय से पहले का ग्रन्थ है। उस में भी काश्मीर को भारत का अंग होना वर्णन किया गया है। काश्मीर के साथ साथ गन्धर्व देश जो सिन्धु नदी के दोनों पार में वहाँ भारत का शैलूष नाम का राजा था, उसे मार कर भरत जी के पुत्र तक्षक का राज्य हुआ था। उसी के नाम से तक्षशिला नाम पड़ा था और उस के दूसरे भाई का राज्य गन्धार में था। तक्षक तक्षशिलायां पुष्कलं पुष्कलावते। जिस देश को आज हम कलात के नाम से पुकारते हैं वह भी भारतवर्ष के अन्तर्गत था। आज भी जब हमारे यहाँ बच्चों को यज्ञोपवीत दिया जाता है तो वह कहता है कि मैं विद्याध्ययन के लिये काश्मीर जाता हूँ। काश्मीर सरस्वती का स्थान माना गया है। इसलिये हम कहते हैं कि उसे भारत से अलग करने का प्रश्न नहीं है। जो दल बहुमत का दल है और जिस दल को हमारे प्रधान मंत्री ने और हमारी भारत सरकार ने वहाँ का प्रतिनिधि स्वीकार किया है, हम चाहते हैं कि वह दल एक मात्र यह घोषणा कर दे कि वह किसी प्रकार भी भारत से बाहर जाने को तैयार नहीं है। संसद् ने प्रधान मंत्री के भाषण को अच्छी तरह से सुना किन्तु जो वहाँ के अल्पसंख्यक लोग हैं उन को बैनीफिट आफ डाउट (benefit of doubt) तो अवश्य देना चाहिये। अगर हम वहाँ के अल्पसंख्यकों को अभियुक्त समझें तो उन्हें सन्देह का लाभ देना चाहिये क्योंकि बैनीफिट आफ डाउट गोज़ टू दी एक्स्ट्रैड। वह लोग बार बार भारत में मिलने के लिये कह चुके हैं। मैं एक बात अपने प्रधान मंत्री से पूछना चाहता हूँ। हमारे प्रधान मंत्री ने काश्मीरियों को जन-

गणना द्वारा आत्म निर्णय का अधिकार दिया है। अगर इस सिद्धान्त को इस के लांजीकल ऐक्सट्रीमस (logical extremes) तक ले जाया जाये तो हम देखेंगे कि यह सिद्धान्त किसी राष्ट्र के लिये ठीक नहीं होगा। अगर राष्ट्र के एक एक अंग को आत्म निर्णय का अधिकार मिल जाये तो क्या परिस्थिति होगी। पहले प्रान्त को अधिकार दिया जायें कि वह देश में रहना चाहता है या नहीं, फिर एक एक जिले को अधिकार दिया जाये कि वह देश में रहना चाहता है या नहीं, इसी तरह से एक एक तहसील को और उस तहसील के एक एक गांव को आत्म निर्णय का अधिकार दिया जाये, और गांव में हर एक गृह को अधिकार दिया जाये कि वह आत्म निर्णय करें, और जैसा कि मेरे एक मित्र कह रहे हैं कि पति, पत्नी और बालकों को अधिकार दिया जाये, तो यह आत्म निर्णय का सिद्धान्त अन्त में अपना नाश कर देगा। इसलिये इस को लांजीकल ऐक्सट्रीम तक नहीं पहुँचाना चाहिये। राष्ट्र के एक एक अंग को राष्ट्र में रहने के लिये कहा जा सकता है लेकिन उस को आत्म निर्णय का अधिकार नहीं दिया जा सकता। यदि यह आत्म निर्णय का अधिकार दिया जायेगा तो फिर जम्मू और लद्दाख का प्रश्न भी आयेगा। मैं ने पहले भी इस का विरोध किया था। मैं इस के पक्ष में नहीं हूँ कि किसी प्रकार से भी काश्मीर के बंटवारे की बातचीत की जाये। हमारा अपने नेशनल कान्फ्रेंस के प्रतिनिधियों से जो कि यहाँ संसद् में विद्यमान हैं बराबर कहना है कि उन को इस बात का निश्चय दिलाना होगा। हमारे प्रधान मंत्री इस बात को कह चुके हैं। पर झंडे का प्रश्न हमारे सामने आता है, कांस्टीट्यूशन का प्रश्न आता है और

प्रेसीडेंट (President) का प्रश्न हमारे सामने आता है। किन्तु यह सारी बातें सुन कर हम को इस बात का दुःख नहीं है कि वहां से महाराजा हरी सिंह क्यों हटा दिये गये। महाराजा हरी सिंह अथवा और कोई महाराजा संसार में सदा नहीं रहे हैं और उन को हटना होगा ही। किन्तु प्रश्न यह है कि सब के साथ समान व्यवहार हों। इस कारण से भी भारत की जनता के मन में और वहां के कुछ लोगों के मन में कुछ सन्देह होता है कि कोई कान्सपिरेसी (conspiracy) तो नहीं है। जम्मू और लद्दाख के लोगों के मन में यह बात उठती है कि सम्भव है कि कल को यह लोग भारत को छोड़ा दे कर भारत से हट जाये तो हम लोग भी मारे जायेंगे और ऐसा न हो कि यहां से भी लाखों शरणाथियों को भारत की ओर भागना पड़े। तो आज हमारा उन लोगों से अपनी ओर से यह कहना है कि चाहे वह भले ही अपने प्राण ही दे दें लेकिन उन को भारत और काश्मीर के बटवारे की बात नहीं करनी चाहिये। हम अपने प्रधान मंत्री से मांग करते हैं और उस समय की उत्कंठा से प्रतीक्षा कर रहे हैं जब वह अपनी यह प्रतिज्ञा पूरी करेंगे कि हमारे देश की एक एक इंच भूमि को वापस लेंगे।

हमारे पंडित जी ने और मौलाना मसूदी साहब ने कहा कि काश्मीर की एक खास पोजीशन (position) है। लेकिन हम पूछना चाहते हैं कि काश्मीर की यह पोजीशन की किस ने? यह तो हमारी ही पैदा की हुई है। अगर हम स्वयं उन बन्दरों के पास न जाते तो आज हम को यह बन्दरबांट का दृश्य न देखना पड़ता। हमारे प्रधान मंत्री के वक्तव्य से मालूम होता है कि वह एक सादा सा प्रश्न ले कर गये थे परन्तु वह नरपशु आज तक उस को हल नहीं

कर सके हैं। कभी कोई प्रश्न खड़ा कर देते हैं कभी कोई प्रश्न खड़ा कर देते हैं। याराने शतरंज के दिलों में कोई और ही बात है। उधर में देखता हूं कि हमारे कम्युनिस्ट भाई भी परिस्थिति को देख रहे हैं। वह देखते हैं कि अगर जम्मू और काश्मीर में राजा महाराजा न रहें और वहां झगड़ा फ़साद हो तो हम अपने दोस्तों को चीन और रूस से वहां ले आवेंगे। लाल झंडा खड़ा है तिब्बत में जो कि भारत का अंग था। आज काश्मीर के लिए सेंट्रल एशिया (Central Asia) का प्रश्न क्यों उठाया जाता है। हम तो गांधार तक को भारत का अंग मानते हैं। यह प्रश्न तो उस प्रदेश का है जो कि सतलज के तट पर है।

न छेड़ ऐ निग्रहदे वादे बहारी
राह लग अपनी।
तुझे अठखेलियां सूझी हैं
यहां बेजार बैठे हैं।

लेकिन मैं कहता हूं कि कम्युनिस्ट भारत में कभी पनप नहीं सकते। यह ल्याल पुर दिल से निकाल दें परन्तु मैं कांग्रेस के साथ महानुभावों से भी निवेदन कर्ना कि दूसरे विरोधी दल वाले धर्म को मानने वाले हैं उन को फिरका परस्त कह कर उन को शलत न समझें।

याद रहे राम राज्य परिषद् के विषय में कि मैंने स्वयं यहां गृह मंत्री से कहा था कि राम राज्य परिषद् का इस समय राजस्थान में विशेष प्रभाव है। उसी का फल हुआ कि कम्युनिज्म (communism) वहां पर रूका रहा। लेकिन आज कम्युनिज्म वहां बढ़ने का प्रयत्न कर रहा है। कारण क्या है? हम लोग धर्म को ठोकर मारने का प्रयत्न करते हैं। मैं श्रीमान प्रधान मंत्री जी से यह निवेदन कर्ना कि धर्म का अर्थ यदि कम्युनिज्म (communism) हो तो "धर्म चक्र प्रवर्तनाय"

[श्री नन्द लाल शर्मा]

का चक्र हमारे ऊपर पहले ही लग जाना चाहिये। अगर धर्म का अर्थ यह नहीं है तो हम को सब से पहले कम्युनिज़्म, साम्प्रदायिक शब्द रोक देना चाहिये। सम्प्रदाय शब्द का अर्थ "तुल्य सम्प्रदायक" मीमांसा दर्शन के इस सूत्र से मिलाना चाहिये जिस का अर्थ अविच्छिन्न आचार्य परम्परा से प्राप्त होने वाली आध्यात्मिक अथवा व्यावहारिक विद्या है और आध्यात्मिक सिद्धान्त से इस का सम्बन्ध है। फिर सम्प्रदाय शब्द को इस प्रकार कम्युनिज़्म के रूप में प्रयोग करने का कारण क्या है? हम अंग्रेज़ी शब्द के लिये अपनी भाषा में शब्दों का अर्थ निकालते हैं...

Mr. Deputy-Speaker: The hon. Member must conclude. He has already taken ten minutes before lunch and another ten minutes now.

श्री नन्द लाल शर्मा: मैं निवेदन कर रहा था कि केवल मुस्लिम मैजोरिटी (Muslim majority) के नाम से जो तर्क दिया जाता है कि वहां मुस्लिम मैजोरिटी है इसलिये हम को उस का ध्यान रखना पड़ेगा, मैं उस के सम्बन्ध में दो शब्द कह देता हूँ। एक ओर वहां के राजा ने अपना मर्जर (merger) स्वीकार किया, अपने आप को भारत यूनियन के हवाले कर दिया और दूसरे राजे महाराजाओं ने भी अपने आप को भारत यूनियन के हवाले कर दिया। आप प्रश्न उठाते हैं कि वहां मुस्लिम मैजोरिटी है, इसलिये हम वहां जनता को अधिकार देंगे। यदि हम उस के विरोध में यह प्रश्न खड़ा करें कि ट्रावनकोर में, कोचीन में, और दूसरे स्थानों में भी यदि जनता ने आत्म निर्णय के लिये मांग की हो तो आप उस का क्या उत्तर देंगे? यदि कल उत्तर प्रदेश और मद्रास के हिन्दू कहने लगे कि हम मुसलमानों को अपने यहां से

हटायेंगे तो आप क्या कहेंगे। इसलिये हिन्दू मुस्लिम प्रश्न पर इस बात को नहीं छोड़ना चाहिये। हमें तो केवल भारतीयता के प्रश्न पर इस बात को देना है। इसलिये मेरा निवेदन है कि यद्यपि महाराजा का हम कोई प्रश्न नहीं करते, लेकिन राजप्रमुख का आप ने जो स्थान अपने कांस्टीट्यूशन में स्वीकार किया है, जब तक आप कांस्टीट्यूशन को बदलते नहीं हैं, किसी दूसरे के डर में आ कर आप उस स्थान को हटा दें तो यह अनुचित होगा। अगर कांस्टीट्यूशन का परिवर्तन करने के बाद आप सब का स्थान हटा दें तो उन का भी स्थान हटा दें, तो किसी को कोई आपत्ति नहीं होगी।

यदि मैं अब एक शब्द अल्पसंख्यकों के लिये कहे बिना बैठता हूँ तो मुझे अपने कर्तव्य में कुछ त्रुटि देखेगी। मैं निवेदन करूंगा कि अल्पसंख्यकों को भय कुछ जरूर लग रहा है, इसीलिये वह भारतवर्ष में आने की इच्छा रखते हैं। वह यह कहते हैं कि हम को भारत में आने का पूर्ण अधिकार होना चाहिये। वह कभी भूल कर भी पाकिस्तान को नहीं जा सकते, यह हम अच्छी तरह से जानते हैं। यह बात हमारे प्रधान मंत्री भी जानते हैं, इस को हमारा काश्मीर का प्रतिनिधि मंडल भी जानता है। हमारा कहना है कि उन के अधिकारों की रक्षा के लिये हमारे प्रधान मंत्री ने इस वक्तव्य में एक भी शब्द नहीं कहा, न उन के समझौते में कोई प्रसंग आया है। मैं उन से निवेदन करूंगा कि वह इस बात पर फिर ध्यान दें। लैंडलॉर्डिज़्म (landlordism) को मिटाने का प्रयत्न किया गया, सी ठीक है। लेकिन हम को इस का मंशा देना चाहिये कि वे लैंडलॉर्ड कौन थे? सम्भवतः एक स्थान के, एक ही जाति के लोग तो

में थे। फिर वहाँ धर्म स्थानों की सम्पत्ति भी आप के पास, काश्मीर के पास, आ चुकी है। धर्म स्थानों की सम्पत्ति भी छीनी जा रही है। उस से यह परिणाम होता है कि आज एक राज्य वहाँ से मिट गया और उस की धर्म सम्पत्ति भी मिट जायगी। तो वह जो वहाँ अल्पसंख्या में हैं, उन के धार्मिक स्थान वहाँ कैसे रह जायेंगे। इसलिये मैं श्रीयुक्त प्रधान मंत्री से निवेदन करूँगा कि वह अल्पसंख्याओं की रक्षा के लिये विशेष ध्यान रखें और न किसी सम्प्रदाय के दृष्टिकोण से मैं इस बात को छोड़ता हूँ और न मेरा यह विश्वास है कि यह सवाल इस तरह से हल हो सकता है। अगर यह सवाल इस दृष्टिकोण से देखा गया तो सारे भारत को यह बिगाड़ देगा।

उपाध्यक्ष महोदय, अब मैं यह कहना चाहता हूँ कि जिन्होंने एक दूसरा कोरिया बनाने का संकेत किया था उन की यह भूल है। वह भारतवर्ष के सम्बन्ध में और काश्मीर के सम्बन्ध में दूसरा कोरिया नहीं बना सकते और हम दृढ़ दावे से कहते हैं कि भारत का एक एक बच्चा अपने आप की कृत्त करवा देगा किन्तु कोरिया भारत में नहीं बनने देगा। न वह पाश्चात्य कूटनीतियों की कूट नीति को सफल होने देगा। हम अपने प्रधान मंत्री से निवेदन करना चाहते हैं कि वह चाहे इंग्लैंड और अमेरिका की ओर बढें, लेकिन हम उन को कभी भी ब्रिटिश राजमुकुट में ब्रिटिश कोहनूर की तरह नहीं सजने देंगे। वह भारत की सम्पत्ति है और भारत में ही रहेगी और हमारे सुख दुःख को उन्हें सुनना ही पड़ेगा।

बस, इतना ही कह कर मैं आप को धन्यवाद देता हूँ।

Prof. S. N. Mishra (Darbhanga North): I am really amazed at the amount of what I may call energetic

ignorance of the basic facts of the Kashmir situation to which the Prime Minister has repeatedly drawn the attention of the House. If you take the approach either of the Jan Sangh or the Hindu Mahasabha or even the approach of our over-enthusiastic supporters, the Communists, on this issue, all of them represent various shades of the same ignorance which I have preferred to call energetic. I think that the approach of our hon. friends, the Communists, to the Kashmir situation is almost a class by itself and it should be treated as such. They remind us in this context of a story in which a complainant had lost some amount of cotton of his which had been stolen by a particular person. And the witness who deposed in his favour said "Not cotton, but cloth had been stolen." Our hon. friends on the other side, when they speak about the Kashmir situation, are so over-enthusiastic that they not only emphasize the demands that may be made by the Kashmiris but they even over-do them. We on this side will have to be vigilant for another reason. It is a very well known proverb: when a woman loves a child more than the mother does, beware of her! That is how I characterize the attitude of the Communists in regard to the Kashmir situation.

An Hon. Member: An ignorant statement.

Prof. S. N. Mishra: I ask where does a correct understanding of the Kashmir situation lie? Does it lie in the legal quibbling or casuistry in which some of our friends have been indulging or in the green grocer's attitude or the commercial attitude that since we have spent so much money in Kashmir we must have our pound of flesh? I think the key to the real understanding of the Kashmir situation does not lie in these approaches. In fact, they present no approach at all. Rather, the key to the real understanding lies in the minds and hearts of the people of Kashmir, the people who have smashed the two-nation theory of Jinnah, who have remained quite unaffected in the communal fire raging all round, and who are now marching from strength to strength and translating into reality the dreams which we have cherished so long and for which many of our people laid down their lives.

Two great experiments in social revolution are at the present moment being conducted in this country. One experiment is of Acharya Vinoba Bhave which is a unique experiment in social revolution in many ways. Another experiment is that conducted by Sheikh Abdullah in Kashmir in regard to land

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reforms. I think that both these experiments are the children of the same spirit—the spirit of the Father of the Nation. And I am sure, at one time or another these pincers are going to meet and the current is going to pass through the whole of India. I have been thinking and I would like you also to think of the vast peasantry whose eyes are lit up with a new hope and fired with a new dream. Think of the millions of them who are now freed from the feudal bondage and who now own a piece of land with respect. Think of them who are now attending to their crops in their fields with as much care as a mother bestows upon her child. In these respects, I have been always feeling that the Kashmir situation does not admit of a petty and sectarian outlook that is generally brought to bear upon it. It seems that some of the hon. Members on the other side look upon the whole question as if we are at the journey's end, as if it is the end of the story of Kashmir. In my opinion, the story of Kashmir is not at its end, nor even the final climax has been reached. We may be at the beginning of the end, but we are not at the end of the journey. An important thing to remember in this connection is that the story which began on the fateful day of October 1947 may yet require innumerable sacrifices from all of us, including those friends who are on the opposite side, if they think that the security and honour of India is next to their heart. Moreover in dealing with Kashmir, one thing that has surprised me most about the attitude of the friends opposite is that they look upon Kashmir as another country. They accuse us that we are not in favour of the complete integration; we have not insisted upon it. Their attitude seems to be that Kashmir is another country and let us be as exacting in our terms in dealing with Kashmir as possible. I would ask you to consider whether the matter of integration exists in their mental make-up or it is in law and fact, which in our opinion is quite complete. If you analyse the discussions, they represent in a way a very queer spectacle of a fluid situation and fixed mind, a dynamic situation and a very static response. The result is a narrow, a very limited view, and a very inadequate appreciation of the whole situation. In my view the results of the discussion which are embodied in the decisions contained in the statement of the Prime Minister are not of a final or hide-bound character. They might still be modified, and adjusted as the situation develops. So there is no finality about them. If you will permit me to say this, I am of the opinion

that this agreement may not be called an agreement in the sense that many friends understand it to be. In my opinion they simply represent certain decisions which have been reached by the representatives of the Government of Kashmir and the representatives of the Government of India. They do not mean an agreement in the sense that there was at any stage any disagreement about the major or basic issues of the Kashmir situation. So far as we know there has not been any instance in which the Prime Minister of the Government of Kashmir has taken any major decision without the fullest concurrence or the approval of the Government of India. So it is a misnomer in that sense to call the decisions an agreement. I would simply say that they are adjustments to the situation as it is unfolding. I am conscious at the present moment while participating in this debate, that a very important and highpowered conference is going to take place at Geneva towards the close of this month. We are very glad that a man of the stature, competence and experience of Shri Gopaldaswami Ayyangar is going to represent us at that conference. I am quite sure that he carries with himself the great respect of the Members of the House for his real insight into the Kashmir affair. We offer our good wishes to him for the success of his mission, but we shall request him to always bear in mind the tremendous impatience of the people of this country, the tremendous disgust we feel about the way in which the whole question of Kashmir has been handled by the United Nations. We learn that Dr. Graham is now coming to brass tacks and he has now clearly defined that the unresolved points of differences would be tackled at the Geneva Conference. We would, therefore, like him to bear our impatience in mind, so that anything that is being done must be of a decisive character. Let there be no more indecision on this point.

Coming to the results of the recent talks between the representatives of the Government of India and those representatives of the Government of Kashmir, I may point out that those decisions may entail in a way either certain fresh enactments or certain amendments to the Constitution of India. There is no doubt about it in my mind. Take, for instance, the citizenship law. Even in regard to this, keeping in view the peculiarities of the conditions in Kashmir, it may be necessary for us to accommodate the points of view of the people of Kashmir. In some way it may also be necessary in

regard to the fundamental rights to accommodate their point of view. All these things may require a certain amount of modification and a certain amount of exception to be made and I think that there should be no difficulty from our side in constitutionally accommodating those modifications or exceptions either in the form of enactments or in the form of amendments to the Constitution. We have in mind that when certain land reforms were enacted by the different State Governments and there were constitutional difficulties coming in the way of the implementation of those land reforms, we readily amended our Constitution to accommodate them. And there were adjustments in a way only of a minor nature and in these two instances that I have pointed out, I am of the opinion that certain adjustments of the same kind may be necessary.

One important thing about which stress has been laid by many Members and particularly by the Prime Minister is about the commitment we have made to the United Nations and the pledge we have given to the people of Kashmir. That pledge is that we shall respect and abide by the wishes of the people of Kashmir. It is the people of Kashmir who will be the final arbiters of their destiny.

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That is the main commitment we have made both to the United Nations and to the people of Kashmir. Dr. Mookerjee and others who have been always pressing upon the Government for a re-orientation of the policy in regard to Kashmir, probably wilfully forget the main pledge given to the people, or the main commitment given to the United Nations, and you will remember that this commitment was made, as it was clearly pointed out by some other Members, when Dr. Mookerjee was a Member of the Government of India. At that time he was a party to such a perfectly reasonable commitment—I do not know whether he will now ask himself the question if the utterances or the policy or the attitude that he has adopted of late is going to be in favour of the commitment which he had made some time back.

I have two more minutes at my disposal. I can only point out the two things about which my other hon. friends have spoken, but which I would like to emphasize for certain other reasons. This is in regard to the abolition of hereditary rule or monarchy in that State and also in regard to compensation. About these
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two points a certain amount of consternation is felt in the country among a very microscopic section of the people. So far as the Government of India is concerned, I have no doubt in my mind that those two issues would have presented no difficulty before them at all, because, as you know we have stood all these years for the abolition of this feudal rule and also for an equalitarian social order. And therefore when we find that a section of our own people in Kashmir is translating that ideal into concrete terms, it gives us real pleasure. But from this you can easily deduce what is the pattern of the opposition that is being made in regard to the Government's policy. The attitude of the Opposition is quite clear. There are some people in favour of dynastic rule; there are some people in favour of compensation. So it clearly reflects that they are in favour of the vested interest, entirely on the side of the feudal rule. That represents their economic faith, their ideology. And it is no wonder therefore that they have been taking up cudgels on their behalf.

I will say only one thing more before I close, that is in regard to what Dr. Mookerjee said about Mr. Shiva Rao four or five days ago. He said that Mr. Shiva Rao knows how to swim with the tide.

Mr. Deputy-Speaker: Why should he refer to all that has passed which has no connection now? Let him be relevant to the subject on hand.

Prof. S. N. Mishra: I am just coming to that. Dr. Mookerjee said that Mr. Shiva Rao knows how to swim with the tide. But we thought that Dr. Mookerjee knew that useful art better. We have seen him riding over the crest of a wave and enjoying all the glory and the crown, and we thought that there was hardly any man who has a more elastic personality. Having made those commitments, having been a party to Article 370 of the Constitution; having been a party to the pledge, we gave to the people of Kashmir and the U.N.O., I do not know how it lies in the mouth of the hon. Member Dr. Mookerjee and his friends to oppose the policy the Government have adopted in this regard.

I congratulate Government for a very successful policy they have adopted in regard to Kashmir.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): I have only one word to say in this regard, viz., that the Opposition consists of all sorts of Parties and groups and individuals, and every group must be allowed to express its

[Shri Sarangadhar Das]

view over any important measures that comes up, but I did not catch the eye of the Chair and I was denied that opportunity yesterday. Today I have been given the opportunity, and I do not wish to say very much about this delicate matter, but first of all, as a Member of the Socialist Party that has been demanding acquisition of land without compensation and distribution among the tillers of the land which our Government did not pay any attention to, I, standing here, congratulate the Chief Minister of Kashmir, my old friend Sheikh Abdulla, with whom I have worked in the States people's movement for many years, for this and also for the abolition of dynastic rule. There seems to be quite a good deal of difference of opinion, for and against it, but my view of the matter is that although in India we have been wanting that dynastic rule must go, that the Princes' privy purses must go, we have not been able to do it. It is given in our Constitution, and unless the Constitution is amended, it cannot be done. However, because the whole of the Constitution did not apply to the State of Jammu and Kashmir—I do not know whether the Chief Minister, Sheikh Abdullah had in view the carrying out of such a radical measure and that is why he did not want the whole Constitution of India to be applied to his State, whatever that may be—that is also done, and from some of my friends here I will differ a little bit, viz. that the abolition of dynastic rule in Kashmir and the acquisition of land and distribution without compensation should be taken as a precursor for the whole of India. Incidentally, in this matter also the Sher-e-Kashmir has won the battle, while the Sher-e-Hind has failed, and I hope the two Shers will some day in the near future get together and carry out these radical measures all over India.

Dr. S. P. Mookerjee (Calcutta South-East): The two Shers will fight.

Shri Sarangadhar Das: They are the best friends, being Kashmiris.

While praising these two radical measures, I must say at the same time that because the whole of the Constitution is not applied, because in the matter of fundamental rights, of personal liberty and freedom the people of Kashmir are deprived of their right of appealing to the Supreme Court which is a discrimination, and because in other matters besides the three subjects there is no full integration with India, there is bound to be some isolation on the part of Kashmir. Theoretically we say, and we will say, that Kashmir

is a part of India, an integral part of India. But practically, because the people of Kashmir are not entirely under the Constitution, they are keeping themselves away from the main stream of life that is pulsating in India for the last five years since we attained independence.

There is so much talk about communalism. Our friends in Kashmir talk about communalism, and accuse certain sections of the people here in India of communalism. But as far as I can see there is no communalism in India. In the general run of things, the people have forgotten what happened four or five years ago, when both brothers had a fight against each other, and now both have forgotten it, and do not revive it. Sometimes there are some people who have some other objective in view, and who revive it. But that is no reason why the people of Kashmir and the Kashmir National Conference should accuse India of communalism. I can tell my hon. friends that India has the greatest love and respect for Kashmir, and wants the Kashmir people to come nearer to the people of India. Because of the complications of the constitutional position, Kashmir is more and more becoming an isolated State, and the people of Kashmir are not taking part in the weal and woe of the people of India. If this isolation continues, it is difficult to tell what may happen in the future. There have grown up in India various things during the 30 years of the struggle for independence. Even in that stream, the National Conference of Kashmir did not join; I mean to say that the trends were there in the Congress which worked for unity before the attainment of independence, but the National Conference was deprived of that. That is why they have now a separate flag for their State, which so many of us do not like. I personally do not much care about it as long as the Indian National Flag is respected and given its proper place. Let them have their flag because they have some sentiment behind it. That sentiment may wane probably after some years. So I do not attach any importance to this question of a separate flag.

But with regard to these matters which are isolating Kashmir from us, I wish that our Government will take care to remedy them, with the advance in constitution-making in Kashmir, so that in the very near future, these differences will not be there.

It is well-known that there are three parts in Kashmir—Ladakh, Kashmir

and Jammu. Till a short while ago, the state of Jammu was the pivot of the administration of Kashmir. All of a sudden that pivot has been shifted to Srinagar, and so it is natural that the people of Jammu should be sore about it. But it is essential for a statesman to forget the past. I know what the past was in Kashmir during the independence movement. There were not many good things on record for some people outside the National Conference. But those unfortunate things must be forgotten, in just the same way as in India the Hindus have forgotten what the Muslims had done to them, and the Muslims have forgotten what the Hindus had done to them. The National Conference led by Sheikh Abdullah should make it their business to integrate the people of Jammu also into the State of Jammu and Kashmir. There is no doubt that the movement in Jammu is gaining ground. Whether it gets any help from outside or any assistance from the people in Jammu themselves,—it should not be neglected. It is the duty of the ministers of the Kashmir Government to treat their men in such a way that they will consider themselves as citizens of Jammu and Kashmir and not merely as those of Jammu alone. The two together can then try to bring in Ladakh also and thereby achieve the unity of that State so that eventually the State will be fully integrated with India. Without full integration, there is danger for Kashmir. If they remain in isolation then the people will become weaker and weaker, and there will be the danger of infiltration from the other side across the mountains, and the people of Kashmir may not be able to resist such an onslaught. Therefore it is necessary in view of these considerations, which do not do any good either to India or to Kashmir, that our Government as well the Kashmir Government should negotiate with each other while the constitution is being framed by the constituent assembly in Kashmir so that there may be incorporated in it such measures as the two, India and Kashmir.....

Pandit A. R. Shastri (Azamgadh Dist.—East cum Ballia Dist.—West): Are they two?

Shri Sarangadhar Das: That was my mistake. What I meant was that Kashmir and India should negotiate with each other in order that necessary provisions may be incorporated in the constitution, which is being framed by the Constituent Assembly of Kashmir, so that Kashmir can be fully integrated with India. It is therefore necessary for the Government of India represented by that son of Kashmir and the Government of Jammu and Kashmir

represented by Sheikh Abdullah to get together and remove all kinds of suspicion that may have been created on this side in India or on that side in Jammu and Kashmir.

As far as the matter of the U.N.O. is concerned, I do not wish to say much about it, but only this much I wish to emphasise that although mistakes have been committed during the past, it is no use harping on those mistakes. I believe it is time now to set a dateline by which—Dr. Graham or whoever comes here—the Kashmir issue should be settled. Otherwise it goes on for ever and ever and the matter under dispute is getting petrified and no matter how much the hon. Member from Lucknow, Mrs. Pandit may plead, it is impossible for the people of India to bear that yearly expenditure in keeping the army in Kashmir. Whatever the decision is, it should be arrived at by a specified date; it cannot go on for ever. With this I support the motion moved by the Prime Minister.

Shri H. N. Mukerjee (Calcutta North-East): Only yesterday the hon. the Home Minister was referring to the speeches made on this side of the House as speeches of prospective detenus. It is pleasant, however, if only for a change that we are in a position to congratulate the Government of the day for what they have done in regard to the Kashmir situation. But we do not do so, in order to secure immunity from whatever action might be in the contemplation of the Home Minister. We do not do so in the expectation of encomiums from particular Members of the Congress party, one among whom spoke only a little while ago. We do so because we are here not for the purpose of consistent, persistent and insistent obstruction as the Swaraj Party declared once upon a time; we are here to oppose the Government where we must and it is, to our regret, our experience that on almost all occasions we have to oppose the Government. But we are here to help the Government also where we find that the Government are embarking on policies which are going to bring some alleviation to the miseries and the lot of our people.

In regard to the Kashmir situation we can certainly say that we welcome the decision which the Government have made and, as far as it goes, the settlement which has been arrived at with the Kashmir delegation is a settlement which we can unequivocally welcome. I say again 'as far as it goes' because there are certain points in regard to which we would have

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liked the Government of India and the Kashmir leaders to have gone very much farther. But at any rate, a beginning has been made, a beginning in the right direction, a beginning which is fraught with immense potentialities as far as the future not only of Kashmir but of the rest of the country is concerned. And that is why we welcome the decision of the Government unequivocally even though with certain suggestions of our own regarding the kind of distance which should have been covered by the Government in this agreement.

Now it has already been said that there are certain implications of the Kashmir decision which have far-reaching consequences. The decision says, for example, that Kashmir is not going to have anybody who belongs to the tribe of Rajpramukhs and Up-Rajpramukhs in the rest of India and they are going to have a Head of the State elected by their own Assembly who would necessarily be authorised to take up that position by decree of the President of India. Now this is a very important departure and this shows which way the wind is blowing. This shows that in Kashmir which has gone through fire, the people have a magnificent record of fighting against all the massed forces of obscurantism. Kashmir which has fought even after the tragic days of partition when the people of that area were placed in a cruel dilemma, well, Kashmir is now showing the way to the rest of India and Kashmir is coming forward to say that 'we are not going to have a Rajpramukh, we are not going to have—a Prince or a Maharaja as the Head of the State but we are going to have as Head of the State somebody who will be democratically elected and approved, necessarily, by the Rashtrapathi of the Indian Republic'.

Now this naturally involves that certain other things are also done. I am sure my friends of the Kashmir Assembly would refuse to pay the sum of Rs. 15 lakhs which is now handed over to the Maharaja of Kashmir. I am sure the Head of the State of Kashmir would get no more than what the Governor of any other State in the Indian Union gets. It means also that what has happened in Kashmir is a pointer to the rest of India and as has been pointed out from this side of the House, there are certain other areas of India where there are Rajpramukhs and Up-Rajpramukhs and all that tribe who have no right to be where they are, particularly in regard to Hyderabad. The Nizam of

Hyderabad, we say it over and over again, has no right to be where he is. I am sorry that the other day the hon. the Prime Minister said that there could be no question of disintegration of the Hyderabad State, that there could not be a 'Vishal Andhra' or 'Samyukta Maharashtra' and that sort of thing because it implied disintegration of Hyderabad. I do not know if that has anything to do with the sacrosanctity of the Nizam of Hyderabad, but I say, Sir, that the Prime Minister cannot do one thing in regard to Kashmir and yet another thing in regard to Hyderabad. I admit there might be several circumstances which might prevent us from doing overnight what we wish should be done. But on this side of the House we have a sense of urgency which I believe Members on the other side do not feel. I am prepared to concede if the Prime Minister comes forward and says: 'Tomorrow I cannot get rid of the Nizam of Hyderabad' but I want him to come forward and say: 'It is my policy, as it has been the policy in regard to Kashmir, to do away with this tribe of exploiters who have been hand in glove with the imperialist exploiters of our country and who have no right to exist on the same terms and conditions which they have enjoyed for so long'. It is, therefore, only in the logic of things that we expect the Nizam of Hyderabad, for example, under whose aegis unspeakable atrocities had been committed, to share the same fate as the other Maharajas who are cluttering up all over the place in our country.

The other point which has been emphasised before and on which we feel gratification at the Government's decision, is the abolition of landlordism. Now, I know certain Members of this House perhaps would be at very great pains to show that they have not really abolished landlordism in the way we wish it to be done. The hon. Member who spoke a little while ago said that we were all over-enthusiastic about it. We have no wish-fulfilling ideas about what has happened. We know that there are certain limitations as far as the land reforms are concerned, but they are very definitely land reforms of a very important character and there is no getting away from this matter of principle, that landlords have been expropriated of their rights without any compensation having to be paid to them. That is the crux of the matter and that is the reason why the fundamental rights of our Indian Constitution cannot be applied in toto as far as Kashmir conditions are concerned.

Now, we all have our own view of the Constitution and we know that even though it is a document deserving all respect there are aspects of this Constitution against which we must raise our voice. In the chapter on Fundamental Rights at least there is one provision which is absolutely baneful, which is absolutely disastrous to the interests of this country, and it is a very great thing that the Prime Minister is prepared to come forward and say that he is ready and willing to see that that particular provision in the Fundamental Rights in regard to adequate compensation for property rights should go. I have appealed to the Prime Minister once before, and even though he is not present for the time being I would make this appeal to him again. He enjoys a position, not only in the House but in his own Party and in the country, which is unique; if he says something the word goes. If he really believes that he should do away with a certain provision in our Constitution in regard to the fundamental rights of the vested propertied interests in the country, he should do away with it. He should call upon the Party without delay to take whatever steps are necessary in order to bring about this change. Now that he has already expressed his opinion, I would say he has seen the hand-writing on the wall. He knows how the people are moving not only in this country but all over Asia and all over the world. Therefore, what is happening in Kashmir is only an indication of what we have a right to expect in the different parts of the country also in the near future.

In regard to the motion which is before us, I would like to remind the House of the magnificent role which Kashmir has played throughout recent years: the fight for democracy, the fight for secularism, the fight for economic justice that has been conducted by Kashmir in a manner which really extorts our admiration, unstinted admiration. The people of Kashmir have been subjected to such pressure from Pakistan. After all, the overwhelming majority of the people of Kashmir are Muslims and we know how the religious mania has affected the minds and souls of our people in such a disastrous fashion. We know how incidious and how very dangerous is the appeal of this religious passion. We know how from the Pakistan side there has been this kind of attack. The Pakistani masses will find out that in Pakistan are the Nawabs of Chitral and Bhawalpur—and who knows how many other people—who are merrily having their own way and that in Kashmir the Muslim peasantry as well as the Hindu and Sikh peasantry are going

to have a new kind of existence on account of this land reform. This is the right way, it is the only way of tackling the problem, the only way of eradicating communalism, and that is exactly what Kashmir has done.

Then again we have found pressure on Kashmir—all kinds of reactionary sources, communal, reactionary sources inside Kashmir as well as outside, who have been there to raise all kinds of bogies. For example, it has been suggested from time to time that Jammu and Ladakh are areas where the Muslims are not in majority and therefore if there is going to be a plebiscite let the Kashmir Valley have a separate plebiscite and let Jammu and Ladakh have a separate plebiscite. This kind of talk shows their irresponsibility, it shows how certain people are ready and willing in the conditions of today to suggest that we can have unity only on the basis of religious colouration of particular areas. It is an invitation to the formation of states purely on the basis of religious passion and religious fanaticism. This is the kind of irresponsible statement which has been made. I am sure provision can be made in the Kashmir Constitution that the Constituent Assembly of that State is going to hammer out, whereby the legitimate rights of the people of Ladakh, for example, who might have some special requirements for their safeguards, might be recognised. But to think of a separation of Jammu and Ladakh from Kashmir merely because in the Kashmir Valley the Muslims are in an overwhelming majority and in the other areas non-Muslims are in majority, is absolutely disastrous to the future of our country, and that shows the kind of irresponsible methods to which feudal reaction, finding no way out of the difficult morass to which it has been driven today, is taking recourse.

We find also pressure from imperialism being put upon the Kashmiri people—not only upon the Kashmiri people but on the Government of this country. Already the attention of this House has been drawn by my hon. friend, Dr. Lanka Sundaram to the reaction of a certain section of the American Press to the decision made by the Government of India in regard to Kashmir. Now, Sir, *The New York Times*, for example, is extremely unhappy about the result of the negotiations between the Kashmir delegation and the Government of India, and in regard to the abolition of landlordism without compensation as also in regard to the question that the fundamental rights in the Constitution should not

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be applicable in toto to the case of Kashmir, *The New York Times* says that—"India's surrender on this question contradicts the spirit of the really genuine reform programme that has gone forward in India."

Now, this is fantastic. It says, "You in India are not prepared to abolish landlordism without compensation—you are doing the right thing." "In Kashmir they are abolishing landlordism without compensation, therefore, they are doing the wrong thing." And therefore it suggests that that decision of the Government of India is something which is bypassing the United Nations, which is bypassing the interests of the people of Kashmir. And it is going to give us advice gratis!—these people are very perturbed; also other organs of reactionary opinion in this country are very perturbed. They say what has happened is that India has acceded to Kashmir, not Kashmir to India. This sort of wisecracking is absolutely irresponsible, utterly frivolous and extremely dangerous to the future of our country.

What exactly are we going to do about the Kashmir problem? Are we going to push the people of Kashmir into the arms of the religious fanatics who are only waiting for an opportunity to grab them? Or are we going to act in conformity with the finest traditions of the national movement in India as well as in Kashmir? And if we do that, surely, we shall offer our hand of friendship to the people of Kashmir. And that is exactly what is sought to be done. I wish it were done before, I wish it were done in a more radical fashion, but it has not been done. In regard to the abolition of landlordism there must be certain lacunae. I do not know the details of the position—things have been kept out of the picture so to speak—but it has been said the reform does not apply to you if you have any number of fruit trees or orchards. I do not quite realise the situation—there must be something wrong somewhere, there must be some lacunae as far as land reforms are concerned. But we can go into that later. But the basic thing, abolition of landlordism without compensation, that is a pointer which will give light and leadership to the rest of the country.

In regard to another matter also I want to go a little further than the Prime Minister is prepared to do. He has said in regard to the question of the withdrawal of the Kashmir case from the Security Council then

we really cannot do it because there are so many difficulties. He said, "How can we withdraw the case?" "We have to face the world, we have to face our people, we have to face facts." I quote his exact words—I took them down. Now, of course we have to face the world,—we have nothing to be ashamed of—we have to face all the people, the people of India and of Kashmir, and we face the facts of the situation. And what do we see? We have had this question hanging fire before the Security Council for more than four years, nearly five years, and what has happened? We have very good reason to think that the predominant forces in the United Nations—which is the Anglo-American combination acting sometimes in uncomfortable combination but, generally speaking, acting in pursuance of their own vile imperialist interests—has been trying all these years to exploit the Kashmir situation, to keep the question hanging in mid-air, to have no settlement of the Kashmir question and, if necessary, to be in a position to utilise certain territories in Kashmir for their own war-mongering and war purposes. This is exactly what they have been doing so far. It is not only Dr. Graham—for whom the hon. Prime Minister had many good words to say—who has shown patience and forbearance and that sort of thing. India has shown extraordinary patience and forbearance over this question. But how long is she to wait and how long is she going to wait for the pleasure of people whose *bona fides* we cannot possibly trust? That is exactly what is happening in the Security Council. Why can we not say, "We have given you a chance, more than a chance, all these four years and seven months to do something about the Kashmir situation." "You have not done it—you are dilly-dallying about it." The people of Kashmir are taking the matter into their own hands in a fashion which would soon make it clear to those areas even which might be under the occupation of the tribal intruders, and declare even to those people that they should join up with the rest of the Kashmiris in order to build up their country nearer to their heart's desire. That is the position which has developed today and if necessary we are prepared for a plebiscite. I do not for a moment say that it should be said of us that we have forgotten our promises or that we do not stand by our declarations. Of course, we might have a plebiscite. But let us not have it as a condition precedent to a plebiscite that that plebiscite

would be conducted by some Admiral or General from America or some other satellite country of the United States. We want the plebiscite to be conducted under conditions which would satisfy us in regard to its fairness. If that happens, surely the Kashmiri people would have no difficulty at all in accepting the plebiscite.

In the course of the discussion several things were said to which I would only make a hurried reference. My hon. friend Dr. Khare said that if we begin with the Nizam the rest will follow. A very good sentiment. I wish he sticks to it. But he went on to say a little later that in the present democratic set-up the princes simply adorn the *gadi* and so why should we disturb their comforts? This is exactly the position which friends on my left are advocating. They say in one breath that we are troubling the Maharaja of Kashmir and why should we not do the same thing with the Nizam of Hyderabad. We say that we want to get rid of these very estimable gentlemen from our country. They have exploited us for too long. But then those very friends come forward and say a little later that the princes in today's dispensation are only constitutional monarchs and they would do no evil to India and therefore these estimable gentlemen need not be disturbed. We may talk to them and we shall find out how wonderful their manners are and so on. Now, I am not going to stand this nonsense any longer. We are not going to tolerate those who have sucked the lifeblood of our people for so long a time. These Rajpramukhs and others have got to be got rid of altogether.

Then my hon. friend Dr. Khare said that near our frontiers situations might be created which might be dangerous; if you do not give autonomy to the Nagas and the Sikhs, then, he asked, why we give this sort of autonomy to Kashmir? My answer to that is that it is an act of wisdom to give the Nagas and the Sikhs, then, he asked, autonomous rights they require. We have to win their hearts. Especially in regard to the frontier areas, it is very important that the cement of friendship consolidates and binds the relationship of India with those frontier regions. In regard to Kashmir, it is clear that we have a tradition of friendship. We have a tradition of consistent collaboration in the anti-imperialist and anti-feudal struggle and with the people of Kashmir today we have forged the bonds of friendship. If for the sake of that friendship we have to allow them certain concessions, we have to give them certain unique

powers, we have to take some special steps for the time being, why should we not do so? It is in the interests of India and that is why we should do so.

I shall now come to a question asked rhetorically by my hon. friend, Shrimati Sucheta Kripalani. She asked: Is Kashmir an integral part of India or is it not? Now, you cannot give rhetorical answers to rhetorical questions of this fashion. Of course, Kashmir is an integral part of India. Who says Kashmir is not? The Kashmiri people themselves say that Kashmir is an integral part of India. But there are certain very special reasons which I have already tried to indicate why the link-up of Kashmir with the rest of India should be on a particular principle. We can only get a really and truly consolidated India by a union of the hearts of the peoples who inhabit the different regions of India—regions with different linguistic, cultural and psychological characteristics. We can only get a real union of all these areas when the consolidation is effected with the cement of friendship and understanding and that is where in Kashmir we have made a beginning. There remains much to be done yet. We have to travel quite a long way yet. I am not entirely satisfied with what the Government has done and I would like the Government to go very much further than what it has done. But it has made a beginning and the beginning is in the right direction. It is a beginning which is full of significant implications which are extremely important as far as the future construction of our country is concerned.

I have great pleasure, therefore, in welcoming the motion which has been moved by the Prime Minister and I only suggest that the Prime Minister, if he thinks it right in his wisdom, might go a little further and decide that it is high time we wash our hands of the United Nations as far as our appeal is concerned. I do not suggest for a moment that we should withdraw from the United Nations. It would be an absolutely suicidal step, but as far as our appeal is concerned, the United Nations has played ducks and drakes with it for over five years and it is no good proceeding with it when the Kashmiri people have come into their own, they have an appointment with destiny, and are marching towards its fulfilment. Why should we stand in their way at this time? Let us do the right thing. We have already outstretched our hand of friendship and they have clasped it. Let us not make a mess of it. Let us go forward and let us try to cement the whole of

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India in such a consolidated friendship as would really bring about a new heaven and a new earth in our ancient country.

Dr. S. P. Mookerjee: I agree with the Prime Minister that the matter of Kashmir is a highly complicated one and each one of us, whatever may be his point of view, must approach this problem from a constructive standpoint. I cannot share the view of the last speaker that we are creating a new heaven and a new earth by accepting the scheme which has been placed before the House on the motion of the Prime Minister. The question can be divided into two parts. As the Prime Minister narrated in his own statement, one relates to the international complications arising out of Kashmir and the other relates to the arrangements that have to be made between Kashmir and ourselves regarding the future Constitution of Kashmir. Since the time is limited, I do not propose to say much on the first issue.

It has been said that I was a party when the decision was taken to refer the Kashmir issue to the U. N. O. That is an obvious fact. I have no right and I do not wish to disclose the extraordinary circumstances under which that decision was taken and the great expectations which the Government of India had on that occasion, but it is a matter of common knowledge that we have not got fair treatment from the United Nations which we had expected. As the Prime Minister pointed out, we did not go to the U.N.O. with regard to the question of accession, because accession then was an established fact. We went there for the purpose of getting a quick decision from the U.N.O. regarding the raids which were then taking place by persons behind whom there was the Pakistan Government. The raiders merely acted on behalf of somebody else. Four years have passed. The Prime Minister paid a compliment to Dr. Graham. He may or may not deserve it. In any case, it does not seem as though we are going to get much or anything at all out of the U.N.O. The war started in Korea. There was aggression there, and immediately those very big countries which are dominating the U.N.O. called upon the whole world to stand by them in defence of freedom. Those very people were the first to oppose India's very simple stand regarding the aggression on what was not merely the soil of Kashmir but the soil of India. I know that technically no case

could be withdrawn from the U.N.O. The Hyderabad case also is still there technically. The South African dispute is also technically before the U.N.O. But what about these cases? They are not making any progress. Somehow, we should withdraw ourselves, so far as a consideration of the Kashmir case is concerned, from the U.N.O. We can tell them respectfully that we have had enough of the U.N.O. and let us now consider and try to settle the matter through our own efforts. I am not suggesting that India should withdraw from the U.N.O. The only matter regarding which the dispute still continues is about the one-third territory of Kashmir which is in the occupation of the enemy. The Prime Minister said today that that portion is there. It is a matter for national humiliation. We say that Kashmir is a part of India. It is so. So, a part of India is today in the occupation of the enemy and we are helpless. We are peace-lovers, no doubt. But peace-lovers to what extent?—that we will even allow a portion of our territory to be occupied by the enemy? Of course the Prime Minister said: thus far and no further. If the raiders enter into any part of Kashmir—he repeated it today also—he held out a threat of war not in relation to Pakistan and Kashmir, but war on a bigger scale between India and Pakistan.

Now, I would like to know from the Prime Minister: is there any possibility of our getting back this territory? We shall not get it through the efforts of the United Nations; we shall not get it through peaceful methods, by negotiations with Pakistan. That means we lose it, unless we use force and the Prime Minister is unwilling to do so. Let us face facts—are we prepared to lose it?

Now, let me come to the concessions which have been made. It has been said that there is some provision in the Constitution, that we are bound by the pledges which have been given. Pledges? Undoubtedly, so many pledges we have given. We gave a pledge to Hyderabad. Did we not say that there would be a constituent assembly for Hyderabad. It was followed by another pledge that the future of Hyderabad would be decided by the Legislative Assembly of Hyderabad. But is not Hyderabad already a part of the Indian Union—one of the Part B States? We gave pledges also to those princes whom we are liquidating in different forms today. If we talk of pledges we have given pledges on

many other occasions. We gave pledges to the minorities in East Bengal. That was given after the attainment of independence. The Prime Minister said in the Council of States the other day that even if Kashmir had not acceded to India, when Kashmir was attacked by the raiders on humanitarian grounds the Indian army could have marched to Kashmir and protected the distressed and oppressed. I felt proud. But if I make a similar statement, or even a similar suggestion for the purpose of saving the lives and honour of nine million of our fellow brethren and sisters—through whose sacrifices to some extent at least freedom has been achieved, I am a communalist, I am a reactionary, I am a war-monger!

Pledges? Undoubtedly pledges have been given. I am also anxious that pledges should be respected and honoured. What was the nature of the pledges? We did not give any new pledge to Kashmir. Let us be clear about it.

As the Prime Minister explained the other day and today as well, what was the set-up we accepted when the British withdrew from India? There was the Indian India divided into India and Pakistan and there was if I may call it the Princely India. Every one of those five hundred rulers got theoretical independence and they need have acceded to India only with relation to three subjects. So far as the rest was concerned it was purely voluntary. That was the pattern which we accepted from the British Government. So far as the 498 States were concerned, they came to India, acceded to India as the Prime Minister said this morning, on the 14th August 1947 in relation to three subjects only, but still it was accession, full accession. Later on they all came in in relation to all these subjects and were gradually absorbed in the Constitution of India that we have passed. Supposing some sort of fulfilment of the pledge that we are thinking of so literally in relation to Kashmir, was demanded by these States, would we have agreed to give that? We would not have because that would have destroyed India. But there was a different approach to the solution of those problems. They were made to feel that in the interest of India, in their interest, in the interest of mutual progress, they will have to accept this Constitution that we are preparing and the Constitution made elaborate provisions for naturally absorbing them into its fabric. No coercion; no compulsion. They were made to feel

that they could get what they wanted from this Constitution.

May I ask—was not Sheikh Abdulla a party to this Constitution? He was a Member of the Constituent Assembly; but today he is asking for special treatment. Did he not agree to accept this Constitution in relation to the rest of India, including 497 States. If it is good enough for all of them, why should it not be good enough for him in Kashmir?

We are referred to the provision in the Constitution. The Member from Bihar in his ignorance, I will not say in his abounding knowledge, and also the new convert from Birbhum this morning said there was going to be compulsion; that we are going to hold a pistol at the head of Jammu and Kashmir saying that they must accept our terms. I have said nothing of the kind. How can we say that? What is the provision we have made in the Constitution? Article 373—read it and read the speech of Shri Gopalaswami Ayyangar when he moved the adoption of that extraordinary provision. What was the position then? All the other States had come into the picture. Kashmir could not because of special reasons which were enumerated in the speech of Shri Gopalaswami Ayyangar. They were: first, the matter was in the hands of the Security Council; secondly, there was war; thirdly, a portion of Kashmir territory was in the hands of the enemy and lastly an assurance had been given to Kashmir that a constituent assembly would be allowed to be formed and the wishes of the people of Kashmir ascertained through a plebiscite. Those were the factors that had yet to be fulfilled and that was why a permanent decision could not be taken. It was a temporary provision. But read the speech of Mr. Gopalaswami Ayyangar. I read it last time and I do not wish to repeat it.

He said categorically that he and also the Kashmir Government hoped that Jammu and Kashmir would accede to India just as any other State has done and accept the provisions of the Constitution. It is not a question of compulsion on our part. The Constitution of India does not say that whatever the Constituent Assembly of Jammu and Kashmir would ask for India would give. That is not the provision. The provision is—agreement, consent. I agree.

Certain proposals have been made today. Some of us do not like them. What are we to do? If we talk we

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are reactionaries, we are communalists, we are enemies. If we keep quiet and if a catastrophe comes after a year, then: you were a party to it, you kept quiet—therefore, you are estopped from saying anything.

I am most anxious, as anxious as anybody else that we should have an honourable, peaceful settlement, with Kashmir. I realise the great experiment which is being made on the soil of Kashmir. Partition did not help anybody. I come from an area where sufferings are continuous, they are going on. We feel every day, every hour, the tragic effects of partition, the tragic possibilities of approaching this national problem from a narrow, communal and sectarian point of view. Why did we not utter a single word against the policy of Sheikh Abdulla so long? I could have spoken. I came out of this Government two and a half years ago. On the other hand, I supported, wherever I spoke publicly the policy of the Kashmir Government. I said that this was a great experiment which was going on and we have to keep quiet and see that the experiment is made a success. We must be able to show that India is not only in theory, but also in fact, a country where Hindus, Muslims, Christians and everyone will be able to live without fear and with equality of rights. That is the Constitution that we have framed and which we propose to apply rigorously and scrupulously. There may be some demands to the contrary here and there. But do not regard that, whenever an attack is made on certain matters of policy, some narrow, sectarian, communal motive is prompting us. Rather it is the fear that history may repeat itself. It is the fear that what you are going to do may lead to the 'Balkanisation' of India, may lead to the strengthening of the hands of those who do not want to see a strong United India, may lead to the strengthening of those like my friends to the right who do not believe that India is a nation but is a combination of separate nationalities. That is the danger.

5 P.M.

Now, what is it that Sheikh Abdullah has asked for? He has asked for certain changes to be made in the Constitution. Let us proceed coolly, cautiously, without any heat or excitement. Let us examine each of them and ask him and ask ourselves: if we make an allowance in respect of these matters do we hurt India, do we strengthen Kashmir? That will be my approach. I shall not say anything blindly because it trans-

gresses some provisions of this book, the Constitution of India. I would not do so. I would have liked the Prime Minister to have sent for some of us in the Opposition when Sheikh Abdullah was here. He faces us today with his decisions. I do not like these public discussions because I know their repercussions may not be desirable in some quarters. He might not have accepted our suggestions, but I would have liked to have met him—those of us who differ from the Prime Minister's attitude on this question. I met him at a private meeting and we had a full and frank discussion. But we would have liked to have met Sheikh Abdullah and others in a friendly way and explained our point of view to them. We want to come to an agreement, an agreement which will make it possible for India to retain her unity and Kashmir to retain her separate existence from Pakistan and be merged with India.

Since when did the trouble start? Let us look at it dispassionately. Since Sheikh Abdullah's return from Paris some time ago statements started to be made by him which disturbed us. Even then we did not speak out. His first statement he made in an interview which he gave when he was abroad about his vision of an independent Kashmir. And then when he came he amplified it, then again retracted from it and gave an explanation, and then the speeches which he has made during the last few months were of a disturbing character. If he feels that his safety lies in remaining out of India, well, let him say so; we will be sorry for it, but it may become inevitable. But if he feels honestly otherwise, as I have always hoped and wished, then certainly it is for him also to explain why he wants these alterations to be made.

He spoke in the Constituent Assembly of Kashmir about three or four months ago, words which have not been withdrawn, but words which created a good deal of misgivings in the minds of all Indians irrespective of party affiliations. I do not know whether the Prime Minister saw this:

"We are a hundred per cent. sovereign body. No country can ou' spokes in the wheel of our progress. Neither the Indian Parliament nor any other Parliament outside the State has any jurisdiction over our State."

It is an ominous statement. I shall make an offer to the Prime Minister and to Sheikh Abdullah. I shall give my

full, whole-hearted support to the scheme as an interim measure. The Prime Minister said today that nothing is final. It cannot be final, because things have to be discussed in their various details. But even then I am prepared to give my support. Let two conditions be fulfilled.

Let Sheikh Abdullah declare that he accepts the Sovereignty of this Parliament. There cannot be two Sovereign Parliaments in India. You talk of Kashmir being a part of India, and Sheikh Abdullah talks of a Sovereign Parliament for Kashmir. It is inconsistent. It is contradictory. This Parliament does not mean a few of us here who are opposing this. This Parliament includes a majority of people who will not be swayed by any small considerations. And why should he be afraid of accepting the Sovereignty of this Parliament of Free India?

Secondly, it is not a matter of changing the provisions of the Constitution by the President's order. Let us look at some of the changes which are being sought for. The Maharaja. We are supporters of the Maharaja! That is what is said against us. I have never met the Maharaja. I do not know him personally. We are not supporters of this Maharaja, or of any Maharaja as such. But the Maharaja is there not by his own free will. The Parliament of India, the Constitution has made him what he is, namely, the constitutional head of Jammu and Kashmir. And what is the irony? At present Sheikh Abdullah's Government is responsible to this Maharaja according to the Constitution, responsible to one who is being described as a wretched fellow who has to be turned out lock, stock and barrel. The Maharaja is there as a constitutional head. If you feel that this should be taken out, change your Constitution. Say that there will be no hereditary Rajpramukhs. It is a matter worthy of consideration. Let us consider it. But see the way in which it has been put: a Hindu Maharaja is being removed. That is one of the war cries in Pakistan. But who finished the royal powers of Hindu Maharajas? Not Sheikh Abdullah, but the Constitution of Free India. We did it. We said that no ruler would have any extraordinary powers, that he will be just head of the government which may be technically responsible to him but later on responsible to an elected legislature. But now great credit is being taken that a unique performance is being done in Kashmir. In every speech of his he gave it: the Maharaja, the Dogra raj is being

finished. Is that a propaganda? Is that necessary? You are flogging a dead horse. It is finished. What is the use of saying it?

What about the elected Governor? I have got here the proceedings of the Constituent Assembly. The Prime Minister will remember that in our own Constitution we at first made a provision for an elected Governor, and then later on Sardar Patel and the Prime Minister and others felt that in the democratic set-up that we contemplated an elected Governor had no place. Read the speech. It was stated that the Governor will be there to act as the representative of the President and if the Governor is elected by the people or the legislature and the Chief Minister also will be elected: as such there is every likelihood of a clash, then again, the Governor will be a party man. And the Prime Minister pointed out all these considerations and claimed that there was very special reason why in order to retain the unity of India and contact between the Centre and all the States the Governor should be nominated by the President. You just ignore these basic points because Sheikh Abdullah says: 'I want an elected head now.' Why can you not tell him and others what you have done in the Constitution, that originally we provided for an elected Governor but after a good deal of thought we did away with that? Even then I say if today in your wisdom you feel that an elected head is a necessity and it will help you, consider it. Bring it up as a specific proposal. Let us discuss the pros and cons of it. But suddenly my friend Mr. Hiren Mukerjee says: people are clamouring for an elected head. People are clamouring for an elected head everywhere. Are you going to have elected heads everywhere? In fact, as things are happening we may abolish Governors altogether. Governorships are often reserved for various classes of persons—disappointed, defeated, rejected, unwanted Ministers and so forth. We need not have this class at all. Or, if you want to have them, have them. I am not particularly interested. But this is a change for which no justification is given.

And then the flag. Then flag has a significance. It will not do for the Prime Minister to say that it is a matter of sentiment. It was announced in the papers three days ago that the Indian flag will fly only on two ceremonial occasions and otherwise the State flag alone will fly there. If you feel that the unity

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and integrity of India are not affected and it will not lead to fissiparous tendencies being generated, accept it and do it for all. But why do it as a matter of surrender to Sheikh Abdullah's demand?

He wanted to call himself the Prime Minister. That is how he first started. Some of us did not like it. We know one Prime Minister of India including Kashmir, that is the Prime Minister who is sitting here. How can you have two Prime Ministers, one Prime Minister in Delhi and another Prime Minister in Srinagar, who will not call himself the Chief Minister, but a Prime Minister. At first I thought it was a small matter and we should not look at it but see how the process is developing—some sort of special treatment at every step and he must be treated in a very different way. Look at the citizenship rights and fundamental rights. What is it that we are doing? Has the House considered it? Has the House discussed the pros and cons of the recommendations which have been made. You are changing without giving much thought the provisions of the Constitution regarding citizenship. It was said that rich people are rushing to Kashmir and purchasing property. As the Prime Minister mentioned in his statement, in article 19 (5) there is a provision. We discussed this article threadbare when we framed the Constitution. There were attempts made by various provinces and they wanted to have some special protection against unauthorized purchases of land on a large scale. What is it that we have said? We have said that any State legislature may pass a law, imposing reasonable restrictions regarding acquisition of property or movement from one part to another in the public interest or in the interest of the Scheduled Castes and Scheduled Tribes. If Sheikh Abdullah feels that in Kashmir some special restriction should be done, the clause is there. I would like to ask the Prime Minister categorically about this. He has not mentioned it. He has skipped over it. Is it intended that the restrictions which the Kashmir Assembly will impose will be in accordance with this exception or is it proposed to give it something more? There are four classes of citizens. I have got the details, but I have not the time to go through them. But those were done in the time of the much cursed Maharaja. Are they to be maintained or are they going to abolish the four different categories of citizenship? I am reminded of a story which was written by Lord Curzon in a book. A

distinguished nobleman from England went to the court of Shah of Persia 50 or 60 years ago accompanied by his wife. Both of them were present and the Shah was a bit inattentive and the secretary asked: "What should be the honour done to the lady?" There were three different categories of Order of Chastity and the award was made 'Order of Chastity—class three'. That is how the order came out and then it was realized that something had been done which was of a staggering character, and of course amends were made after the damage was done. Four classes of citizenship in Jammu and Kashmir—what for? They should be abolished. There should be only one class of citizenship. Would Indians take all your property? It was not suggested that Indians should go and purchase property as they liked. Supposing some Indian comes and purchases some property, you may have legislative measures. We have accepted it. What is the fear? We have a Kashmiri Prime Minister of India. We have a Kashmiri Home Minister of India. We are happy in India. We do not mind it. We welcome them. What is the fear? Is it feared that Indians will go and invade Kashmir and one of them will become the Chief Minister of Jammu and Kashmir? We are not going to raid Jammu and Kashmir. I have never visited this beautiful part. I would like to go and stay there for some time. I have not got the money to purchase a house. In any case, I would like to go there. This is what you have in regard to fundamental rights. You are having new changes there which are very difficult to justify. The Prime Minister mentioned 2 or 3 things—scholarships and services etc. What is this 'etc.'? And why Services? In services, do you want to make a difference between one citizen and another. Even there, as you know, in our Constitution, Parliament and Parliament alone has the right to make special provision regarding entrance to services for those who have to be protected. Now there are similar demands made in the South. I have been going through their demands during the last few weeks. They also feel perturbed by the strict operation of some of these provisions. When you throw open the doors to them, they also will want similar protection.

There is another thing to which the Prime Minister has not referred. I was really amazed to find how a special provision could be made. As you know two lakhs of people have gone

away to Pakistan. There is a provision that a special law will be incorporated to get these people back to Kashmir. War is still going on. Fundamental rights regarding civil liberty are proposed to be made more strict, on the one hand then on the other, you are going to throw open the door and allow Pakistanis to go to Kashmir; for this there is to be a special law and there is a special agreement. Why this anxiety on the part of Sheikh Abdullah to make a special provision for getting back those who ran away to Pakistan and who are not prepared to come. Is there any point in it? How will it affect security?

مولانا مسعودی : بھائے نہیں قتل
کرتے نکال دئے۔

[Maulana Masuodi: Did not run away; were driven away or killed.]

Dr. S. P. Mookerjee: Those who have been killed cannot go back. Those who are alive can come back tomorrow if they honestly believe in India and if they really want to live in Jammu. They must be tested. Let them come back. No special provision is needed for it. So far as Jammu is concerned, as you know, it was a most tragic state. It was done by both sides. There were Muslims who were bitter and there were Hindus who were bitter. That was a dark period when many parts of India were like that, but today, what is the position? You have allowed how many thousands, Mr. Ajit Prasad Jain I hope will be able to say how many thousands, of refugees to come to India. I forgot the number. They have come away from Jammu and Kashmir and are a burden on India. Why should not there be a special provision here in the agreement that promptly they will be taken back to Jammu and Kashmir? There are several thousand of them who have come. Why are they not going back. I do not know how many pandits have come away from Kashmir. They also must go back to Kashmir.

Shri A. P. Jain: I may inform the hon. Member that a large number of them are going back to Jammu and Kashmir.

Dr. S. P. Mookerjee: I am glad these are all going back. They have not yet gone back. So far as the other portion is concerned, that also is a serious matter. In the one-third portion of Jammu and Kashmir which is now under Pakistani occupation, as you know, nearly 1 lakh of Hindus

and Sikhs have come and taken shelter within the Kashmir territory. What will happen to them? They will have to be taken care of. You are thinking of those who have become Pakistanis for the time being. You will reconvert them and re-confer on them the status of Kashmiri citizens but those unfortunate beings who today have taken shelter, how will they be given accommodation? Is there land enough for them. These are matters which had not received any attention.

As regards the emergency provision, it is an amazing stand. If there is an emergency on account of internal disturbance, the President of India will not have the last say. Why this fear of the President of India? Can you contemplate a more gratuitous insult to the President of India? Here the Kashmir Government must conform to the Constitution. Why should they request if there is an internal disturbance which is the creation of their own misdeeds?

Why should they request you if, for instance they are in league with others from the upper side, China or Russia, through our other friends? Why should they come and request you for your interference? I would expect the Prime Minister to tell me whether the other emergency provisions apply or not. As you know, there are two other very important emergency provisions in the Constitution. Article 354 relates to application of provisions relating to distribution of revenues while a Proclamation of Emergency is in operation and the other article is 356 relating to provisions in case of failure of Constitutional machinery in States. Has Sheikh Abdullah accepted the application of article 356 or has he accepted the more important provision contained in article 360—provisions as to financial emergency. Has he accepted that provision? The Prime Minister does not make any reference to it. The Supreme Court's jurisdiction also has not yet been accepted.

I shall conclude, by making this constructive suggestion. These comments which I made, naturally I had to make without commenting in detail on the reactions of Sheikh Abdullah. He wrote to me and said that he would like to meet me when he was in Delhi last time. I was not here on that day. So I could not meet him. I sent him a friendly reply. Perhaps I would meet him some time. It is not a question of his meeting me or I meeting him. I submit that we must proceed according to certain standards. First of all there is no

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question of the President by virtue of his power to make orders altering the provisions of the Constitution in material respects.

If the Prime Minister feels that a case has been made out for re-examination of certain important provisions, for instance land, if you feel that land should be taken without payment of compensation, provide for it in the Constitution. You consider all these items and make your provisions so elastic that you can apply them either to the whole of India or you can apply them to only such parts where this Parliament of India will feel that such special treatment is necessary. Proceed in accordance with a constitutional manner, not just play with the Constitution. It is a sacred document, and it is a document on which much labour and much thought were bestowed. If you feel some changes are necessary in order to take into consideration the new set up that is slowly developing in India, whether in Kashmir or other parts of India, by all means let the people of the country have a chance to express their opinion.

Lastly a charge was levelled that some of us have advocated separate consideration of Jammu and Ladak. I would assure you and the House that I do not want that Jammu and Kashmir should be partitioned. I know the horrors of partition. I know the results which may ensue if partition comes. But the responsibility for preventing partition will rest on those who are today the masters of Jammu and Kashmir and are not prepared to adopt the Constitution of India. What is the crime if today the people of Jammu claim that they should be treated separately, in the sense that they should be allowed to join fully with India—mark it, it is not a question of running away from India—if they say that they would like to accept *in toto* the Constitution of free India, is there any crime that they then commit? I am not suggesting that you partition Jammu and Kashmir. I am not suggesting that you send Kashmir or Kashmir valley out of India. And it is not for me or for us sitting in this House to decide this matter. As the Prime Minister pointed out very rightly, it is the people of that territory who will have to decide. Now, suppose the people of Jammu and Ladak feel that either it should be full accession in relation to the whole of Jammu and Kashmir, or, if that is not acceptable to Sheikh Abdullah, then, at least these two Provinces, the two separate entities

could be justified historically or otherwise, that they should be allowed to join with India. Let Kashmir continue in any way that it likes, even with more autonomy, with less possibility of interference by India; that is a possibility which we cannot rule out. I hope that this question will be considered in its full possible implications.

My friend from Kashmir, Maulana Masuodi, for whom I have very great regard—I tried to follow his speech this morning,—referred to Jammu, the last question which I would answer. Well, if this demand is made by Jammu, he said Jammu is a Province which in 1941 had a Muslim majority. He said that, but did not complete the story. Undoubtedly it was a Muslim majority Province in 1941, but it became a Muslim majority including those districts which have now fallen into the Pakistani-occupied area. So, if you exclude those areas.....

Maulana Masuodi: Are you going to surrender them?

Dr. S. P. Mookerjee: I am not going to surrender them. I am very glad he has put the question. The Prime Minister says that that area will not be re-occupied, but it is a different question. You are not going to re-occupy it, and it is not possible. In any case those people have worked against Jammu and Kashmir, they have become, as has been repeatedly said, more friendly to Pakistan, than to India.

An Hon. Member: Wrong.

Dr. S. P. Mookerjee: If you take the 1951 census figures—the figures have not been published, but it is on the basis of the territory that is under our occupation—75 per cent. of the population of Jammu will be Hindus. But I am not proceeding on the basis of Hindus and Muslims. Let me make it clear. I am proceeding on the basis of the will of the people to come to India either in whole or in part. If these two Provinces, Ladak and Jammu say that they will come to India with all these subjects, make it possible for them to do so.

The same right which you are claiming for Kashmir may also be demanded by the people of Jammu and Ladak. Let us proceed in a friendly spirit. Sheikh Abdullah himself said about a month ago that he will have no objection if the people of Jammu and Ladak really felt that they would go to India—I am not saying that you have it done immediately or you proceed in that way,

but let it be possible for the people residing in those areas to make up their minds which way it will be good to proceed, and it will also be consistent with the same principles of self-determination which constitute the basic claims of Sheikh Abdullah, supported by the Prime Minister.

Pandit Fotedar (Jammu and Kashmir): I rise to contribute my estimate on the speech of the Prime Minister regarding Kashmir and submit the same to the wisdom of this Parliament to be considered in a very cool, calm and calculated manner. Before I bring myself to the points raised by my hon. colleague Dr. S. P. Mookerjee, I would like to say.....

Mr. Deputy-Speaker: The hon. Member may stop a while, for a couple of minutes. There is too much of noise in the House. Order, order. Even the smallest noise is carried over by the mike. The hon. Member may come to the front.

Pandit Fotedar: It is lamentably disquieting to observe that at a moment when we have got to reckon with an unscrupulous enemy to whom nothing is sacred, at a moment when the war-clouds are again threatening on the horizon, at a moment when every endeavour ought to be made by all the Parties in India to consolidate their ranks and to forget their differences in order to develop our country, at a moment when our case is being discussed at the very top level at Geneva, at a moment when our Armies are facing each other, and at a moment when we are on a war path, it is most lamentable to observe that the floor of this great Parliament should be converted into an arena for the creation of fissiparous tendencies and an emotional atmosphere which after all, is not going to do good to the cause for which we stand, and which cannot be conducive to the development of those sacred principles for which India and Kashmir stand—the sacred principle of secularism for which we have struggled and suffered. It is going to do no good, but it will only help and support Pakistan and our enemies, Jinnah, during his life time, in fact after the year 1944, when he was very much maltreated in Kashmir by the Muslims for his ideology, wanted two things about Kashmir. One was, isolation of Kashmir from India. The second was liquidation of Abdullahism. What Jinnah failed to achieve during his life time, what the Muslim League and Pakistan failed to achieve even through aggression, what they have all along tried but failed to achieve in spite of their tremendous

efforts to get Kashmir away from India, today I find here in this Parliament, in the name of democracy, in the name of Hindudom, in the name of Bharat, all this is being achieved for Pakistan, and a homage of hearty flattery is being paid to Mr. Jinnah and his revered memory. In this connection, I quote a couplet from a Persian poet who has said:

दिल के फफोले जल उठे, सीने के दाग से ।
इस घर को आग लग गई घर के चिराग से ॥

This great Parliament of India which is representative of the teeming millions, owes it to the nation and to the country as also to the rising generation, to give the right type of lead to the people at this most crucial hour of our evolutionary history. At the present moment, if we fail to discharge our duties towards the people, we will go down to posterity as people having committed political suicide. I would like to refer this great Parliament to the struggle which the Kashmiris have put in for removing exploitation, for feeding the poverty-stricken people and for doing away with autocracy for the last 20 years, and in this great struggle the people of Kashmir were helped, assisted and inspired by the Indian nation, and particularly the Congress. They had the blessings of Mahatma Gandhi, and the guidance of Pandit Jawaharlal Nehru. When partition became a reality, and when the tallest among us, my hon. friend Dr. S. P. Mookerjee, included, much against their wishes and under the storms and stress of circumstances bowed before the two-nation theory, there was only one place in India, which stood in solitary glory, and that was Kashmir which gave a challenge to the two-nation theory and also the diplomacy of the Britishers. When the two Punjab and the whole of North India had flared up, and the people indulged in activities which would degrade even the brute, and the communal tension mounted like an eruption where a human being could not recognise another human being, it was Kashmir alone which maintained communal harmony, where not even a single person was touched, although it became a sort of rendezvous for the refugees from the West Punjab and also the East Punjab. When they passed through our State, nobody was touched and I know it for certain that nobody was touched. When our own borders flared up, and Pakistan inspired Titanic hordes of medieval barbarism were let loose on us when the Maharaja left not recognising his responsibility if not towards the

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Muslims at least towards the Hindu population, and left bag and baggage, with 85 lorry-loads of Rajputs and all his kith and kin, and his property, gold and other things, when the administrative machinery collapsed from within, and not a sentinel was to be seen anywhere, when the enemy was battering at our gates, when there were Muslims inside and Muslims outside—I would like to refer my hon. friend Dr. Syama Prasad Mookerjee to those three historic hectic days unparalleled in the history of the world, and put to him this question—what happened? How is it that the Muslims of Kashmir were kept back from falling into the laps of Pakistan? What was it that prevented them from doing so? Today Sheikh Abdullah's *bona fides* are being challenged, and we are being called communalists and turncoats. It may be, but I would like to have the explanation, after discussing things. History does not repeat itself every time and often. It happened once, and it will go down in history in letters of gold that if there was one nation which was free from communalism under the current of India's secularism, that was Kashmir and Kashmir alone. I would like to pose this question to my hon. friend: Was it the temptation of money from India? The Kashmiris were fighting for a doubtful cause. We had only one link with India, namely the air link. It is just possible that within 20 minutes, that link could have been captured. Then we would have been no more. My hon. friends Mr. Chatterjee and Mr. Deshpande would have seen that my sisters, daughters and mothers would have been sold for a pittance in the bazars of Rawalpindi and Kisakhana. It was not Dr. Syama Prasad Mookerjee or Mr. Chatterjee or any Hindu stalwart that saved the chastity of my daughters and sisters in Kashmir. Those days were memorable days. Those three days when the Indian soldiers had not touched the soil of Kashmir were hectic and memorable days. At that time we looked to the high sky thinking that an aeroplane would come, believing that Kashmir had always the blessings of India through the Congress. We looked to Sheikh Abdullah, and the Hindus and Muslims clustered round him shouting 'शेरे काश्मीर जिन्दाबाद'. Those were days when any ordinary leadership would have collapsed. But then Sheikh Abdullah was there,—a Muslim, why did he not go to Pakistan? Why should he come to Hindustan? There were 15 lakhs of Muslims there. And if the enemy would have got Kashmir, crossed Banihal and gone

right into the heart of Jammu and reached Gurdaspur, then Gurdaspur would have been our border and not Uri, and then you would not have had talks of Kashmir or Ladak or Jammu very glibly as you do now. It is very easy to talk glibly of them now. It is always very easy to be very wise after the event. But I would like to pose this question to my hon. friend. Why is it that Kashmir did not go to Pakistan? What kept it back from doing so? Was it the temptation of money? Was it to wreak vengeance on Pakistan? Was it madness? It was the love for secular democracy and our great experiment in the human philosophy which was going on in Kashmir for the last 20 years, it was our faith in the efficacy of the path shown by Mahatma Gandhi and in our economic programme and not the vituperations of the gravest kind, advanced by Dr. Syama Prasad Mookerjee, it was our faith in the path shown by Gandhiji which was responsible for keeping back Kashmir from falling into the laps of Pakistan. And I may assure you that no amount of fulmination, no amount of intimidation or coercion will deflect us from that path which has been shown to us by the Father of the Nation. Come what may, we will lay down our lives, but not leave that path of righteousness, truth and humanity.

Then I would like to refer to certain issues raised by my hon. friend, for whom I have great respect and regard, Dr. Syama Prasad Mookerjee. He said something about giving Kashmir a special status, and very late in the day he thought of it. In the year 1950, on the 26th January when you completed your Constitution, you had a Chapter on Transitory Provisions and article 370 incorporated in the Constitution, where you gave a special status to Kashmir. While it is said that the Congress and Panditji have always sold the conscience of Hinduism and Hindustan, I believe it was my hon. friend Dr. Syama Prasad Mookerjee who gave this special status to Kashmir, during the making of the Constitution. That status was with regard to constitution-making. Have you conceded that right to any other State? If not, what were the special considerations and weighty reasons which compelled even a person like Dr. Syama Prasad Mookerjee who is so wise, so over-zealous a patriot and who seems to claim the monopoly of world's patriotism to allow that clause to remain in the Constitution? When you give me the right to make my own Constitution, I become a sovereign for my own affairs. I would like to make known, my own position once and for all,—

my position is like that of a daughter, who is a daughter in her mother's house, but a mistress in her own, *vis a vis* the Republic of India and the Indian Constitution. It may be said that we may apply the entire Indian Constitution to Kashmir, and have all the fundamental rights. In fact, I would love such a thing. But how is it going to constitute a solution for that great and basic position of ours, namely that of determining the will of the people? If we do so, we would be raising a structure without completing the basis, which is the will of the people, and staging Hamlet without the Prince of Denmark. Whether it was right or wrong, somehow the Instrument of Accession is there. The will of the people must be ascertained. We are committed before the people. My hon. friend Dr. Syama Prasad Mookerjee referred to Hyderabad. We may have made commitments, and I do not know whether we have kept up those pledges of ours or broken them up. But with regard to Hyderabad, there was no other party with whom we had to reckon. In the case of Kashmir, the initiative is not only with us. It is there with Pakistan, and so it is with Kashmir and the United Nations. The Kashmir question is indissolubly linked up with the world affairs today that if you have to examine very calmly and coolly the Kashmir situation, you must try to understand, the present day world politics. It has become an object of international attention and importance. We talk about Jammu glibly as we do here. Pakistan may say "Now I would like to have Jammu, the whole of this thing or that thing". If you indiscreetly talk like that and say "We would like to have Jammu, and we would like to have Ladakh and so on", you are only, indirectly though, suggesting "Let us make a gift and present of Kashmir valley to Pakistan." I would like to know how many Indians there are, how many patriots there are in this country who would like to make a present of the Kashmir valley to Pakistan? I assure you that the Kashmir issue today is such a tremendous knotty and delicate subject that any indiscreet handling and any lack of proper appreciation of the basic things involved in the Kashmir affair may not only lead us into great chaos, but I may tell you it may imperil the peace not only of India and Asia but may endanger the peace of the whole world.

Now, hon. Dr. Syama Prasad Mookerjee, of course at whose feet, I love to learn many a thing and for whom I have very great respect, who is one who should have been a

great leader of a great national organisation in India, with an economic programme, is the head of sectarian body which is painful. Should we not have our economic programme, should we not have freedom from privation, freedom from want, freedom from scarcity and freedom from trouble? He said just now something about the population of Jammu. Only about five months ago, he said, "Why do you not conquer and get back the territory which has been taken away by Pakistan?" Possibly he may be knowing of a document, the *aide memoire* wherein India had made it clear to Lozzano, that unless four conditions were fulfilled, India was not going to be a party to any sort of negotiation or settlement. One was the rehabilitation of 7 lakhs of refugees living in Pakistan-held territory. We have been saying, it and demanding it time and again that we must get back that territory, but when it suited him, and now, believing in cutting the nose to spite the face he takes a Somersalt and says that population of Jammu is only 7 or 8 lakhs, the rest is with Pakistan. One should not talk hot and cold in the same breath.

I will tell you that by such things we have not been able to create a friendly atmosphere, to create that goodwill which is very much essential for achieving a most difficult thing. I do not say that the Kashmiris are not with India; Kashmiris are with India, and Kashmir is an integral part of India, but the main question is there. It is the question of ascertaining the will of the people for which you stand committed here, there and everywhere. I would like to make an appeal to Dr. Shyama Prasad Mookerjee who is really a great patriot, who is very wise, who can lead us, who can guide us, that he should take an impersonal, dispassionate view of this whole thing and try to analyse and know whom this whole storm that has been created is going to help.

The second point is this. It is most uncharitable, it is most unfair. I would say it is almost an outrage against political morality, to try to put a person to test who has been put to test at a time when he was confronted with odds, a person who stood by the side of India and by the side of Kashmir at the hour of India's and Kashmir's sorest trial. If we take the population point of view, wherever there was Muslim majority, they went to Pakistan, wherever there was Hindu majority, that place went to Hindustan. Kash-

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mir is the only place which is having this experiment in human philosophy and with a Muslim majority has acceded to India. Kashmir is fighting against odds in the furtherance of this ideology. Kashmir is the only place where the Hindus and Muslims lived amicably against odds and we want Kashmir to be administered in that friendly atmosphere, and I trust our hon. Dr. Shyama Prasad Mookerjee will see sense and lead us in this behalf as also in many other things.

Shri Jawaharlal Nehru: I must express my gratitude to the many hon. Members who have spoken in the course of this debate, and spoken generously, about the policy that the Government has pursued in regard to the State of Jammu and Kashmir. We have had today an abundance of generous acknowledgment of that policy. We have had criticism also, and I welcome it, because criticism is always a little helpful in understanding a particular position, and in this very difficult and delicate matter the more aspects we examine the more light is thrown upon it and the better it is for all of us. We have dealt with this matter for near upon five years now. We have fought the good fight about Kashmir, on the field of battle for over a year there and many of our brave young men went there and remained there. We have fought this fight in many a Chancellory of the world and in the United Nations but above all, we have fought this fight in the hearts of men and women, above all in the hearts of men and women of that State of Jammu and Kashmir. Because ultimately—I say so with all deference to this Parliament—the decision will be made in the hearts and minds of the men and women of Kashmir, neither in this Parliament nor in the United Nations nor by anybody else. So, we have dealt with this problem in a variety of ways in various fields of action and we have not solved it. We may have gone on in a particular direction but we have not yet solved it, and I want to be perfectly frank with this House. I promise no speedy solution. Why should I make promises which I might not be able to keep? And may I remind this House that in the world today there are ever so many problems, big problems, affecting the world's future which remain unsolved which go on from month to month and year to year and are not solved? It is mercy enough in this world that they do not go much worse. That itself is supposed to be a great mercy and a blessing. It is all very well when some people in

foreign countries who occasionally think it their duty to give us good advice tell us. "Why do you not solve this question of Kashmir which may lead to, well, big things, to a world conflict and all that?" There are many people who are generous with their advice to us in foreign countries. One feels tempted to say to them that they are also engaged in some problems, whether it is in the Far East or in Europe or elsewhere, that somehow carry on from day to day and year to year. Why do they not find a solution of them? Why is it that we are at fault because we cannot solve the question of Kashmir, but they are right in carrying on not only these problems but preparations for future creation of problems? But that would be a cheap reply for us to make to them, because we are all in difficulties struggling against all manner of developments in the world which perhaps are not entirely within the power of any one country or any one people.

So, I should like this House to consider this problem, as it has considered it, in all its aspects and to forget for the moment the minor things, the lawyers' points if I may so call them with all respect to the lawyers who have their particular place provided they keep it. There are many things that have been said. My hon. friend, Dr. Mookerjee has said a great deal about this clause and that clause. If I have the time I may deal with them, but really it is of little importance what this clause or that clause says or does. What is important is your approach to this problem, what is important is the fundamental basis of it—whether you understand it or not—what is important is what is your objective really and what is the way to gain that objective. If it is your objective—as I claim it must be and should be and there can be none other—that this problem has to be decided by the people of Kashmir, by their goodwill, by their minds and hearts being with you, then you must adopt a policy to gain that end, there is no other policy? Why issue threats? Why talk to them and say, "You must do this, you must not do that"? It does not matter. I am called a Kashmiri in the sense that ten generations ago my people came down from Kashmir to India. It is not that bond that counts in my mind today but other bonds, bonds which have arisen much more in these five years or so, bonds which have tied us much closer. Not me only—I am a symbol for the moment. Vast numbers of people in

India and Kashmir have been bound together in these five years of conflict against a common adversary. So, we accept this basic proposition that this question is going to be decided finally by the goodwill and pleasure of the people of Kashmir, not, I say, by the goodwill and pleasure of even this Parliament if it so chooses, not because this Parliament may not have the strength to decide it,—I do not deny that—but because this Parliament does not function in this way and rightly so, because this Parliament has not only laid down in this particular matter that a certain policy will be pursued in regard to Jammu and Kashmir State but it has been our policy, it has been our heritage that we would not impose our will against the wishes of other people. We choose other methods, other approaches, we follow other policies.

Therefore, we must be clear in our minds that this question in regard to the future of Jammu and Kashmir State can ultimately only be decided by the people of Jammu and Kashmir State. Having come to that conclusion then let us fashion our other policies accordingly, then let us not find fault with something here and there because it does not fit in with our wishes. Many things have happened in Jammu and Kashmir which I do not approve of—there it is. I have no doubt many things have happened and will happen that my hon. friend opposite may not approve of and I may not approve of, just as many things happen not only in Jammu and Kashmir State but in the rest of India that I do not approve of. I do not control everything that happens in India—I do not presume to do so. I put up with it. But what is our approach going to be? If that is our approach then we must not do anything which counters that approach, which undermines it, which uproots it, which really encourages the hands of those who are opposed to us—our enemies, our opponents, our adversaries and the like. That is the basic thing which we must understand. Let us be clear about it. You can criticise Sheikh Abdullah, Sheikh Abdullah is no God—he commits many errors, he will commit many more. He is a brave man and a great leader of his people. That is a big enough thing. He has led his people through weal and woe, he has led them when they were facing grave disaster. He did not shrink from leadership at that time—that is a big enough thing to be said about any man. If he has failings, if he has made a mistake here or there, if he has delivered a speech which we do

not like, what of that? Bigness is bigness in spite of a hundred mistakes. It is not a matter of Sheikh Abdullah or anyone else. It is a bigger matter than any individual and in a sense this question of Kashmir, as this House well knows, has not been for us—certainly it has not been for us—a question of territory. We gain nothing. Financially, in money matters, we gain nothing—it may cost us much until ultimately it develops; because it is a rich country ultimately, undoubtedly, it will develop. But anyhow we have not cast covetous eyes upon Kashmir because of any gain. We have cast eyes on Kashmir because of old bonds, old sentiments and, well, new sentiments also, and it has become very close to our minds and hearts. And if it so happens that by some decree of adverse fortune Kashmir goes out of India, it would be a wrench and a pain and a torment to us. But whether it is a pain and a torment, if the people of Kashmir want to go out, let them go because we will not keep them against their will however painful it may be to us. That is the policy that India will pursue and because India will pursue that policy people will not leave her, people will cleave to her and come to her. Because the strongest bonds that bind will not be the bonds of your armies or even of your Constitution to which so much reference has been made, but bonds which are stronger than the Constitution and laws and armies—bonds that bind through love and affection and understanding of various peoples.

6 P.M.

That being the approach, many of the arguments that some hon. Members opposite have advanced seem to me to be inapplicable. They do not apply. I can easily criticise many things that have happened; I should like some things to happen which have not happened—that is easy enough. I might try to better it, but that is a different matter. But the point is: whether in doing so you are trying to get what you are aiming at, or, are you really coming in the way of your very objective? The hon. Member from Kashmir who spoke last—he is a representative of the minority community of Srinagar, a Kashmiri pandit, much more so than I am—gave you some kind of a graphic account of those days when everybody in the vale of Kashmir, Muslim or Hindu but more especially the Hindus and the Sikhs, stood in terror of the morrow. Nobody knew what might happen—or perhaps they knew too well. The people of Kashmir, and the women of Kashmir especially, have a

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certain reputation outside Kashmir also. And mind you, the women of Kashmir, Hindu and Muslim, in considerable numbers were taken away by these raiders and others, they were spread out way up to Afghanistan and beyond even, and sometimes sold for a pittance. Hon. Members should think how these stories and these accounts must have affected the people of Kashmir and those connected with Kashmir and how they must have thought that this might be the fate on the morrow of their own sisters and mothers and wives, etc. Now, they have gone through that and they faced that; they did not run away from it—it is not particularly easy to run across mountains unless you have cars, etc. So, during these five years there have been these ups and downs. No doubt many mistakes may have been committed, but looking back on these five years I think that the people of Kashmir, the people of India and with all humility if I may say so, the Government of India, in spite of numerous small mistakes that they may have committed have stuck to the right path, broadly speaking. They have not given up the straight and narrow path. They have stuck to it sometimes even when it appeared not very opportune; sometimes when others were displeased; sometimes when a little swerving to the right or to the left may have gained some advantage to us in foreign countries, and the like. And foreign countries began to count for us. It did not matter much what we thought of them, but there they were sitting in the Security Council and talking a great deal, sometimes some sense, sometimes not sense. That was happening all the time, and we had to put up with these people trying to judge us, trying to judge a thing which was so important to us, not because of territory as somebody suggested but for other reasons I have mentioned. They thought of Kashmir as a geographical unit, as a plaything for them. Here was Kashmir, very much in our hearts. Due to all those circumstances, it had become so much tied up with our feelings, emotions, thoughts and passions that it was a part of our being. And we saw these foreign countries dealing with it in this casual way, and talking about India's imperialism, about India trying to conquer Kashmir etc. We restrained ourselves, but very often there was anger in our hearts, anger at this intolerant criticism, at the way people have the presumption to talk to us, to this great country of India. They were talking of imperialism to us when they were carrying on their

own imperialism and their own wars and all that and were preparing for future wars. They talked to India like that, and because we went there to protect Kashmir from territorial invasion, they dared and had the temerity to talk of India's imperialism. Well, as I said, we restrained ourselves and we shall endeavour to restrain ourselves still in future, but restraint does not mean weakness. It does not mean giving in in this business. To the end we knew, because we were firm and convinced of the rightness of our position, because as I said—and I said it with all honesty of purpose—I have searched my heart and I have looked into every single step that I have taken in this Kashmir matter and while of course my Government is responsible for it ultimately I have been personally concerned with every single step during the last nearly five years. Looking back over those five years, I think, that there are some things that I may have done otherwise—maybe some minor things—but I do not see any major step that we have taken which could have been otherwise than what we have done. It may be that there may have been a miscalculation, but it was a fundamentally right step demanded by circumstances from that first day when we sent our young men flying over the mountains to Kashmir in the end of October 1947. In other steps we may have erred sometimes in the cause of peace, in the cause of avoidance of war, if you like. I want to err in that way always, but for people to accuse us of avarice or covetousness, of imperialism, of breaking our words and pledges,—well, I say and I repeat it that every single step that we have taken, every single word that we have given to the United Nations, to the United Nations Commission or to anybody else who has come here,—every single word and pledge that we gave and every assurance that we have given we have kept to the uttermost letter, which is much more than can be said for Pakistan in this matter, because this whole Kashmir business is based on a fundamental lie, the lie of Pakistan in entering Kashmir and denying it. I do not mind if they want to go there. Let them go there and fight. But why lie? For six months they did it and they did it and then said they did not do it. When you base a case on a lie, the lie is repeated and it was repeated in the Security Council month after month. There were their armies, and their Foreign Minister went on saying that they were not there—an astonishing thing—and when the United Nations Com-

mission was here and was on the point of going to the front, of course there was no possibility of concealing this fact. Then they admitted it, and admitted it how? They had to admit it anyhow, and a paper was put in by the Commander-in-Chief of the Pakistan Army and that Commander-in-Chief was a well-known British officer. That Commander-in-Chief put in a paper saying that he had been compelled in the interests of protecting Pakistan to send his armies—the Pakistan armies—into Kashmir because he was afraid that India was going to invade Pakistan across Kashmir somewhere down from Central Asia. Now, that is the beginning of this extraordinary story of Kashmir and it is as well that this is repeated again and again, because people forget it—not hon. Members, but other people—and this matter has become international and it is talked about in the various capitals of the world. This simple story, these simple facts of invasion, of brigandage, loot and arson are forgotten and passed over and other discussions take place. It has been an amazing education for many of us these five years over this Kashmir question—education, if I may say so, in world politics; education in how nations behave; education in how great countries get distorted visions and cannot see straight in the simplest matter when it so suits them. Well, I am perhaps talking a little apart from my present brief, but I would like to come back to this very matter and say that it is not merely that we have stated it to the United Nations or to the people of Kashmir, but in the very nature of things, in the very nature of the policy we have pursued not in Kashmir alone but everywhere, it follows that the people of Kashmir only can decide and that if I may say, in spite of our five years of trouble and expense and all that we have done, if it was made clear to us tomorrow that the people of Kashmir wanted us to depart from there, back we will come, however sad we may feel about, because we are not going to stay there against their wishes. We are not going to impose ourselves there at the point of the bayonet. If that is so, then the ultimate thing, the final thing, the chief thing that counts is their wishes.

It is true that their wishes do not mean that we should do the wrong thing. Suppose they want us to do something wrong in Kashmir. We refuse. We cannot do it. We may even say, "Well, we prefer rather not to have this kind of wrong asso-

ciation at all." It is a conceivable thing. We do not want a wrong association. Nobody can force us into a wrong association, just as we cannot force them into an association against their will. An association is a matter of mutual understanding, affection, union etc., and if there is going to be an association, our wishes and willingness count. In our desire to gain the goodwill of the people of Kashmir we cannot gain our own illwill and take the wrong path. That is a different matter. We are not considering this matter as a bargain, as a matter between strangers, but as between partners, between part of ourselves, who consider it a difficult and delicate problem and try to find a way out. The way out may not be completely logical; it may not be completely reasonable from the point of view of this law or that Constitution, but if it is effective, then it is a good way out, whether it offends against some legalistic arguments or logical arguments or not.

My hon. friend referred to various matters. One thing I should like to say in this connection, although it is rather perhaps not to the point and I am afraid of saying it because of so many lawyers here. When the British went away from here there was a good deal of misunderstanding as to the situation that was then created in India, because of the partition and because of the statement issued by the United Kingdom about the Indian States, etc. Now I may venture to put forward my own view, for the moment functioning as a jurist and constitutional lawyer. It is this. The partition took away a certain part of India, separated it from us with our consent. But all the rest of India, including the States, remained as a continuing entity. Till something happened to take them away, we were a continuing entity; we are a continuing entity. We did not come out of partition. Pakistan was cut off at the time of partition. India was, India remained, India is, India will be. So every State, till some final decision was made about that State deciding to go out of India, continued that old relationship with India, for the intervening period if you like. In the nature of things, there could not be, whatever the British Government might say in any statement, innumerable authorities in India.

By the removal of the British power from India in 1947 to some extent we were thrown back to the days when the British power came here. That is an interesting and good parallel to pursue in other ways too. But I will not pursue that, because it may lead to some

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controversial argument. When the British power came here and established itself, it became quite evident that that power must be predominant in India and nobody else can remain independent. They may remain semi-independent, they may remain as protectorate, in a subordinate capacity and all that. Gradually the British power brought all these princes and others within its domain and under its suzerainty. So, it was impossible after the British power went away, in fact more impossible than it was in the distant past, for any odd bits of independent territories to remain here. Pakistan was, of course, out of the picture. For the rest it was inevitable that the princes and others, whoever they might be—whether they acknowledge it or not, whether they wanted it or not, it is immaterial—must acknowledge the suzerainty, the sovereign domain, of the Republic of India. Now if that was so, even if Kashmir did not as it so happened decide whether to accede to Pakistan or India and we allowed the matter to be postponed for a while, that did not make Kashmir independent for the time being. It was not independent and our responsibility even then continued as the continuing entity if anything happened to Kashmir. I wish to say this because our duty to come to Kashmir's help was there, whether Kashmir acceded to India or not. On account of that continuing entity, India's responsibility to other parts continued except to those parts which had definitely and deliberately parted company.

Dr. Khare made a curious statement on Hindus being killed somewhere. This is the first time I heard of it. I really could not understand what place he was referring to. Perhaps his geography was weak. He was perhaps thinking of some other part, maybe Pakistan. I have not the faintest notion how I can connect it with Kashmir.

Dr. S. P. Mookerjee: He was referring to Mirpur-Poonj—that is in Jammu and Kashmir.

Shri Jawaharlal Nehru: There is no doubt that people were killed in Mirpur—I do not know about the numbers. I rather doubt the correctness of his numbers, because the whole population of Mirpur was not that much. There is no doubt that there was killing there when the Pakistan troops and soldiers came there.

There has been a good deal of the use of the word "monarchy". I do not just understand the sense in which it was used. We have no monarchs in

India. I understand the meaning of the word "monarchy". I do not know why these wrong words are used to delude us. We have got some persons, who by the generosity of our States Ministry are still called 'Rulers'. Why, I do not know, because they rule nobody. Our States Ministry in the last three or four years has been known for its generosity and I am afraid we shall suffer for that generosity for a long time to come.

The Minister of Home Affairs and States (Dr. Katju): They are known as ex-Rulers, not rulers.

Shri Jawaharlal Nehru: I think they are known as Rulers.

Dr. Katju: I always use the word 'Ex-rulers'.

Shri Jawaharlal Nehru: I remember sometime ago I was told by the States Ministry: 'Of course they have no position left. They are pensioners. Would you mind, just to please their vanity, if we call them rulers still?' I said 'please yourself'. But it is really wrong for us to use these terms which mislead, for example monarchy.

There is no monarchy in India. There are in certain places, certain families, princely families if you like, who have got large endowments, very large, unnecessarily large. They hope to live on those endowments for generations to come. Then there are a few Rajpramukhs. There are now three States headed by Rajpramukhs; in other places there are groups of States and one of the rulers or ex-rulers has been chosen to be Rajpramukh for life.

Pandit Thakur Das Bhargava: They are not ex-rulers. They are rulers as defined in the Constitution itself.

Shri Jawaharlal Nehru: That shows how the Constitution requires amendment!

So we have got these Rajpramukhs. Some of them are excellent people—it is not a personal matter—some of them may not be quite so excellent. But it is obvious that this decision to give life tenure to anybody in a particular office is entirely not in keeping with either modern thought or intelligent thought. It may be accepted in a particular context of events of course, as we did. One must remember the particular context of events and not be too critical of what was done. That particular context of events was when hundreds and hundreds of States had to be absorbed rapidly within a few weeks into India, when as a matter of fact a number of those princes might well have given a lot of trouble, when in fact to our knowledge some were

on the point of giving major trouble, when some secretly did give trouble and when the other troubles came—the communal troubles, after August 15, which were really largely political in their nature—some of these people and their families and cousins and uncles did a lot of harm and injury and participated in them and gave money and gave guns and gave gangs of rowdies to go about creating mischief. Now, that was the position: there were these hundreds and hundreds of States all over India, big and small, not knowing what their future was going to be, afraid of their own people, afraid of the Government of India, left in the lurch by the protecting hand of the British power. We could have decided many things at that time. We could have decided, if you like, to remove them completely from the scene or to come to terms with them and thereby buy immediate peace at a moment of great peril to our country. I think Sardar Patel acted very wisely. It is very well for us to be wise after the event and say 'this might have been done this way and that might have been done another way'. But if you remember that particular context, when there was grave danger, possibly of India going to pieces, under the stress and strain of the passions raised by the partition and the huge killings all over, the communal things, and all these reactionary jagirdari and feudal elements throwing themselves into the picture just to create trouble and disruption and hoping—some of them, I know for a fact—in the confusion to enlarge their domain,—it was foolish of them to hope that, but nevertheless hoping that way,—well, one had to come to some decisions. And Sardar Patel chiefly, and all of us also partly, came to the decision that it is better to consolidate India quickly and rapidly even at the cost of some money than to allow this wasteful fratricidal warfare and civil wars to continue, because apart from other things, even from the point of view of cost they are much more costly, and then they leave a trail of tremendous bitterness behind. So we came to these conclusions and came to certain settlements which by themselves are hardly just, financially or otherwise, but which were the price we paid for a quick settlement of a very difficult and vital problem.

Now, I am not going into the question as to how we are going to deal with all these matters in the future. That does not arise now. Obviously, the matters will have to be dealt with in the future, dealt with I hope in a friendly spirit by all those concerned.

Obviously also, what happens in one place has its reactions and repercussions on another. And undoubtedly, what is happening or is likely to happen in Kashmir must have its reactions elsewhere.

Now, the hon. Member Dr. Mookerjee referred to various things. About article 352 he said a great deal and he asked me whether certain other articles dealing with financial chaos or financial emergency or the Constitution breaking down would be applied. I shall answer it. As we are concerned at present, we are not applying those articles. We have not even put them forward for consideration. I would beg the House to remember that we have to proceed on a certain basis, a basis it so happens—I am not excusing myself but it so happens—a basis which was made in my absence from India—I was in America at the time—and laid by that stout builder of this nation, Sardar Patel. At that time when this new Constitution—I have said this before but I repeat it—was being finalised, when the question of Kashmir came up, it was dealt with in article 370 of the Constitution. I would beg of you to read that article 370, because if you discuss this question now, you must discuss it on the basis of the article which we agreed to, which is part of our very Constitution. Do not say that we go outside the Constitution. We go to the Constitution itself to find out how to deal with Kashmir.

That is what the Constitution says. It is true, as has been pointed out, that that article was not a final and absolute provision. That article itself was a transitional article. But it laid down, the method of decision in the future. It laid down the mode of how we should proceed in the future, and if more things are to be added on to the subjects or anything how it should be done. And everywhere throughout you will see two classes of subjects. One was something in relation to the three major subjects or rather to the three categories of subjects, namely, Defence, Communications and Foreign Affairs. In relation to them if any change was to be made in their interpretation, the President was to do it 'in consultation with' the Kashmir Government or the Constituent Assembly there. In regard to anything else the words used were not 'in consultation with' but 'with the concurrence of'. Those were laid down in the year 1949 in November or December. And that is part of our Constitution.

Why then should anybody complain that we are going outside the Consti-

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tution, that we or the people or the Government of Kashmir are committing a breach of the Constitution? It may well be that the Government of Kashmir may ask us to do something which we do not consider proper. May be, but then it is a question of our talking to each other and finding a way which both we and they consider proper. And if we do not consider anything proper, well then it does not happen and the consequences are faced, whatever the consequences are, obviously. And the consequences may not be agreeable to them or to us. There is no other way. There is no question—as some of the amendments of hon. Members say—of our issuing some kind of a fiat, decree or sending some compulsory order “Obey, or you will suffer for it”. That is not the way to deal with this matter. That is not the way we can deal with this matter. We have either to come to an agreement or we do not come to an agreement and face the consequences. But I do submit that we approached this matter and we shall, I hope, always approach this matter in a spirit of friendship because we have to remember that there are so many aspects of this question—external and internal. The ‘internal’ aspect is at present under the Kashmir Government. The effect of what they do in that part which is called wrongly Azad Kashmir, which is under Pakistan, the effect of that on others, the effect of foreign countries on India—there are so many aspects of the thing that you cannot just look at it from your own point of view. You must consider all these matters. It may be that the people in Kashmir have a particular aspect in view and it may be that you have not considered it and if you consider it, you may be convinced. May I point out to hon. Members that Dr. Mookerjee complained that he was not consulted.....

Dr. S. P. Mookerjee: I did not complain.

Shri Jawaharlal Nehru: He mentioned about it, if I may say so and yet only a little later he said that Sheikh Abdullah wrote to him and wanted to meet him and consult him.....

Dr. S. P. Mookerjee: After the decision was taken.

Shri Jawaharlal Nehru: That is true; it is difficult; surely Dr. Mookerjee will not expect Sheikh Abdullah or a member of this Government in the course of any important talks to be constantly consulting others. It is impossible; it cannot be done. If I may say so, members of my Cabinet were hardly con-

sulted, and apart from those members who had a particular commission to deal with this matter, others were consulted after the talks were over. We discussed with them and we got their agreement to it. What I was going to say was this: Sheikh Abdullah was anxious to meet the Members of the Opposition. He did not have the advantage of meeting Dr. Mookerjee, but he did meet his colleague Mr. Chatterjee and he had a two hour talk with him. I was not present at the talk, but Mr. Chatterjee was good enough to write to me and to inform me that he had this talk and that he had been influenced by what Sheikh Abdullah had told him. That is what he wrote to me, that he now realised that there were many other aspects which had not been put before him previously. You see there are many aspects to this question: Then there is another thing. I refer to article 352 which deals with Proclamation of Emergency: it reads as follows:—

“If 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, he may, by Proclamation make a declaration to that effect.....”

In a sense the President can do all manner of things including taking charge of the whole State. What in these talks we suggested and we agreed to at the request of our friends from Kashmir was that where there was reference to internal disturbance, this action should be taken with the concurrence of the Government, and whether it is external aggression or war or other things, then their concurrence is not necessary. Undoubtedly that is a variation in favour of that Government, and hon. Members are entitled to criticise it. Will hon. Members remember again the basis from which we start? We start from article 370 for the present moment. Article 370 rules out article 352 and all the other articles, that is, at the present moment, keeping strictly to the Constitution as it is applicable to Kashmir State, none of these provisions apply, so that what we have said whether in regard to this matter or in regard to the Supreme Court or in regard to the President's other powers—these are all new things added on to Kashmir, that is the supremacy of the President or this Parliament or the Supreme Court to the extent that they accept it. These are all new things added on to that extent. So it is not as if we are giving up some-

thing. We have very specifically laid down this very important provision of the Constitution, 'that the President can take charge of the whole State itself under a grave emergency' should apply to that State but in case of internal disturbance with the concurrence. This seems very odd and some people say: How can you ask or wait for their concurrence? It is not such an odd provision. As a matter of fact, if the whole is in a chaos, then nobody waits for anybody's concurrence; he takes the steps, but I might say that this particular phraseology is taken from the American Constitution, where the Federal Government can take charge in an emergency of the State with the concurrence of the State Government. So it is not very new and undoubtedly it is open to members to criticise or not. But the point is that there is nothing very odd or very special about it and in all the circumstances, we felt that it is better for us to take it in this form than to leave it.

Then Dr. Mookerjee asked a somewhat rhetorical question.....

Dr. S. P. Mookerjee: Citizenship rights.

Shri Jawaharlal Nehru: That was not so rhetorical.

The rhetorical part was: Is Kashmir subordinate to this Parliament of India.....

Dr. S. P. Mookerjee: So far as this Parliament is concerned, whether this Parliament is a sovereign body or the other body the Constituent Assembly of Kashmir is sovereign and also about two Prime Ministers.

Shri Jawaharlal Nehru: The mere fact that all these provisions that we have been considering whether they are emergency provisions, whether it is the President's special powers, whether this is Parliaments powers in a certain domain or whether the Supreme Court comes in, surely indicates that it does not require any other answer as to where a certain measure of sovereignty lies. I am being rash—I am talking about the Constitution and all legal matters, but obviously in a federal Constitution, sovereignty is divided between a State and the Federal centre. In a moment of crisis, it may vest with the Federation or in the Centre. It is a different matter. I see that the Law Minister apparently does not agree with this. I am not quite sure, but anyhow whatever it is, it is a small matter. In a Federation it is an old

argument, whether it is divided or not. Take your own Constitution.

There are parts of the Constitution, List III or whatever the list may be, which is within the power of the States completely.

Shri Gadgil (Poona Central): In List II we cannot claim anything.

Shri Jawaharlal Nehru: I know there is a certain List, whatever it is: it is the State List. List I is the Union List. List III is the Concurrent List. So that there is a sphere of State sovereignty which may be upset in the final analysis, which may be put an end to. In that sense I may say that the Centre is sovereign. Federations may differ about this and there is a tendency for the federal Centre to become stronger all over the world. Therefore, the question—the Constituent Assembly of Kashmir, if I may say so, in one respect can certainly be termed sovereign—not in law, I am not talking about law,—just as, if I may say so, I started with this presumption that it is for the people of Kashmir to decide finally about their own future. We will not compel them. In that sense, the people of Kashmir are sovereign to decide their future—whether they are with us or not. They are not sovereign in the sense of accepting the Constitution and breaking it, in the sense of coming into partnership with us in our Constitution and accepting that part over which we are sovereign and then trying to get out of it. But they are sovereign in that sense that they may accept the whole or not at all, or they may come to an agreement with us about other matters.

Now, there is one thing, if I may say, which I was rather distressed to hear. The hon. Dr. Mookerjee referred in rather contemptuous terms to our Governors, as dismissed and rejected people.

Shri S. P. Mookerjee: No.

Shri Jawaharlal Nehru: These were the hon. Member's words.

And a short while ago, on another occasion, an hon. Member opposite, another hon. Member, referred to one whom I think I can say with a great deal of assurance, all of us have honoured and respected very greatly, a lady—he referred to her in terms of great disrespect.

Dr. S. P. Mookerjee: I did not.

Shri Jawaharlal Nehru: The hon. Member did not refer to her, but another Member. She is not now a Member of this House. She is a Member of the Planning Commission, and she was referred to in terms which did not affect her, which I am sure, nor us, but which did a certain amount of discredit to the hon. Member who said that, as if she was a person who was being provided with jobs, as if nepotism was being shown to those who had been defeated in the elections. I submit that this kind of thing is wholly and totally unbecoming and improper, and especially in the case of people who are not here, who cannot say anything to defend themselves.

Now, I have taken a lot of time of this House. I am sorry for it. In a few days time my colleague, Mr. Gopaldaswamy Ayyangar will be going from here to Geneva. I will not be very truthful if I say that I expect great things to happen at Geneva, but we have to carry on with this business, with the rough and the smooth of it and not run away from it. Well, our good wishes go with him, but, above all, our good wishes should go to the people of Jammu and Kashmir State who have become the plaything of international politics, and even our debates.

Mr. Deputy-Speaker: Out of all these amendments.....

Shri Raghunath Singh: I withdraw my amendment No. 6.

Mr. Deputy-Speaker: Order, order. I shall put these amendments. I will select one of these and place it before the House. If it is a comprehensive amendment and if it is carried, the others will fall through. So, I will put Amendment No. 16 standing in the name of Sardar Amar Singh Saigal.

The question is:

That at the end of the motion, the following be added, namely:—

“and having considered the same, this House approves all the steps taken so far in the matter”.

The motion was adopted.

Mr. Deputy-Speaker: All the other amendments are barred.

Dr. S. P. Mookerjee: They drop out automatically.

Mr. Deputy-Speaker: Yes, that is what I said. They are barred.

The House then adjourned till Nine of the Clock on Friday, the 8th of August, 1952.