

THE
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

5775

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

195 P.S.D.

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

5776

[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

[Shri Jawaharlal Nehru]

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.

[Shri Jawaharlal Nehru]

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."

(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."

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."