

[Shri Zulfikarullah]

Staff Third Amendment Scheme, 1978, published in Notification No. S.O. 1410 in Gazette of India dated the 20th May, 1978.

(2) The General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Development Staff) Second Amendment Scheme, 1978, published in Notification No. S.O. 414 (E) in Gazette of India dated the 28th June, 1978. [Placed in Library. See No LT-2419/78].

12.11 hrs.

#### RE. CALLING ATTENTION

MR. SPEAKER: Now, Calling Attention.

SHRI JYOTIRMOY BOSU: Mr. Speaker, I have written to you that I object to the admission of a calling attention on the reported construction of Karakoram Highway by Pakistan and China....

Under rule 197(2), each Member in whose name the item stands in the list of business may, with the permission of the Speaker, ask question.

Rule 41(2) states:

"right to ask a question is governed by the following conditions, namely:—

(xix) it shall not refer discourteously to a friendly foreign country:"

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SHRI K. GOPAL (Karur): Why should he say 'anti-Chinese and anti-Pakistani lobby'? (Interruptions)

SHRI K. LAKKAPPA (Tumkur): He should be prevented from using this.

MR. SPEAKER: Every Member has a right to raise a point of order. (Interruptions).

SHRI K. GOPAL: He should not be allowed to make....(Interruptions)@@

SHRI JYOTIRMOY BOSU: He has asked me a question. In reply I say we are friends of China.

SHRI K. GOPAL: We are not enemies of China. That is the only difference. (Interruptions).

MR. SPEAKER: Now, I am on my legs. A member has the right to be anti-Chinese or Pro-Chinese. I shall hear him and decide according to the rules. (Interruptions).

SHRI SAUGATA ROY (Barrackpore): He is referring to the anti-Chinese lobby. (Interruptions). I take strong exception to this.

MR. SPEAKER: I am not concerned either with the pro-Chinese or anti-Chinese lobby. (Interruptions).

MR. SPEAKER: Any implication in Mr. Bosu's statement with any aspersion on any Member directly or indirectly saying that they are anti-Chinese lobby will be expunged.

Shri KANWAR LAL GUPTA (Deme Sadar): Sir, why do you presume that we will ask any question against any country which is derogatory to that country.

MR. SPEAKER: I am not prepared to agree with you. There is a passage in the statement:

"You will agree the anti-Chinese, anti-Pakistani lobby in the country are using this matter as a lever in unleashing an anti-Chinese and anti-Pakistani hatred campaign in the country."

By implication we are saying that Members are anti-Chinese or anti-Pakistani.

SHRI JYOTIRMOY BOSU: Sir, in March the eminent leader of China, Mr. Wang pin nan has rendered considerable goodwill service between the two countries. The Foreign Minister, Mr. Vajpayee, is visiting China in October this year. There are trade talks going on between the two countries which are expected to materialise very soon. (Interruptions)

SHRI VASANT SATHE (Akola): Sir, under which Rule you have allowed him.

MR. SPEAKER: He says it violates Rule 41(2).

SHRI K.P. UNNIKRISHNAN (Badagara): He cannot make a speech. (Interruptions)

SHRI JYOTIRMOY BOSU: Under the circumstances, I request you to be good enough to withhold permission for raising this item as mentioned in the list of business for today.

@ @ Expunged as ordered by the Chair.

MR. SPEAKER : Mr. Jyotirmoy Bosu says that under Rule 41(2) item (ix), the Calling Attention is inadmissible.  
(Interruptions)

SHRI VASANT SATHE : He is bringing in all extraneous matters.

MR. SPEAKER : I have told you that I am expunging it.

SHRI JYOTIRMOY BOSU : Sir,

SHRI A.C. GEORGE (Mukanda puram) : Sir, now you dictate your ruling. (Interruptions).

SHRI JYOTIRMOY BOSU : Sir, when their turn comes, you allow them with all the latitude. When our turn comes.....(Interruptions). Sir, there cannot be two sets of rules

SHRI C.M. STEPHEN (Idukki) : You have put the item on the order paper. If every item on the order paper is liable to be questioned as to its admissibility, then everybody is going to resort so that. Then no work in the House will be done.

MR. SPEAKER : You did it yesterday.

SHRI C.M. STEPHEN : No, Sir. I did not. I never challenged anything that you have put on the Order Paper.

MR. SPEAKER : Yesterday I put the question on the question Paper.

SHRI C.M. STEPHEN : We walked out, that is all. The point is: If an item on the Order Paper after you admit it—you can decide in either way, I am not taking a stiff position about it—is challenged, it has got dangerous implication which has already started manifesting. Any order, any ruling given, anything admitted on the Order List, immediately is being challenged on a point of order. If that is to happen, the House will not be able to be run. That is the difficulty.

MR. SPEAKER : That is what I thought yesterday also.

SHRI C.M. STEPHEN : This should not be allowed. (Interruptions).

MR. SPEAKER : Mr. Gopal, remember what you did yesterday. Kindly remember what you did yesterday. You cannot have one rule for one day and another for the next....(Interruptions).

SHRI C. M. STEPHEN : Yesterday you did not uphold our position. The point is that the Calling Attention comes under rule 197 Chapter XVI. He is challenging it. It is entirely wrong.  
(Interruptions)

SHRI JYOTIRMOY BOSU : Sir, I would like to quote from May's latest edition on Parliamentary Practice. Kindly see page 329. It is clearly stated here:—

"7(a) Questions are not admissible which seek information about the internal affairs of foreign countries or of an independent Commonwealth country".

MR. SPEAKER : That is well accepted.

SHRI JYOTIRMOY BOSU : Now, I will quote Shakhder and Kaul....

SHRI KANWAR LAL GUPTA : Have you got any doubt about its admissibility, Sir ?

SHRI JYOTIRMOY BOSU : Sir, I quote Shakhder and Kaul :—

"Questions relating to the administration of and matters concerning a foreign State about which the Government of India have no executive authority are not admitted."

(Interruptions)

MR. SPEAKER : It is well known.

SHRI VASANT SATHE : If the thing is so well known, why are you unnecessarily allowing him ? I can understand, Sir, if he wants.....(Interruptions). Sir, you should not oblige him.

MR. SPEAKER : I have understood your point.

SHRI JYOTIRMOY BOSU : Under Rule 197(2), each Member in whose name the item stands in the list of business may, with the permission of the Speaker ask a question. Under Rule 41(2) it is stated :

"right to ask a question is governed by the following conditions namely :—

(ix) states it shall not refer discourteously to a friendly foreign country".

MR. SPEAKER : I have followed your point.

SHRI JYOTIRMOY BOSU : \*\*

\*\*Expunged as ordered by the Chair.

[Shri Jyotirmoy Bosu]

Sir, when you call their names, they will also put the questions. (Interruption).

**SHRI VAYALAR RAVI** (Cira-yinkil) : Shri I have a point of order under rule 356....

**MR. SPEAKER** : Mr. Ravi, please read rule 376. You are objecting to that. It is well established by this House, by several Speakers that there cannot be a point of order on a point of order. By this time of one year, I am rather familiar with the rules.

**SHRI JYOTIRMOY BOSU** : Sir, you are not regulating the House.

**MR. SPEAKER** : I am regulating the House. I see no substance in the point of order. The point of order is rejected. No point of order can be raised on a matter listed in the list of business.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

**REPORTED CONSTRUCTION OF KARAKORAM HIGHWAY BY PAKISTAN AND CHINA IN PAKISTAN OCCUPIED TERRITORY OF JAMMU AND KASHMIR.**

**SHRI SAUGATA ROY** (Barrack-pore) : I call the attention of the Minister of External Affairs to the following matter of urgent public importance and request that he may make a statement thereon :—

“Reported construction of Karakoram Highway by Pakistan and China in the Pakistan occupied territory of Jammu and Kashmir.”

**THE MINISTER OF EXTERNAL AFFAIRS (SHRI ATAL BIHARI VAJPAJEE)** : Sir, as the House is aware, a road called “Karakoram Highway”, linking Pakistan with China, and passing through Pakistan occupied Kashmir, was inaugurated on the 18th June, 1978 by Pakistan's Chief Martial Law Administrator, General Zia-ul-Haq and Chinese Vice-Premier Keng Piao at Thakot. Plans for this road were mooted some time around 1963, soon after China and Pakistan entered into an agreement in accordance with which 2100 square miles of Indian territory in Jammu & Kashmir, under Pakistan's illegal occupation, was handed over to China. Construction of the portion of the road between Gilgit and Mor Khun was undertaken in accordance with an agreement reached in 1966 and was completed in 1969. The portion of the Highway from Mor Khun to Khunjerab has been built following an agreement between the two countries

which was signed on 21-10-1969. The road became fully operational on 18th June 1978.

According to reports, the 800 kilometer long Highway starts from Havelian Rail-Head 60 miles north of Islamabad, and follows the general course of the River Indus from Thakot to Gilgit. From Gilgit onwards, it runs along the Gilgit, Hunza and Khunjerab rivers upto the Khunjerab Pass which is 15,800 feet above sea level. Beyond Khunjerab Pass this Highway is connected with the Chinese road network in Western Tibet which links with Kashgar in the Sinkiang Province. The elevation of this Highway varies from 2000 to about 15,000 feet.

The Government received confirmed news about the construction of the road in June 1969. A strong protest was accordingly lodged on 25th June, 1969 with both Pakistan and China. To Pakistan, we pointed out that the whole of Jammu & Kashmir was part of Indian territory and neither Pakistan nor China had any *locustandi* in Kashmir, and, therefore, whatever action the two countries were taking singly or jointly against this territory of India was wholly illegal. In our protest note to the Chinese Government, we questioned their undertaking construction of a road in a territory lawfully belonging to India.

Neither Pakistan nor China formally replied to our protests. However, an official spokesman of Pakistan Foreign Office stated on 11th July, 1969 that India's complaint was based on premises which were not acceptable to them. The question was raised in the Parliament and a statement was made by the then Minister of External Affairs on July 23, 1969.

When we came across press reports, stating that the Highway was inaugurated on 18th June, 1978, the Chinese Ambassador and Pakistan CDA in New Delhi were called to the Ministry of External Affairs and apprised of our position on the illegal construction of the road in a territory which is an integral part of India. It was made clear to the two envoys that India cannot acquiesce in the legal implications of the construction of this road.

In reply, the Government of Pakistan have stated that consistent with their position on Jammu & Kashmir, they could not accept the validity of our protests. As regards China, while there has been no response so far from Peking, the Chinese Ambassador referred to his country's position in response to India's protest against the conclusion of the Agreement between China and Pakistan on 2nd March, 1963, ceding 2100 square miles of Indian territory in the Pakistan Occupied Kashmir to China. He recalled that the Chinese Government had stated at that