

MR. CHAIRMAN: I am sorry, the hon. Minister will allow me to interrupt him. The Foreign Minister is to make a statement.

The Foreign Minister.

18.00 hrs.

STATEMENT RE. BANGLADESH-INDIA-PAKISTAN AGREEMENT

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): I have the honour to lay on the table of the House, the text of the Bangladesh-India-Pakistan Agreement, signed in New Delhi on April 9, 1974. This Agreement is the culmination of our efforts since the end of the conflict in 1971 to bring about a resolution of all humanitarian issues arising out of the events of 1971 through bilateral and peaceful means. As the House is aware, India undaunted by the difficulties and obstacles, continued to take repeated initiatives, in consultation with the Peoples Republic of Bangladesh, so that today India and Bangladesh can say with some satisfaction that our efforts have borne fruit. The three countries of the sub-continent have reached the threshold of reconciliation. This is largely due to the enlightened statesmanship of the Prime Minister of Bangladesh, India and Pakistan who were prepared to work for mutual accommodation and reconciliation in the larger interests of their people. In this context India's well-known stand advocating the establishment of harmonious and peaceful relations between the three countries of the sub-continent based on mutuality of interest and equality has been amply vindicated.

In April, 1973 Bangladesh and India took the initiative of issuing a Joint Declaration delinking the political questions from the resolution of humanitarian issues. This was a

major step forward to break the deadlock, existing at that time due to the non-recognition of Bangladesh. Following the Declaration, India again took the initiative to hold a series of talks with Bangladesh and Pakistan which ultimately resulted in the Delhi Agreement of August 1973. This Agreement has already enabled nearly 300,000 people to return to their homes. Almost all the Banglees in Pakistan, who wanted to return to Bangladesh have been repatriated, 84,000 Pakistani Prisoners of War and civilian internees have been repatriated by India while over 90,000 Pakistani nationals from Bangladesh have so far been cleared for repatriation to Pakistan. In accordance with the recent Tripartite Agreement, Pakistan has reiterated that all those Pakistanis in Bangladesh who fall in the specified categories would be received by Pakistan without any limit as to numbers, and that the rejected cases would be subject to review between the Governments of Pakistan and Bangladesh. This Agreement brings about a final and mutually agreed solution to the humanitarian problems arising out of the conflict of 1971.

The question of 195 prisoners of war has been resolved to the mutual satisfaction of both Bangladesh and Pakistan Governments and we welcome this development. This decision, is in the larger interests of the 700 million people of the three countries and signifies the resolve of their Governments to work for the promotion of normalisation of relations and establishment of durable peace in the sub-continent.

I am also placing on the table of the House the text of a bilateral Agreement between India and Pakistan on the release and repatriation of pre-war detainees and the text of a Joint Communiqué. The Agreement on the release of pre-war detainees denotes an important step which will bring about an end to the continued

[Shri Swaran Singh]

detention of hundreds of Indian nationals languishing in Pakistani jails for many years, some of them since 1966. This Agreement envisages that all Indian and Pakistani nationals of this category will be released and repatriated by both countries latest by the 14th August, 1974.

The progress in the implementation of the Simla Agreement, particularly the implementation of normalisation measures envisaged in paragraph 3, was reviewed. In the last note sent by us to Pakistan on 25th February, we had suggested that not only should discussions commence on the resumption of all forms of communications between the two countries but that restoration of travel should also be discussed to alleviate the hardship caused to the people on both sides. Pakistan has now agreed to exchange delegations to discuss and work out fresh agreements on postal and telecommunication links restoration of travel facilities, particularly for pilgrims on a priority basis.

Yet another humanitarian problem, that of military and para-military personnel reported missing following the conflict of 1971 has also been tackled. It was agreed that the two countries will afford necessary facilities to the tracing agency of the International Committee of the Red Cross to enquire into such cases with the help of the local authorities.

Bangladesh, India, Pakistan Agreement signed in New Delhi on April 9, 1974

On July 2, 1972, the President of Pakistan and the Prime Minister of India signed an historic agreement at Simla under which they resolved that "the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent." The Agreement also provided for the settlement of "their

differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon."

2. Bangladesh welcomed the Simla Agreement. The Prime Minister of Bangladesh strongly supported its objective of reconciliation, good neighbourliness and establishment of durable peace in the sub-continent.

3. The humanitarian problems arising in the wake of the tragic events of 1971 constituted a major obstacle in the way of reconciliation and normalisation among the countries of the sub-continent. In the absence of recognition, it was not possible to have tripartite talks to settle the humanitarian problems as Bangladesh could not participate in such a meeting except on the basis of sovereign equality.

4. On April 17, 1973, India and Bangladesh took a major step forward to break the deadlock on the humanitarian issues by setting aside the political problems of recognition. In a Declaration issued on that date they said that they "are resolved to continue their efforts to reduce tension, promote friendly and harmonious relationship in the sub-continent and work together towards the establishment of a durable peace." Inspired by this vision and "in the larger interests of reconciliation, peace and stability in the sub-continent" they jointly proposed that the problem of the detained and stranded persons should be resolved on humanitarian considerations through simultaneous repatriation of all such persons except those Pakistani prisoners of war who might be required by the Government of Bangladesh for trial on certain charges.

5. Following the Declaration there were a series of talks between India and Bangladesh and India and Pakistan. These talks resulted in an agreement at Delhi on August 28, 1973 between India and Pakistan with the concurrence of Bangladesh which pro-

vided for a solution of the outstanding humanitarian problems.

6. In pursuance of this Agreement, the process of three-way repatriation commenced on September 19, 1973. So far nearly 300,000 persons have been repatriated which has generated an atmosphere of reconciliation and paved the way for normalisation of relations in the sub-continent.

7. In February 1974, recognition took place thus facilitating the participation of Bangladesh in the tripartite meeting envisaged in the Delhi Agreement, on the basis of sovereign equality. Accordingly His Excellency Dr. Kamal Hossain, Foreign Minister of the Government of Bangladesh, His Excellency Sardar Swaran Singh, Minister of External Affairs, Government of India and His Excellency Mr. Aziz Ahmed, Minister of State for Defence and Foreign Affairs of the Government of Pakistan, met in New Delhi from April 5 to April 9, 1974 and discussed the various issues mentioned in the Delhi Agreement in particular the question of the 195 prisoners of war and the completion of the three-way process of repatriation involving Bangladesh in Pakistan, Pakistanis in Bangladesh and Pakistani prisoners of war in India.

8. The Ministers reviewed the progress of the three-way repatriation under the Delhi Agreement of August 28, 1973. They were gratified that such a large number of persons detained or stranded in the three countries had since reached their destinations.

9. The Ministers also considered steps that needed to be taken in order expeditiously to bring the process of the three-way repatriation to a satisfactory conclusion.

10. The Indian side stated that the remaining Pakistani prisoners of war and civilian internees in India to be repatriated under the Delhi Agreement, numbering approximately 6,500,

would be repatriated at the usual pace of a train on alternate days and the likely short-fall due to the suspension of trains from April 10 to April 19, 1974 on account of Kumbh Mela, would be made up by running additional trains after April 19. It was thus hoped that the repatriation of prisoners of war would be completed by the end of April, 1974.

11. The Pakistan side stated that the repatriation of Bangladesh nationals from Pakistan was approaching completion. The remaining Bangladesh nationals in Pakistan would also be repatriated without let or hindrance.

12. In respect of non-Bangalees in Bangladesh, the Pakistan side stated that the Government of Pakistan had already issued clearances for movement to Pakistan in favour of those non-Bangalees who were either domiciled in former West Pakistan, were employees of the Central Government and their families or were members of the divided families, irrespective of their original domicile. The issuance of clearances to 25,000 persons who constitute hardship cases was also in progress. The Pakistan side reiterated that all those who fall under the first three categories would be received by Pakistan without any limit as to numbers. In respect of persons whose applications had been rejected, the Government of Pakistan would, upon request, provide reasons why any particular case was rejected. Any aggrieved applicant could, at any time, seek a review of his application provided he was able to supply new facts or further information to the Government of Pakistan in support of his contention that he qualified in one or other of the three categories. The claims of such persons would not be time-barred. In the event of the decision of review of a case being adverse, the Governments of Pakistan and Bangladesh might seek to resolve it by mutual consultation.

13. The question of 195 Pakistani prisoners of war was discussed by the three Ministers, in the context of the

earnest desire of the Governments for reconciliation, peace and friendship in the sub-continent. The Foreign Minister of Bangladesh stated that the excesses and manifold crimes committed by these prisoners of war constituted, according to the relevant provisions of the U.N. General Assembly Resolutions and International Law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes as the 195 Pakistani prisoners of war should be held to account and subjected to the due process of law. The Minister of State for Defence and Foreign Affairs of the Government of Pakistan said that his Government condemned and deeply regretted any crimes that may have been committed.

14. In this connection the three Ministers noted that the matter should be viewed in the context of the determination of the three countries to continue resolutely to work for reconciliation. The Ministers further noted that following recognition, the Prime Minister of Pakistan had declared that he would visit Bangladesh in response to the invitation of the Prime Minister of Bangladesh and appealed to the people of Bangladesh to forgive and forget the mistakes of the past, in order to promote reconciliation.

Similarly, the Prime Minister of Bangladesh had declared with regard to the atrocities and destruction committed in Bangladesh in 1971 that he wanted the people to forget the past and to make a fresh start, stating that the people of Bangladesh knew how to forgive.

15. In the light of the foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war may be repatriated to Pakistan along with the other prisoners of war now in the process of repatriation under the Delhi Agreement.

16. The Ministers expressed their conviction that the above agreements provide a firm basis for the resolution of the humanitarian problems arising out of the conflict of 1971. They reaffirmed the vital stake the seven hundred million people of the three countries have in peace and progress and reiterated the resolve of their Governments to work for the promotion of normalisation of relations, and the establishment of durable peace in the sub-continent.

Signed in New Delhi on April 9, 1974 in three originals, each of which is equally authentic.

Sd/- (Kamal Hossain)	Sd/- (Swaran Singh)	Sd/- (Aziz Ahmed)
Minister of Foreign Affairs Government of Bangladesh	Minister of External Affairs, Government of India	Minister of State for Defence and Foreign Affairs Government of Pakistan

Agreement between India and Pakistan on Release and Repatriation of persons detained in either country prior to conflict of 1971

The Minister of External Affairs, Government of India, and the Minister of State for Defence and Foreign Affairs, Government of Pakistan, examined the question of the nationals of either country detained in the other prior to the conflict of 1971. They agreed that this was a humanitarian question which should be settled quickly with a view to alleviating the suffering of the hundreds of individuals involved and their families.

2. With this objective in view, the Government of India and the Government of Pakistan have agreed as follow:

(i) All nationals of either country detained in the other prior to the conflict of 1971 shall be released and repatriated irrespective of the charges on which they are detained, with the maximum possible despatch but in no case later than 14th August, 1974. After that date, neither country shall continue to detain any national of the other who was arrested prior to the conflict of 1971.

(ii) The process of release and repatriation shall commence without waiting for the compilation of complete lists of such detainees. The detainees so far visited by the representatives of the Swiss Missions, shall be repatriated forthwith. The remaining detainees shall similarly be released and repatriated after they are located by the representatives of the Swiss Mission in either country.

(iii) The two Governments shall give extensive publicity to this Agreement in the Press and over the Radio and bring it to the attention of the Governments of their States/Provinces and of the authorities in charge of all jails, prisons

and detention centres for immediate compliance.

(iv) Each Government shall provide all necessary facilities to the delegation of the International Committee of the Red Cross to trace those of the pre-war detainees who are still reported to be missing after 14th August, 1974.

(v) If a detainee claims to be the national of the country in which he is detained, his case shall be investigated and decided by mutual agreement between the two Governments.

(vi) Pending their release and repatriation all detainees shall be treated with humanity and consideration.

3. This Agreement shall enter into force on

Signature.

Signed in duplicate at New Delhi, on 9th April, 1974.

For the Government of India
Sd|-

(Swaran Singh)
Minister of External Affairs,
Government of India

For the Government of Pakistan
Sd|-

(Aziz Ahmed)
Minister of State for Defence and Foreign Affairs,
Government of Pakistan

Joint Communique Re. the review of the progress of normalisation between India and Pakistan under the Simla Agreement.

During the presence of His Excellency M. Aziz Ahmed, Minister of State for Defence and Foreign Affairs, Government of Pakistan, and his delegation in New Delhi from April 5 to April 9, 1974, it was decided by mutual consent to review the progress in the implementation of the Simla Agreement.

2. The two Ministers agreed that since the signing of the Simla Agreement, there had been steady progress towards the realisation of its objec-

tives. They reiterated the resolve of the two countries to settle their differences in accordance with the provisions of the Simla Agreement.

3. It was agreed that the time had come for exchange of delegations to discuss the implementation of normalisation measures envisaged in paragraph 3 of the Simla Agreement. Discussions would commence shortly for working out fresh agreements, where necessary, for the resumption of postal and telecommunication links, restoration of travel facilities, particularly for pilgrims on a priority basis. Steps would also be taken progressively to implement other measures mentioned in paragraph 3 of the Simla Agreement.

4. On the question of military and para military personnel the two countries reported missing following the conflict of 1971 it was agreed that, in this purely humanitarian matter, further efforts should be made to locate them. In this regard the two countries will afford necessary facilities to the Tracing Agency of the International Committee of the Red Cross.

5 The two Ministers signed an agreement for the release and repatriation of all nationals of either country detained in the other prior to the conflict of 1971.

New Delhi,

April 9, 1974.

Some Hon. Members rose—

MR. CHAIRMAN: It is the practice always that questions are not asked after the Minister's statement.

श्री मधु लिमये (बाका) लेकिन कुछ ऐसे मामले हैं जैसे राजदूत स्तर पर संबंध स्थापित होंगे या नहीं सुरक्षा के मामले में, वैदेशिक नीति के मामले में, अधिक सहयोग

के मामले में — इन सब मामलों पर बातें हुई या नहीं ?

हमें इन बातों के उत्तर मिलने चाहिये ।

SHRI SWARAN SINGH: There would be very good opportunity for discussing all this when the Demands relating to the External Affairs Ministry are discussed.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Are you thinking of reopening your Embassy there?

MR. CHAIRMAN: You will have occasion for this.

SHRI JYOTIRMOY BOSU: I know that.

SHRI SWARAN SINGH: At the present moment, there is no agreement to establish resident Ambassadors in each other's capital. At the moment there is none, but we can discuss that. Our stand has always been that there must be some content of relationship between the two countries before we actually have the Embassies. There is no use having Embassies when there is no content of relationship. This argument is a good start and will give some concrete shape to relationship. And that will be the next step. Nobody is opposed to it.

श्री मधु लिमये कुछ कारगर कदम उठाये तीनो देशों को एक जगह लाने के लिये उन का एकीकरण करने के लिये—27 साल में इस पूरे इलाके को बरबाद किया गया है ।

SHRI JYOTIRMOY BOSU: What is the positive step you are taking for normalisation of relations with China?

SHRI SWARAN SINGH: It will be readily agreed that our relations with China does not arise out of what I said.