

Finance—Review of Defence Budget—
Consolidation of Revenue Demands.

12.06 Hrs.

MOTION OF NO-CONFIDENCE IN
THE COUNCIL OF MINISTERS

MR. SPEAKER : The House will now take up the Motion of No-confidence in the Council of Ministers to be moved by Shri Bal Raj Madhok.

SHRI BAL RAJ MADHOK (South Delhi) : Sir, I beg to move :

"That this House expresses its want of confidence in the Council of Ministers."

I am moving this motion of no-confidence in the Council of Ministers for their failure to discharge the most elementary duties that is, to defend the sovereignty and territorial integrity of the country. According to all political scientists all through the history this has been considered the first duty of any government worth the name, and this government has been failing in discharging this duty all through.

Twenty years back the leaders of the party which rules today let down this country when they accepted partition in spite of their opposition to two-nation theory, and a large part of the country was given away to Pakistan. Then, what remained, that at least should have been protected. But, even that has not been protected. Soon after the achievement of freedom and partition, Pakistan attacked Kashmir. It was an unprovoked aggression and we could have thrown Pakistan out. But, instead of doing that, we rushed to UNO, then we had a cease-fire and the result was that Pakistan got 35,000 sq. miles of our territory. Pakistan is sitting tight over that territory, and that was the fruit of aggression that she got at that time, and that set the pattern of Indo-Pak relations. Even since, Pakistan has been following an aggressive policy towards India. Her rulers first make fantastic claims, then occupy our territory and we sit tightly in the name of peace, in the name of international agreements and

all that. This has been the pattern. If you look at the Nehru-Liaquat Pact, Nehru-Noon Pact, Indus Water Agreement or the Swaran Singh Sheik Agreement, the same pattern follows and Pakistan stands to gain by it every time.

The rulers and leaders of Pakistan realise that an aggressive policy against India pays a rich dividend. They have a vested interest in keeping up tension with India because they realise that if they learn to co-exist with India in peace the very *raison d'être* for existence of Pakistan as a separate State will disappear. So, whatever the excuse be, they will keep up the tension. We are always surrendering before them, and the present case of Kutch is the latest of that series of surrenders before the enemies of the country at the cost of India's territorial integrity.

Now, what is this Kutch question? When India was partitioned, Pakistan was given Sind, Baluchistan, North West Frontier Province, a part of Punjab and a part of Bengal. The boundary of Sind was well-defined. Only the boundary of Pakistan in Punjab and in Bengal was laid down by Radcliffe Award. Therefore, if anything was to be settled in regard to boundaries between India and Pakistan, it was in regard to that half of Punjab and half of Bengal, and there too Radcliffe had laid down the principles. He had drawn the maps and given description on paper and he had laid down in his award itself that where there is discrepancy between the map and the description given on the paper, then that description on the paper should be taken as the final word. Therefore whatever territorial or boundary disputes we had with Pakistan, they pertained only to Bengal and the Punjab.

So far as the boundary of Sindh and Kutch is concerned, there was no question of a dispute. It had been settled for centuries past and anyone who goes to Kutch and sees the whole area can see it for himself. I was there only yesterday. The Rann does not lie between Kutch and Sind; it lies entirely in Kutch. There is a *banni* or bank on this side of Kutch and a *banni* or bank on the other side of the Rann. That is called Dhara Banni. Beyond that,

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there is a long range of sandy hills which forms the natural boundary. That has been true all through the centuries.

The British got control over Kutch in 1819 and they got control over Sind in 1843. At that time they had to demarcate the boundary because both the States were under their control. For that purpose they appointed a survey team headed by one Mr. MacDonald. He surveyed the whole border and on that basis maps were prepared. The first map was printed in 1870. Those maps are repeated again and again. In those maps the boundary between Kutch and Sind has been very clearly delineated.

The administration of Sind raised certain doubts about a part of that boundary and there was some discussion between the Kutch Durbar and the Sind Administration. After that the Bombay Government, which had at that time controlled both Sind and the rest of Bombay, passed a Resolution in 1914 in which that dispute was resolved. The Sind Government at that time did not raise any doubt about the rest of the boundary. The dispute that it had raised was only for a small part of it. That was settled then and after that there was no such dispute.

According to the Gazetteers of Sind and Bombay the area of Sind has been clearly laid down. If you read the gazetteer of 1907 or 1909, the area of Sind has been given as 41,836 square miles. That has been the area of Sind all through and that was the area in 1947. That has been the area of Sind which has been given out by Pakistan's own publications even after partitions.

There was one district of Sind, known as Tharparkar. That Tharparkar area is adjacent to Kutch. It had 80 per cent Hindu population. At the time of partition, Sylhet District, which had only 51 per cent Muslim population, was taken away from Assam and given to East Bengal. On the same basis this District of Tharparkar should have been taken away from Sind and given to India. It was one of the greatest betrayals of the people of Sind by the leaders of the Congress, both in Sind and at the Centre, that they never demanded Tharparkar; otherwise, Tharparkar should

have come to India on the same basis on which Sylhet had gone to East Bengal.

This Tharparkar is bulging into the Kutch territory. Its Nagarparkar Taluka is a sort of an enclave in the Kutch territory. Even about that, there was no dispute. For some time the British Government treated Tharparkar, particularly Nagarparkar, as part of Kutch. It was the Political Agent of Kutch who controlled Nagarparkar. That means, the British Government also originally thought that Tharparkar and Nagarparkar belonged to Kutch and not to Sind. But later on, in their own wisdom, they thought it fit to transfer Nagarparkar to Sind.

This was the position and there was no dispute about it. Pakistan also never raised a dispute. It is true that Dhara Banni on the other bank of Kutch, which is adjacent to Sind, is a great grassland and Sindhi cattle used to come and graze over there. For that the Kutch Durbar used to charge grazing tax or, what they call, *Panchari*, from them. The Kutch Durbar had put a chowki at Chhad Bet to collect this tax. I saw in Kutch the contracts and the contractors who were appointed by the Kutch Government to collect that tax for the Kutch Government.

Therefore from every point of view it was Indian territory. The boundary was settled. If there was any boundary dispute, it was only with regard to the Radcliffe Line which never touched Sind and Kutch. After 1947 when some geological surveys were made of this area it was found that it contains oil. Then Pakistan began to cast her greedy eyes on it. She knew how to deal with the leaders of India—not India, of the Congress Party, I should say—the cowards as they are. They said that half of the Rann of Kutch belonged to them. It does not cost anybody anything to put up a fantastic claim. You can say that this building or this house belongs to you. So, they put up that claim that this belonged to them. We should have rejected it outright at that time. There was no question of any dispute. But then our benign Government and its benign negotiator, Sardar Swaran Singh, who has been prompt about handing over our territory to others—accepted in the Swaran Singh-Sheikh Agreement of 1960 that it was a dispute. Of course, he

did it under the instructions of Mr. Nehru. He was the man who was carrying on the negotiation on his behalf and he was the man who gave away Dera Baba Nanak bridge which belonged to us, to Pakistan, to placate her. They forget that they cannot placate Pakistan. Even if you give Delhi to Pakistan, you cannot placate rulers of Pakistan. The very existence of Pakistan depends on keeping up tensions with India. They will find one excuse or the other to keep up tensions.

In the first place, there was no dispute. We wrongly accepted it in Swaran Singh Sheikh agreement. In that Agreement, it was said that the officers of the two countries should meet and further investigate. No investigation was made. Then, suddenly, on one fine morning, in January, 1965, Pakistan comes and occupies a part of that territory, occupies Kanjarkot and some other areas. Then, we said, "You must quit." Our late Prime Minister, Shri Lal Bahadur Shastri, said, "We will not give an inch of territory." I agree that this Government does not give territory in inches; it gives territory in miles and hundreds of miles.

SOME HON. MEMBERS : Shame, shame !

SHRI BAL RAJ MADHOK : Instead of pushing the aggressor them back, we entered into an Agreement and that Agreement was not made by us. That Agreement was made by the White Hall; it was drafted there and sealed there. The people of India, even the important dignitaries of the Government of India, came to know about it only afterwards. When this Agreement came here before the Cabinet, the Attorney-General was away, the Law Minister was not there and, we learn, the other legal luminary of our Government, at that time, Mr. Chagla was also not there and the only legal man that was there was Shri Swaran Singh who was already committed. That Agreement was mischievously drafted. It used the word, not only demarcation of boundary but also the word determination of boundary. It was a bad Agreement; it was a wrong Agreement and we protested at that time. The country protested against that. There was a huge demonstration of people of India against that Agreement at that time. We said, "You are playing with

the country's integrity and sovereignty.' But they accepted it and at that time they said, "Our case is fool proof; our documents are strong; the maps are on our side. There is no reason why the Award should go against us." But the Award has come now.

If the Agreement was bad, this Award is perverse. You can say that you entered into an Agreement. That may be a fact of history. But the question is : What is the Award? Their people now say, "How can you go against it? We are bound hand and foot." That is wrong. In the case of arbitration awards, if they are perverse, if they transgress certain minimum conditions laid down, they need not be accepted. And those conditions are that the Tribunal should not go beyond its authority, that the Tribunal should not be bribed and that the Tribunal should not transgress the fundamental rules of procedure. I ask my Congress friends : If it is proved I say, hypothetically, that the Judge who gave judgement in favour of Pakistan was bribed, will you still say, "We are bound by it. we cannot go against it?" Here is the question. If the Judge was bribed, if the Tribunal was bribed, then this has no binding on us.

Secondly, there is no doubt about it that the Tribunal transgressed its authority. It was to determine the boundary. What has it done? It has not determined boundary on the basis of maps and on the basis of documents. If you read the Award—I do not want to waste my time by reading the whole Award—what does it say? It says that there was an intensive activity of Pakistan in that area. What was the intensive activity? It was uninhabited. So, the activity was that Pakistani cattle used to come and graze there. If you have a field and your neighbours' cattle come to graze in your field then your field goes! Is this an argument? Is this logic?

Apart from that, what do they say about the enclaves? If you look at the map, Nagar Parkar is a Pakistani enclave in Indian territory. There is only a narrow neck which links Nagar Parkar with Pakistan. Now, instead of handing over that enclave to India, the Award says that because there is only a narrow neck which links it with Pakistan and

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Pakistan should have a larger inlet into this enclave and because, two inlets of India make it dangerous for Pakistan, both these inlets, because they are surrounded by Pakistan on three sides, should given be to Pakistan. This the award says, will remove the causes of tension. May I know whether this Tribunal was appointed for demarcation of boundary or whether it was appointed for removing the causes of tension? That was not its job. It has clearly transgressed its authority; it has clearly gone beyond its terms of reference. Therefore, on that count too, this award is not binding on us.

Thirdly, this award is not unanimous. I think, if there is any judicial judgment, it is only that of Mr. Babler. Apart from the fact whether it is in our favour or against, if any one reads it, he will find that he has quoted documents, he has quoted maps. It looks to me that only that reads as a judicial judgment. The judgment of the Chairman and the Pakistan's representative on the Tribunal is a purely politically-motivated, politically-biased judgment; in fact, it is not a judgment at all.

By giving this kind of judgment, this Tribunal has done a great disservice to the international forum as well. India is one country which has had faith in international tribunals. Even when we got our fingers burnt in the case of Kashmir we went to UNO; we took the case of Kashmir to the UNO. Pakistan attacked us and we were strong enough to drive the Pakistanis out of Kashmir; we could have driven the Pakistanis out of Lahore also. But instead of doing that, we went to the UNO because we did not want war. But what happened? Within a few months, we were in the dock. We had gone as accusers, but we became the accused, and late Pandit Jawaharlal Nehru himself had to admit while speaking in Jammu on 11th May, 1951, "We had gone for justice, but we feel very unhappy to find that the UNO is lost in power politics". These were the words uttered by Pandit Nehru in Jammu in May 1951. "UNO is lost in power politics; we cannot expect justice from UNO".

Even after having burnt our fingers, we referred this case to arbitration. We should not have referred this case to arbitration. In fact, wherever the sovereignty of the country is involved, wherever the territorial integrity of the country is involved, such a question cannot be referred to arbitration, and should not be referred to arbitration.

Now, by behaving the way the Tribunal has behaved, it has made a mockery of tribunals and shaken the faith not only of the people of India but of the whole world in the efficacy or judiciousness of such tribunals. Therefore, I say that on the ground that it has transgressed its authority, on the ground that it is not unanimous, on the ground that it is politically-motivated, we must repudiate this award. We must repudiate this award. It is not binding on us. We should tell the world that we had accepted a bad agreement in good faith, but we are not prepared for a perverse judgment. We wanted a judicial judgment. This is not a judicial judgment.

This Government bungled not only in referring the matter to the Tribunal but also in putting our case properly. I ask: did you bring the Tribunal to the site? It was your duty to ask the Tribunal to come to the site. I wonder whether Shri Swaran Singh has gone there or whether Shrimati Indira Gandhi has gone there. Let them go there and see for themselves where the boundary lies. There is a natural boundary. The hills make a natural boundary, and in the place of a natural boundary, this award has given an unnatural boundary, which cuts Kutch through our territory. Therefore, they failed in presenting the case properly, they failed in asking the Tribunal to come to the site and see the things for themselves before giving the award.

The question is: what should be done? I say, repudiate this award. Certainly it goes against the will of the people, the declared will of the people. I have seen how the people of Kutch, the people of Gujarat, the people of the whole country, are feeling about it. If you want to implement it, you cannot implement it without an amendment of the Constitution. It is not a delineation or just fixing the

boundary. It is a clear case of transfer of territory. You can read the award. They say that these enclaves should be given to Pakistan because they will remove the causes of tension. So, there is no question of rectification of boundary and there is no question of delineation of boundary, but it is a clear case of transfer of territory. According to the Indian Constitution, you cannot transfer any part of the Indian territory without an amendment of the Constitution and, therefore, no action can be taken unless the Constitution is amended. And I am pretty sure that this Parliament and this country will throw out any such amendment of the Constitution.

There is a further remark that I would like to make, namely that some lessons have to be learnt out of this. The way things have been happening for some time past clearly show that Pakistan is our enemy, that China is our enemy, and they are active on our frontiers, and their agents are active within the country. I can well understand that the Communists stand for the acceptance of this award, because they have something in their mind. They want a similar arbitration for the territory which has been occupied by China and they want a similar arbitration for territories occupied by Pakistan in Kashmir.

I want to warn the Government that this support of the Communists is a very dangerous thing and let them think twice before jumping for that kind of support. We have to re-think and we must have a new look at the entire pattern of Indo-Pak relations. Pakistan is an enemy, and Pakistan will remain an enemy so long as it continues and so long as it exists in the present form. This is the basic fact of history and this is the basic fact of life, which the sooner our Congress leaders and Members realise, the better it would be for all concerned.

Therefore, I would submit that no kind of appeasement and no kind of surrender to Pakistan is going to win us friendship of Pakistan. Therefore, Government must change their present policy towards Pakistan. The only correct policy towards Pakistan is a policy of reciprocity, a policy of firmness. This kind of piece-meal agreements, agreement over the Farrakka bar-

rage, agreement on aviation, agreement on Kutch etc. are wrong. If Government want to have an agreement with Pakistan, let them have a package agreement. Let all the disputes be put together. Pakistan is only getting those disputes settled in which she is interested; the Indus waters Treaty was made because it helped Pakistan. Other treaties were made which helped Pakistan only. But wherever our interests are concerned, they do not want to enter into an agreement with us. Therefore, we should not have any piece-meal agreement with Pakistan. The whole pattern of Indo-Pak. relations that we have established for the last so many years must be changed. If we do not change it, then what has happened in Kutch may repeat. This has set a dangerous precedent. If Pakistan wants some territory, first she will put forward a claim because it does not cost anything to put forward a claim. Then, she will send her forces to occupy part of the area and then stay put there. When we try to push them out, she will attend to world opinion and say, let us have arbitration, and she will then take that area. This is a very dangerous precedent. I would submit that we should not follow it. We should not allow such precedents to be set at all.

Therefore, I say that this Kutch agreement is a warning. We should see that the whole pattern of Indo-Pak. relations that we have established for the last twenty years must change. Secondly, we must see that proper leadership is given to the country. Today, the people all over the country are saying that this Government has a Prime Minister but no leader. She is only a Prime Minister; in fact, I wonder whether she is the Prime Minister also or not. But she is no leader. The result is that here we have a Government which is weak, a Government which is neither feared by our enemies nor respected by our friends, a Government neither feared by traitors nor respected by patriots. Such a government cannot run the country. Today, we are faced with grave dangers, dangers of external aggression, dangers of internal disturbance and disruption, and the external enemies and internal enemies are working in collusion. In such conditions, it is very important that the nationalist forces should assert themselves and see that the country has a strong leader. The whole history

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bears this out that whenever in India our Central Government became weak and came in weak hands, fissiparous tendencies raised their heads in different parts of the country and our country was disintegrated.

I fear that a similar thing is happening in this country today. It is something which must make everyone of us, every patriot, and every nationalist to stand up and think where we are going. We must have a strong Government. I would make this appeal to my Congress friends. I know that many of them are patriots, not all of them.

AN HON. MEMBER: All of them are.

SHRI BAL RAJ MADHOK: Many of them are patriots. Many of them are nationalists. But they are all dumb-founded and they cannot speak out. I sometimes used to wonder why Bhishma was keeping silent when Duryodhana was doing all those mischievous deeds. But now I realise why Bhishma could not speak out. Here, we have the Government of Duryodhana, and a whole lot of Bhishmas are sitting opposite doing nothing. I would appeal to these Bhishmas that instead of repenting later, let them do something now. It is not their question only. It is a question of the whole country. If the country goes to dogs, where will the Congress, the Jan Sangh and other nationalist parties be? Today it is not a question of the Jan Sangh or the Congress. Today it is a question of the nationalist forces and anti-national forces. Anti-national forces are out to disrupt the country, they are out to destroy the country. They want to destroy the unity of the country and to bring about chaos and anarchy in the country, and to undermine the democratic values of the country.

In such a situation, it becomes very important that the nationalist elements should come together. They should sit together and work in unison. We may have our differences in economic matters, in social matters, but on one matter, we do not disagree. We are all one that this country must remain one, that this country must remain united, that this country must remain democratic. We must have democracy and we must have unity. On these two questions, there is no difference of opinion. As

I said, there are people who are out to disrupt the country and destroy democracy here. I am very sorry to say that in this destruction of democracy, this Government is acting as an active agent, as a catalytic agent.

I do not mind Ministries coming in or going out. But look at the way things are being done. What happened to UP? The Governor says 'the Constitution cannot be worked, but I want to give time'. For what? There may be a reorientation of political affiliations! I ask: can there be a more immoral thing than this? Can there be a more unethical thing than this? If the Constitution cannot be worked, dissolve the Assembly. They dissolved the Assembly in West Bengal, they dismissed the Ministry and dissolved the Assembly in Haryana. They should have dissolved the Assembly in UP also. This argument that we have to elect Members for the Rajya does not click. We have to elect members from West Bengal also to the Rajya Sabha. If they are not elected now, they will be six months later. So this is not an argument that can be advanced for the decision taken in regard to UP. The real thing is that they want to give time to the Congress to have some defections from the other side, to have some horse-trading.

If the ruling party, which has a special responsibility in establishing and following democratic conventions behaves in this way, I ask, where will be respect left for the Constitution? Where will be respect for the President who is the symbol of the whole country, who should not have been made a party to such matters? But they are bringing the President into disrepute, they are bringing the Constitution into disrepute. They are undermining the very values of democracy, though they swear that they have come to power to uphold and sustain it.

Therefore, I say on all counts this Government has failed to deliver the goods. It has failed to protect the sovereignty of the country; it has failed to protect the integrity of the country; it has failed to protect the honour of the country.

Our jawans are fighting on the frontiers. But within the country we find that the

national flag is being burnt and trampled under foot. I ask : what have you done to those people who have dishonoured our national flag? Did you ever think what effect it will have on the morale of our soldiers who are guarding our frontiers? They are fighting there, they are standing guard to defend the honour of the flag. But within the country, you cannot do it.

What are the laws for? Have you not enough laws to deal with this situation? We have been demanding time and again for the enactment of a law defining treason. Anyone who dishonours our flag is a traitor, and treat him as a traitor and give him the maximum punishment. But what have you done about it? These are matters on which there is no difference of opinion among all parties, among all nationalist parties. We must all come together and do something to set things right. But for this purpose, the Congress must realise that it alone cannot do this. Today the Congress is one of the parties, and not the party, in the country. To tackle these problems, it must work with the others. This Government must go and there should be a National Government, a Government which can command the confidence of the people, which can have the respect of the patriots, which will be feared by the traitors. We want such a Government to meet the challenges we are facing.

Before I conclude, Sir, let me sum up and say that this Kutch award must be repudiated because the Tribunal has transgressed its authority, it has gone beyond its terms of reference; the award is not judicial but political; and it is not a unanimous award. On these grounds, it must be repudiated. If you want to do anything else about it, you must come before Parliament. You must amend the Constitution. Without amending the Constitution, you cannot proceed.

Let me sound a note of warning: even if you think that you can get this thing through with the help of your majority or

with the help of the Communists, the country is not with you. The country will stand up against any such bargaining of national integrity, national honour and national sovereignty. In a democracy the people are the ultimate masters, and the ultimate masters demand that you repudiate the agreement.

SHRI SANT BUX SINGH (Fatehpur) : The entire House—every party inside the House—and the people of this country are greatly concerned today about the implications of the judgment of the Kutch Tribunal. Prof. Madhok has given a very lucid statement. We agree that when there is a question that concerns the entire country, we all have to sit together and not make a party issue out of it, but to look at it in terms of national interest, and not bring it down with something narrow and trivial.

Many of us have searched our hearts, many of us have looked at a great many papers and documents. We cannot be misled when it comes to taking a decision, a decision in front of our people, a decision in front of the whole of this world. So, through you, Sir, I would request this House to look at the agreement and to examine its implications. We are not committed right now to anything. There can be reasons by which the agreement can be repudiated. Let us not take it for granted that this is the word of God or that any party is committed to implementing the agreement. However, if we have to consider that, we have to consider it in cool logic, in rationality, so that we can defend our action to the nation and the international community.

There are four aspects from which this whole thing should be viewed. The very first is the reference to the tribunal. Prof. Madhok pointed out at a certain stage that the Kutch issue illustrates the whole of the Indo-Pakistan issue. When the Third Lok Sabha sat and decided to confirm the reference to the Tribunal, Prof. Ranga said, in August, 1965 : It is with great sadness that I accept this reference to the Tribunal." He stopped, and asked a question, "But, was there any way out?" That is the crux of the matter.

In 1965, when the Pakistanis broached the area of the Rann of Kutch, it was a part of a much larger design. That design was to make our forces move from the Punjab border into the Rajasthan border, and then when they attacked Kashmir, for us not to have a way of fighting them back in Lahore. There are some statements extremely significant made at that time by the Pakistani representative at the United Nations, Mr. Amjad Ali. He said :

"A just and equitable settlement of the Kashmir dispute lies at the root of the present trouble (the Kutch trouble)".

12.40Hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Far more clear was Mr. Bhutto in London at that time, and he said :

"The Rann of Kutch has grown out of proportion. It is not a dispute *per se*. It forms a part of a much bigger issue. The heart of the Indo-Pakistan issue lies in the Srinagar valley."

Here we have got completely unambiguous words, Pakistan had a grand design to keep our forces engaged in the swamps and marshes of the Rann of Kutch and then to attack Kashmir. Let us consider coolly today whether it was right for us to have kept our forces on the Punjab border, to have repelled the Pakistani attack in Kashmir, to have got them to refer this entire matter to an international tribunal. Pakistan was not inclined to go to an international tribunal. There, too, I think that by making them withdraw at that time and by making them go to an international tribunal we did achieve something, because if you look at what the Pakistani press said about reference to the tribunal it becomes evident. Here is the Pakistan Radio which at that time said :

"There have been awards and agreements before, which India has shamefully flouted and we may recall that while Pakistan has handed over all disputed enclaves, India has not. That is what she is going to do this time.

Surely, we shall have another ugly situation."

With this situation we went to the international tribunal. Let us remember that whatever is said about the British design or myopia, at that time in our country there was one country whose friendship could not be questioned in the Indo-Pakistani context—the Soviet Union—which congratulated and welcomed our going to the Tribunal. Once we went to a tribunal, there was no question of our saying: we shall accept the award only if it is in our favour. Why should Pakistan have gone to the tribunal then? Why should the judges have sat to come to a judgment? Much has been said about the presentation of our case. It has been said that we were not properly represented. I should like to draw the attention of this House to a statement made by Mr. Chaglia where he says that an abler body of lawyers could not have put the case of India better. Let us also look at the two teams that were sent from both sides. While persons of the lowest rank that we sent were members of our Law Commission, if we look at the Pakistani team, we find that it appointed as experts a certain Mr. Enver Adil Commissioner of Family Planning. There was also another Mr. Basheer Ahmed who was the Boundary Tahsildar, Board of Revenue. These were the experts who were presenting the Pakistani case. Our case was presented as best as anyone can do. Anyone who has gone through the findings of the tribunal will see that encyclopaedic references were made to our lawyers and our team of officers did a very good job. It is forgotten that whatever we politicians might have done, our lawyers and officers clipped the wings of the Tribunal far more than the wings of any other international tribunal have been clipped. I should like to draw the attention of the House to the terms of reference given in page 9 where the Tribunal says :

"An international Tribunal will have the wider power to adjudicate a case *ex aequo et bono*, and thus to go outside the bounds of law, only if such power has been conferred on it by mutual agreement between the Parties."

It was our team of lawyers that prevented it, and the Tribunal had to accept :

"Therefore, and as the Parties have not by any subsequent agreement consented to confer the power upon the Tribunal to adjudicate *ex aequo et bono*, the Tribunal resolves that it has no such power."

When we come to the dispute, let us not enter into political considerations. The Tribunal has judged the situation as it existed before 1947. Events subsequent to 1947 have not been taken into account. Therefore, for anybody to say that something wrong was done by us or something was lacking in our activities and so the Tribunal has decided against us—would be completely unfair. Let us look at the records. We find that from 1875 right down to 1945 there was a border dispute between Sind and the erstwhile State of Kutch. Let us not ignore it or close our eyes. Let us not be blinded when we have to come to a judgment. From the conclusion to which the Tribunal has come, we see that India's stand has been vindicated. Out of 9,000 sq. miles of the Rann of Kutch and out of 3,500 sq. miles that Pakistan claimed, how much did it get? It has found that some pockets—continuously controlled by their police, their customs, through grazing and even settlements in certain pockets—lay in Pakistan. It is not a matter of any part of our territory being awarded to them.

Of course, the whole of the land of India is sacred, but it is on the sacred land of India that Pakistan is built. It is in Pakistan that Mohenjo Daro is; it is in Pakistan that Taxila is. We cannot say that sacredness stops at one point and non-sacredness starts at another point.

The partition between India and Pakistan was not a natural partition. It was a man-made partition. There were points of dispute, and these points had to be settled. There was no question of Radcliffe having decided about an area or boundary, because at that stage, Kutch had not acceded to India. We have been to tribunals before. There was the Radcliffe tribunal; there was the Bagge tribunal; and going to a tribunal this time was equally fair. On what ground do we question the verdict of this tribunal?

Any person who can come out and prove that the Swedish judge was either unfair or corrupt would do a tremendous service to this country. Let him come out with the facts, and with instances. Let there be a *prima facie* case. Let us not go round saying that the man is dishonest just because we like to think of him as having been dishonest. Here is a person who was appointed by U Thant, whose partiality has never been shown or hinted at. He was a person from a country which has been neutral in international affairs. He was a person from a country which had no axe to grind either on our side or on the side of Pakistan.

Let us again refer to some of the words—

SHRI HANUMANTHAIYA (Bangalore) : Sir, may I make an appeal to my hon. friend not to go into the legalistic arguments and contradict the very stand the Prime Minister has taken? The Prime Minister herself has taken a stand. He is over-arguing the case.... (*Interruption*).

SHRI SANT BUX SINGH : I was going to refer to a much-quoted and much-interpreted statement of the tribunal.

SHRI J. B. KRIPALANI (Guna) : May I suggest, let nobody be eloquent about the loss of our territory? (*Interruption*).

MR. DEPUTY-SPEAKER : Order, order.

SHRI SANT BUX SINGH : I come to the much-quoted statement which has been repeated again and again. Here is what the Tribunal says :

"The ultimate determination, therefore, is both difficult and in exceptional measure, dictated by considerations which do not heavily outweigh those considerations that would have motivated a different solution."

This was the principle enunciated. The Tribunal has said that this was a very vexed question. What has the tribunal

[Shri Sant Bux Singh]

decided actually. Here is what the tribunal has said :

"In respect of this sector of the Rann in relation to which no specific evidence in the way of display of Sind authority or merely trivial or isolated evidence of such a character supports Pakistan's claim, I pronounce in favour of India."

So, wherever there was a doubt we got it. Are we going to repudiate the judgment which gives and makes it clear for all time that the Rann of Kutch belongs to us? On what grounds are we going to repudiate this?

How are we going to put this into effect? This House can bind the Prime Minister, but let us be clear that there are only two methods by which the award may be repudiated. First, as I said, let there be a son of India who can come and prove that the judge was corrupt, or secondly, let us take a decision that we will go to war. Let this House resolve that we will risk a war with the whole of the world against us: we will smash Pakistan; we will smash Sweden and we will smash any other country. Let us not be lighthearted. Let us choose clearly and let us know what we are recommending.

I would submit, last of all, that every inch of this soil is sacred; every yard of this soil is sacred. But equally, Sir, the blood of every Indian is sacred. No one has a right on a false claim, and on conjectures and on surmises, to take away the son of any mother, to widow any woman, merely because there is emotionalism in the House. Let us put the claims of Indian life against the claim of the soil we have. Let us balance one against the other and if we are clear in our conscience that it is worth going to war, let us go to war. Let this House decide whether we should go to war.

Prof. Madhok mentioned Bhishma. Let him remember that when Bhishma's words were pitted against the Lord himself, it was Bhishma's words which carried. If we want to be the descendants of Bhishma, Karna or Rama, India must stand by its word. We must not be a nation which

repudiates agreements, and casts aspersions on international bodies. What would we look like if we do that? Of course, when we fight for a principle, we would fight to the last man. But let somebody come out with the principle. Let somebody come out with the evidence, before endangering the honour of this country and the lives of its citizens.

SHRI PASHABHAI PATEL (Baroda): Sir, this surely is a day of infamy for India. It is a saddening thought that in India, whatever we win on the battlefield by the sword we give away on the conference table. Every time our friends across have lost it for us.

MR. DEPUTY-SPEAKER: Order, order. There is a rumbling noise all round. Hon. Members are talking loudly.

SHRI NATH PAI (Rajapur): Respect is to be commanded; it is not to be demanded. Attention is to be commanded. You cannot force us into that.

MR. DEPUTY-SPEAKER: Do you claim privilege to talk when another hon. Member is speaking?

SHRI NATH PAI: I never talk; I wish to listen to what the member says.

SHRI PASHABHAI PATEL: Sir, this country would like to see our friends opposite hang down their heads in shame for having sold this country down the river in the way they have done. This is not the first time they have done it. They have done it every time. I hope this would be the last time they have done it. I am standing here to see that they are prevented from doing this kind of thing in future.

The story of Sind is a chain of betrayal from beginning to end. Sir, with your indulgence, may I read a few lines about the historical background about the Kutch issue? Way back in 1763, Mir Koloro of Sind invaded Kutch and Bhuj, because he thought it was a good land. At that time it was not a desert. It was blooming with crops and rice and wheat used to grow there. When Mir Koloro invaded Kutch, the Kutchis stood up and defended their soil in a way which behoves men. A hundred thousand Kutchis either lost

lives or were wounded and Mir Koloro was driven back with great chagrin. The Mir stopped the waters of the Eastern Nara river from flowing into Kutch. This is how the Rann of Kutch came into existence. Kutch is a place where there is no rainfall. Its water came from the Nara river and when the Mir of Kutch cut off the waters of the Nara river, the territory became a desert.

As far as the border of this desert is concerned, I would like to point out that instead of having this decision taken in Switzerland or in Delhi, if these gentlemen had gone to Kutch, they would have seen that there is a natural border of sand dunes between Sind and Kutch. It is similar to the Himalayas. Supposing somebody sitting in Switzerland or somewhere else says that on this side of the Himalayas, there is the border of Tibet of China, a similar kind of thing has been done in Kutch by some gentlemen sitting round a conference table in Geneva.

I am sorry to say that our lawyers who claim to have pleaded our case did not do it well enough. They did not produce the maps which the British Government had already accepted as the right maps establishing the boundary between Sind and Kutch.

These maps are somehow or other, strangely, missing from our records. Under the circumstances, there has been a great betrayal of the trust that this House put and the Benches opposite have been enjoying for the last twenty years. I would say to them that you have sat too long on those Benches. For Heaven's sake, go before you do more harm.

It was in 1960 that our Defence Minister agreed to this question of arbitration. Every time the history of arbitration in India has been a history of betrayal. Have they won a single case of arbitration, I would ask my hon. friends opposite? Can they point out a single case where having gone for arbitration India has won? Every time we have lost. But even if we have lost, we have to abide by the arbitration award when we have accepted arbitration.

In this case, there are certain parts of the arbitration which is an award and there are certain parts which the Tribunal has offered to us as advice. These pieces of advice I would ask Government to look into carefully and find out how much of that advice it is proper for us to accept and how much of it we have to contest. This portion which forms the advice of the Tribunal, the most important part of it, I would say must be gone into thoroughly.

Before I come to that, may I, Sir, take the time of the House to give a few historical facts about Kutch and the territory in question. It was as far back as in 1763, as I said, that Mir Koloro attacked Bhuj. He had an avaricious eye on the vast fields which produced rice and wheat in Kutch. He was driven away. Hundreds of thousands of Kutchis fought vigorously and drove him away. He went away but he cut off the waters of Nara. The result was that Kutch instead of being the garden of India became a desert. After that, in 1818 or 1819 there was a great earthquake and the land rose by five feet. It is known as Allah-jho Bund. The Sindhis call it God's-own-Bund. It made it impossible for the water from that side to come here.

Today they have an argument that some of these parts which are being surrendered to Pakistan were claimed by Pakistan because Pakistani sheep were grazing on the land in these parts and we did not do anything about it. Here I would like to ask my hon. friends opposite what they were doing all this time when our own territory was open to the opposite side and their shepherds were able to come in and allow their sheep to graze which ultimately enabled them to put in their claim for that land. It is a strange claim, but I understand such claims are legally accepted. I know myself of a little piece of land in Baroda where I had a dispute with another man. That man came and planted a mango tree in that land. At that time I did not notice. In the court he said that he had planted a mango tree and therefore the land belongs to him. The court awarded the land in his favour. That way I can understand the Pakistanis laying their claim on this land because their

[Shri Pashabhai Patel]

cattle were grazing there. For six months of the year the land is not approachable from any part because it is flooded with sea water. Under the circumstances the Ruler of Kutch may not have guarded his border very well. But what is the justification for our hon. friends opposite, during all these twenty years, not to have guarded that border of our country and allowed cattle from the other side to come and graze here so that they can claim it later? Are we going to do the same thing with Tibet, with China, with Pakistan and in Kashmir?

Sir, it has been a chain of betrayals all along. I do not know for how long we are going to have these gentlemen to continue betraying the country. The time has come when we have to make a stand somewhere and this is the time for that.

We cannot fight it out. Therefore, I would like to ask them one thing. What are they going to do to take steps to prevent further aggression on our territory? Kutch is a desert. If water is brought into Kutch and this desert is watered, the salt would be washed off and the land would become productive. In other words, it would become a settled land. For that there is a way. I do not know if my friends opposite would be prepared to do it. If they simply sanction the scheme of Narmada canals the water of Narmada could be taken to the Rann of Kutch and the desert would bloom again.

I do not know what is coming in the way of doing that, because the river Narmada is there and the water of that river is running into the ocean and we have done nothing for the last 20 years. We have made big projects all over the country but, so far as the Narmada is concerned, this, the greatest river in India, is flowing to the sea, flowing down the drain without any benefits to anybody.

MR. DEPUTY-SPEAKER: The hon. Member may continue his speech after lunch. We will now adjourn for lunch.

13.1Hrs.

(The Lok Sabha then adjourned for lunch till Fourteen of the Clock).

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

MOTION OF NO-CONFIDENCE IN THE COUNCIL OF MINISTERS—

(contd.)

SHRI PASHABHAI PATEL: Sir, as I was saying before we broke for lunch, our friends across are daily bartering away India's freedom and property in a most irresponsible manner and instead of hanging their heads in shame or leaving those benches where they are doing this mischief, they continue to do the same all along and are feeling happy about it. But this Kutch has been a betrayal of an order beyond all others.

There is a natural boundary, as I said, on the north, west and east of the Rann within which this Kutch and its territory, which belonged to Gujarat, Kathiawad and Kutch, fell. This tribunal, I am afraid, has exceeded its terms of reference in tendering to us gratuitous advice on what we should do and what is fair for us. They were asked to decide what was the truth. They had to decide the boundary as it was and not to say that the boundary should be this way or that. In this much I am thinking that the tribunal exceeded its authority and I would request the Government, which is responsible for handing over our case to this tribunal on a platter, to refer it to a judicial authority like the Supreme Court of India or any other legal authority which is acceptable to the world. I do not want their advice. Let them say, this was so and we will accept it. When they say, it should be so, this is a part which we cannot accept. For that, I request my friends across to think twice before they ride roughshod over Indian territory which does not belong to them personally. It is Indian territory. They have no right to hand it over to others. If they do so, it is for the public of India to decide how long they will sit on those Benches. I would say, they have sat there too long already and, for the mischief they are doing, for heavens' sake, go before it is too late. Supposing the northern boundary of Kutch, the eastern boundary and the western boundary is covered by sand dunes, and they say now, Pakistan may come inside that? Supposing they ask

Chinese to come inside over the Himalayas and occupy some territory in Uttar Pradesh, what will my friends opposite say? I want to know that.

It is very easy to part with somebody else's property, take it lightly and be friendly and smooth about it. (*Interruption*). If you look at the map, you will see that under the Award, some parts of Kutch are being given away to Pakistan in a grand and friendly and generous manner which will bring Pakistan within 10 minutes of bombing distance from my home town of Baroda and I am not going to take it lightly. I have to think of these things.

We are inviting the enemy into our territory, into our border. I would like to say that this is the time to protest and, if our friends across, do not stop here, I do not know where they will stop or when they will stop.

SHRI K. N. TIWARY (Bettiah) : But your leader, Rajaji, has said that it should be accepted.

SHRI PASHABHAI PATEL : I know more about Rajaji than you do. Rajaji has said that the Award should be accepted but not the advice which has been given to us gratuitously. Please make this difference if you understand English.

I say, already a lot of mischief has been done and I would like to know from our friends opposite where they are going to stop, if at all. If they do not stop, it will be for the people of India to stop them one day but that day may be late itself. They should stop before they betray and deliver this country into the hands of outsiders as they have done. Every time, what we win at the point of the sword, we lose at the conference table. It is a matter of shame for our friends across who go to the conference table. If they go to arbitration, they should make out the case as it should have been made. Last time,

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when they went to the tribunal, I understand, the original maps of Sind and of Kutch which were settled by the British Government, the Government of Sind and the Government of Bombay, were not with them—they did not find these maps—and they put up any kind of evidence. No wonder we lose on every conference table and in every tribunal award.

As far as this is concerned, I would like to say that award we will accept but, in this report, if you read page after page, there is gratuitous advice given. The Tribunal was not appointed to give us advice. It was appointed to give an Award on facts, not what it should be but what it was. As to what is should be is not their business. It can be decided by a joint conference of Pakistan and India, if necessary. There is no business for this Tribunal to give us gratuitous advice. We did not pay them for that or appoint them to give us gratuitous advice. Generally, this country is unfortunate in this, that everybody in this world is in the habit of giving us advice. Can't we stand on our own?

AN HON. MEMBER : We always give advice to others.

SHRI PASHABHAI PATEL : Yes. We have always been giving gratuitous advice to the whole world and the result is that we get paid back in the same coin. (*Interruption*). Why do they laugh and smile on this issue? They should be hanging their heads down in shame. There is nothing for them to laugh about; this is a thing of which they should be ashamed—I am using only mild language; I have not got strong enough words to use against them.

Coming back to this question of Kutch, about the part which is an Award, let us ask the Supreme Court of India or any other well-constituted legal authority to decide what portion of this book is an award on facts and what portion is advice.

[Shri Pashabhai Patel]

Let us accept the Award as it is given because our friends across have made a mess of it.

We will accept that part with sorrow and shame; we will accept it because it is an award. But let us separate those things in which the Tribunal has given gratuitous advice and tell them that it is not their business to give us advices. We are not here to receive their advices. We have already received so much of advice that we are fed up with advice. We do not want any more advice from anybody. Let this be made very clear.

Coming back to Kutch, there is a practical thing. I could speak for hours on the historical background of Kutch and say that it is connected with us. I may say this. There was a time when there was a special Road Engineer by name Shri Bhai Lal Bhai Patel. He is my leader in the Swatantra Party in Gujarat. He was a special Road Engineer in Sind in the days of the British and he projected a road from Karachi to Ahmedabad. When he was surveying Kutch, he found that this area, Kutch, was supposed to contain oil and other mineral wealth and he wanted to build a road. That scheme was there, but in the meantime Independence came and we have been busy with the other things. That scheme remained only on paper. If this road had been built, the whole story today would have been different because the road was projected on our claimed border of Kutch; that road would have been the border of Kutch. Since that road is not there now, the whole trouble has been created.

Do the hon. members know that the boundary was established in the British days between Kutch and Sind when Sind was in Bombay Province and Kutch was an Indian State. At that time, another Patel, Shri Joita Bhai Patel, a relative of mine, was the man who was surveying this boundary and the boundary was settled and pillars 12' × 12' in area, were raised; stone pillars and masonry pillars were raised to demarcate the boundary. After Indepen-

dence, we were busy in New Delhi with the other things and nobody cared where the Kutch boundary was. It should be said to the shame of this House that we never looked at the boundary and the Pakistani people came and dug out those pillars 12' × 12' with a height of 15'. That boundary was erased by the Pakistanis. . . . (*Interruptions*)

Coming to the practical question of Kutch and the mess they have made of it, I have a practical suggestion to make. As you all know, 'Rann' means 'desert'. Before this Rann of Kutch became a desert, it was a lush garden and the waters of the Indus and the Nara used to flow into Kutch. When Mir Koloro of Sind invaded Kutch because it was such a lush territory, the Kutchis rose like one man, thousands and thousands of Kutchis died in the battlefield and drove him out. This man, out of his anger, cut off those canals. He built bunds and later on, there was an earthquake and the land rose by 5 ft. They call it Allahjo Bundh, i.e., God's Bundh. God created a bund between Sind and Kutch. That bund is there and due to that, the waters from the rivers stop flowing into Kutch. The sea water flows into the Rann of Kutch. For six months the land is submerged in salt water. The result is that it has been turned into a desert. Now, there is a way out of this. Instead of going over what has been lost by our friends over there, I would say, let us look at it constructively and do something. I appeal to them to listen to this seriously because some part of the mischief may be undone. There should be two little bunds built, so that the sea water does not enter from Kolikhadi and Kandla Port. Building these bunds may cost Rs. 5 crores. These bunds—if they are built 10 miles across—can stop the sea water from coming into Kutch. Then, if they have the long-delayed scheme of the canals of the Narmada put into execution, the waters of the Narmada will go into Kutch and wash the salt away and Kutch can again become a green lush

piece of land. I am not suggesting this canal scheme in any light-hearted manner. This is a very serious matter. This is the only way in which this hinterland of Kutch can be again peopled by agriculturists, by people who will grow a crop there. I assert this in all seriousness. You will be surprised to know that if the canal goes there, at least three million tonnes of grain can be grown in Kutch, and there will be a community of agriculturists there who will make this Kutch, which is our vital border in that area, once again a well-populated territory.

I do not want to blame these people opposite more than I have done already, and I know that if I say more on this, it will have no effect on them....

AN HON. MEMBER : They are thick-skinned ?

SHRI PASHABHAI PATEL : They are completely impervious to what is said. Here, I am offering a suggestion, which if they take seriously—I hope they will though I do not know how much hope there is for this—they would in some way wash the sins of their commission....

AN HON. MEMBER : What about the no-confidence motion ?

SHRI PASHABHAI PATEL : Is it not true that in 1960 our Defence Minister—he is not here to listen to what I am saying; so, what is the good of my saying this now....

AN HON. MEMBER : It does not matter. He may go on.

SHRI SHEO NARAIN (Basti) : The Prime Minister is here.

SHRI PASHABHAI PATEL : Is it not true that in 1960 our Defence Minister went to Karachi and committed us to this tribunal and all that ? He admitted that there was a dispute whereas actually there was no dispute and the boundaries of Kutch were so clearly marked. I think there was a wall there, or there were sand dunes which were as good as a wall. It is just as in the case of the Himalayas which we have never doubted as a boundary on the northern, eastern and western borders; likewise,

in the case of Kutch also, there was no dispute, but our Defence Minister committed himself to a dispute and this is the result that we are enjoying today. If nothing else, if all those gentlemen sitting opposite are not going to ask this Government to resign and get them out of office, at least let them obtain the resignation of the Minister who was responsible for it.

Coming to the report of the tribunal itself, I would submit that those parts of the report which are not award but which are only advice should be clearly examined and decisions taken accordingly. Also, before accepting this award, will our friends from the Congress take some steps to see that all the awards which have been given in the past have been fulfilled by Pakistan ? Every time it suits Pakistan, they accept it; every time it does not suit them they just ignore it and we coolly go on sitting here and making fine speeches and having parties and dances and dinners. I would like once again to appeal to our Congress friends to examine how many awards between Pakistan and India have remained unfulfilled, and to see that before we accept this award, they do something in regard to the unfulfilled awards which are still pending in the past file of ignominy of the Benches opposite.

श्री मनुभाई पटेल (डमाई) : उपाध्यक्ष महोदय, कच्छ एवार्ड के बारे में आज सारे देश में लोगों की भावना बड़ी उग्र है, और उसमें भी ख़ास पर से गुजरात के लोगों की भावना सबसे ज्यादा उग्र है क्योंकि कच्छ का जो एवार्ड आया है, वह टेरिटरी केवल गुजरात की ही नहीं बल्कि भारत की है। फिर भी गुजरात के लोगों की भावना बड़ी उग्र है। आज जब हम यहां पर अविश्वास के प्रस्ताव के बारे में चर्चा कर रहे हैं तो इसको किसी भी पक्ष का सवाल बनाए बग़ैर, राष्ट्र के हित में इस सवाल पर हमें सोचना होगा। . . .

श्री मधु लिवेय (मुंगेर) : आप राष्ट्र के हित में वोट करेंगे।

श्री मनुमाई पटेल : लेकिन उपाध्यक्ष महोदय, इस अविश्वास के प्रस्ताव पर जो विरोधी दल संयुक्त हो रहे हैं उनमें एक दूसरे के अन्दर ही अविश्वास है। अविश्वास के प्रस्ताव को रखते हुए मधोक साहब ने कम्यूनिस्टों के लिए खुलम खुला कहा कि ये बहुत एन्टी नेशनल हैं तो फिर अविश्वास के प्रस्ताव पर खड़े होने के लिए क्यों सबकी सहायता ली? सब को साथ में खड़ा किया और उन को डिस्ओन कर दिया है कि वह तो एंटी नेशनल हैं। कई ऐसे सवालों पर यूनाइटेड फ्रंट करना पड़ता है और मेरा कहना है कि इस तरह से एंटी नेशनल लोगों का सहारा लेकर और मदद लेने का काम हमारे मधोक साहब ने किया है (ब्यवधान) एंटी नेशनल कम्युनिस्टों को बगल में लेकर वह घूमते हैं उन को ही सहारा देते हैं।

स्वतंत्र पक्ष की ओर से अभी जो माननीय सदस्य ने तकरीर की तो उन्होंने कहा कि हम एवार्ड को स्वीकार करते हैं लेकिन एडवाइस को अस्वीकार करते हैं।

स्वर्गीय शास्त्री जी ने जब एप्रीमेंट किया था और सन् 1965 में यहाँ वह प्रस्ताव स्वीकृति के लिए रक्खा गया था। वह इस सदन में बोटिंग के लिए पेश हुआ था और 269 वोट उसके पक्ष में पड़े थे और 28 उस के विरोध में पड़े थे। इस तरह उस समय यह एप्रीमेंट संसद् द्वारा स्वीकार किया गया था। उस अवसर पर स्वतंत्र पक्ष ने उस का विरोध नहीं किया था तो आज वही स्वतंत्र दल वाले कैसे इस बात को कह सकते हैं कि एवार्ड के एक हिस्से को हम स्वीकार करें और दूसरे हिस्से को हम स्वीकार न करें? लेकिन फिर भी मैं इस बात की गहराई में इसलिए नहीं जाना चाहता हूँ कि अगर एवार्ड के गुण दोष पर चर्चा करनी होती तो हम कई बातें कह सकते थे। ट्रिब्यूनल के चेयरमैन का जो एक एटीच्यूड था उस के बारे में कुछ बातें

करनी हों तो मैं कह सकता हूँ कि उनका एटीच्यूड पहले से हमारे भारत देश के बारे में अमहायक था। चेयरमैन का रख सहायक रूप में नहीं था और जैसा मैंने कहा उनका रख भारत के प्रति असहायक रहा। उन्होंने जो एवार्ड दिया है उस के बारे में भी हम कह सकते हैं कि छाड़बेट के बारे में उन्होंने जुरिस्टिक्शन का सवाल लिया लेकिन सन् 1926 से लेकर अभी तक, 40 साल तक कच्छ का महाराव घास टैक्स वहाँ के लोगों से वसूल करता था लेकिन उस एविडेंस को ट्रिब्यूनल ने नहीं माना।

एवार्ड के गुणदोषों के बारे में हम काफी कुछ कह सकते हैं लेकिन सवाल हमारे सामने यह नहीं है कि एवार्ड के गुण दोषों में हम जायें। सवाल तो यह है कि मामला जिसको कि एवार्ड के लिए हम ने उस ट्रिब्यूनल को सुपुर्द किया था तो उस के बारे में जो टर्म्स आफ रैफ़ैस थीं उन टर्म्स आफ रैफ़ैस में हम ने उस समय यह स्पष्ट स्वीकार किया था :

"The decision of the tribunal referred to in three above shall be binding on both Governments and shall not be questioned on any ground whatsoever. Both Governments undertake to implement the findings of the tribunal in full as quickly as possible and shall refer to the tribunal for decision any difficulties which may arise between them in the implementation of its findings. For that purpose, the tribunal shall remain in being until its findings have been implemented in full".

ऐसी हालत में मैं नहीं समझता कि आज उस ट्रिब्यूनल के एवार्ड के गुण दोषों के बारे में जाने या उन की चर्चा करने से कोई मकसद हासिल होगा, कोई उसका यूज़फुल परपज होगा। सन् 1965 में उस एप्रीमेंट पर हमारे देश की ओर से और इस पवित्र सदन की ओर से हमारे प्राइम मिनिस्टर साहब ने दस्तखत किये थे और हम ने उसको स्वीकार भी कर लिया था। अब ऐसा करने में यदि हम

से गलती हुई, मान लें कि ऐसा करके गलती की तो गलती उसी समय हो गई थी। लेकिन मैं नहीं मानता हूँ कि गलती हुई थी क्योंकि अन्तर्राष्ट्रीय मामलों में भारत की जो नीति रही है, जो राष्ट्रीय नीति रही है वह खूब सोच समझ कर रखी जाती रही है और सन् 65 में भी जो हम ने एग्रीमेंट किया था वह कोई बगैर सोचे समझे या अलग कोई एक निर्णय नहीं था।

सन् 1960 में यह तय हुआ था कि यदि आपकी बातचीत से यह मामला हल नहीं हुआ तो सन् 1959 के एग्रीमेंट के अनुसार यह मामला हमें ऐवार्ड के लिए ट्रिब्यूनल को सौंपना पड़ेगा। इसके भी पहले 22 दिसम्बर सन् 1949 को स्वर्गीय पंडित जवाहरलाल नेहरू ने युद्ध न करने के करार के बारे में ऐलान किया था और उस समय कह दिया था कि कैसे भी झगड़े हों, उन्हें हम मंत्रणा से, मध्यस्था से, परस्पर समझौता बातचीत से या अन्तर्राष्ट्रीय संस्था के माध्यम द्वारा हम उसे हल करेंगे। इस तरह हम देखते हैं कि सन् 1949 से लेकर सन् 1965 तक जो बातचीत, मंत्रणा आदि का सिलसिला चला वह हमारी परराष्ट्र नीति के अनुसार चला और जो भी हुआ वह बिलकुल कांस्टीट्यूशनल काम हुआ है। इस के इलावा उस का दूसरा विकल्प भी क्या है? क्या हमें लड़ाई करनी है युद्ध करना है?

एक माननीय सदस्य : हाँ, युद्ध करना है।

श्री मनुभाई पटेल : अब अगर युद्ध करना है तो जाहिर है कि उस के लिए देश में मौजूद सभी दलों में विचारों की एकता होनी चाहिए। आज विभिन्न राजनीतिक दलों में विचारों का टकराव है। आज मैं देखता हूँ कि राष्ट्रवादियों में यह जनसंघ की आइडियोलॉजी और स्वतंत्र पक्ष की आइडियोलॉजी में टक्कर है। इन दोनों राष्ट्रवादी दलों के बीच में काफी

अन्तर विद्यमान है (**श्रीबघान**) मैं यही कह रहा था कि स्वतंत्र पक्ष एक अपने दृष्टिकोण से इस अविश्वास प्रस्ताव के साथ जुड़ा हुआ है और जनसंघ का अलग दृष्टिकोण है। सभी विरोधी पार्टियों के दृष्टिकोण में अन्तर है, एक दूसरे से मिलते नहीं हैं लेकिन राजनीतिक स्वार्थ के खातिर इस अविश्वास प्रस्ताव से जुड़ी हुई हैं।

(**श्रीबघान**) मैं यही कह रहा था कि यह विभिन्न राजनीतिक दल जो कि आज इस अविश्वास प्रस्ताव के पीछे जुड़े हुए हैं वह एक स्वार्थी दृष्टिकोण को लेकर और एक राजनीतिक लाभ उठाने के लिए इस अविश्वास प्रस्ताव के पीछे जुड़े हुए हैं वरना जैसा मैंने पहले कहा कि जनसंघ के दृष्टिकोण में और दूसरे पक्षों के दृष्टिकोण में काफी अंतर है और वह हमारी राष्ट्रीय नीति में प्रतिबिम्बित होता है। इसलिए मैं कहूंगा कि पड़ोसी देशों के साथ ऐसे जब झगड़े हमारे आ जायें तो हम क्या करेंगे। यह तो ठीक ही है कि जहां तक हमारी सावरेनिटी का सवाल है, जहां तक टैरीटोरियल इंटेंग्रेटी का सवाल है उस पर हम कोई कम्प्रोमाइज़ नहीं कर सकते हैं और उसकी हिफ़ाज़त के लिए अगर लड़ना भी पड़े तो हम लड़ने से भी नहीं हिचकिचायेंगे। लेकिन यहां यह याद रखने की बात है कि जब 1965 में कच्छ पर हमला हुआ था तो वह कोई उसी दिन हमला हुआ हो ऐसा नहीं हुआ था। वह ऐवार्ड की मेरे पास एक कोपी है उस में कहा गया है :

"From July 1948 and onwards, Diplomatic Notes were exchanged between the Governments of India and Pakistan concerning the boundary between the two countries in the Gujarat-West Pakistan region. The dispute led in early 1965 to a tension which ultimately resulted in the outbreak of hostilities in April 1965."

श्री बलराज मधोक ने अविश्वास प्रस्ताव पेश करते हुए कहा कि वहां कोई डिस्प्यूट था ही नहीं। अब अगर कोई डिस्प्यूट था ही नहीं तो यह ट्रिब्यूनल क्यों स्वीकार किया था ?

[श्री मनुभाई पटेल]

फिर इस ट्रिब्यूनल की नियुक्ति क्यों हुई ? अब दरअसल डिस्प्यूट तो था ही। अलबत्ता कई ऐसी बाऊंडरीज थीं जिनके बारे में डिस्प्यूट नहीं था और कई ऐसी बाऊंडरीज थीं जिनके कि बारे में डिस्प्यूट था। अब यह बात कि जिनके बारे में डिस्प्यूट था ट्रिब्यूनल का फैसला उन के बारे में 100 फीसदी हमारे फेवर में आये तब तो हम उसे स्वीकार करें और उसे अमल में लाने को तैयार हों लेकिन अगर वह फैसला 100 फीसदी हमारे फेवर में न आये तो हम उसके एवार्ड से बैकआउट कर जायें तो मेरी समझ में यह कोई उचित और तर्कसंगत बात नहीं जंचती है।

जब उस एग्रीमेंट को हम ने स्वीकार किया और संसार के सामने यह वायदा कर लिया कि हम जो भी एवार्ड होगा उसे स्वीकार करेंगे और उसे पूरा अमल में लायेंगे तो हमारा सब का एक नैतिक दायित्व हो जाता है कि हम अपने बचन का पालन करें और उस से मुकर न जायें वरना अन्तर्राष्ट्रीय क्षेत्र में हमारी मान व प्रतिष्ठा कायम नहीं रह सकती है। जैसा मैंने कहा हम बचनबद्ध हैं और हमें उस एवार्ड को पूरा स्वीकार करना है भले ही हम उसे दुखी हृदय से स्वीकार करते हों। मैं ने शुरू में कहा और फिर कहता हूँ कि उस एग्रीमेंट से पीछे हटने की कोई गुंजाइश नहीं है। उस की मैरिट्स और डि-मैरिट्स पर आज चर्चा करना बेकार है।

It is beyond the scope of discussion of the No-confidence motion. अगर उसकी मैरिट्स और डिमैरिट्स के बारे में चर्चा करनी होती तो यह ट्रिब्यूनल का एवार्ड क्यों होता। अब तो सवाल महज यह है कि ट्रिब्यूनल का जो फैसला हुआ है वह गवर्नमेंट स्वीकार करे अथवा न करे।

जैसे मैंने पहले कहा है पार्लियामेंट ने उस एग्रीमेंट वाले प्रस्ताव को अपनी स्वीकृति

प्रदान करी हुई है। 269 इस के पक्ष में पड़े थे और 28 विपक्ष में पड़े थे (व्यवधान) पार्लियामेंटरी डेमोक्रेसी में बहुमत से हुआ निर्णय सब के लिए मान्य होता है। अब अगर एक, आघ ने उस का विरोध भी किया हो तो उस से कोई फर्क नहीं पड़ता है और उस के माने यह नहीं है कि पार्लियामेंट ने उस प्रस्ताव को स्वीकार नहीं किया है। पार्लियामेंट ने उसे स्वीकार किया है और इसलिए हम बचनबद्ध हैं कि उस एवार्ड को अमल में लायें। यह नहीं हो सकता कि उस के एक हिस्से को तो हम स्वीकार कर लें और दूसरे को अस्वीकार कर दें। या तो सारे एवार्ड को स्वीकार करना होगा और अगर अस्वीकार करना है तो सारे एवार्ड को ही अस्वीकार करना होगा

एक माननीय सदस्य : सारे को अस्वीकार करो।

श्री मनुभाई पटेल : उस को अस्वीकार करने की नैतिक भूमिका क्या हमारे पास है ? जो गैर-जिम्मेदार पक्ष है वह जिम्मेदारी से काम न ले कर इस तरह की बात कर सकते हैं, लेकिन जो जिम्मेदारी से काम करना चाहते हैं वह इस तरह से गैर-जिम्मेदारी की बात नहीं कर सकते।

जब मैं यह बात कहता हूँ कि उस के माने यह नहीं है कि भारत के लोगों के दिल में दुख नहीं है। मैं ने शुरू में ही कहा कि हम गुजरात के लोग आज बहुत ज्यादा परेशान हैं क्योंकि सब से ज्यादा असर इसका अगर किसी पर पड़ने वाला है तो वह गुजरात के लोगों पर पड़ने वाला है। इस की बाउंड्री को निश्चित करते हुए जो छाडबेट का इलाका पाकिस्तान को दिया गया है, उस से हमारी सुरक्षा व्यवस्था बहुत मुश्किल हो जायेगी यह ठीक है कि छाडबेट की थोड़ी सी पट्टी हम को डिफेन्स की दृष्टि से दी गई है, लेकिन तब भी हमारे लिए बड़ी मुश्किल

होने वाली है। लेकिन हम को आज की परिस्थिति में इस प्रश्न को सोचना पड़ेगा।

मैं ने परिस्थिति की बात इसलिए कही कि पिछले बीस सालों में हम ने कच्छ के विस्तार के बारे में कोई ठोस कदम नहीं उठाया। उस का विकास करने के लिये, उस की भूमि को कृषि योग्य बनाने के लिये, वहाँ उद्योगों को बढ़ाने के लिये और हम ने जो कांडला बन्दर-गाह बनाया है उस के डेवेलपमेंट के लिये— उस को एक शिपयार्ड बनाने के लिये हम बहुत कुछ कर सकते थे—हम ने कोई ठोस कदम नहीं उठाए। लेकिन इन सब बातों को आज की स्थिति में हम को नहीं सोचना चाहिए क्योंकि हम रिवार्ड के टर्म्स में नहीं सोचना चाहते हैं। गुजरात को गांधी जी और सरदार पटेल की शिक्षा मिली है कि जहाँ राष्ट्र का हित होगा वहाँ गुजरात राष्ट्र के हित को ठोकर नहीं लगायेगा। यदि हम के लिये उसको कष्ट भी सहन करना पड़ेगा तो वह उसे सहन करेगा, लेकिन उस को राष्ट्र के हित को आगे रख कर जो सोचना होगा वह सोचेगा। इस से गुजरात के लोगों को भी दुःख हुआ है

श्री नाथपार्ई : आप इस को प्राविशिल न बनाइये। आज गुजरात का सवाल नहीं है। आप क्या बार-बार गुजरात की बात कहते हैं ?

श्री मनुभाई पटेल : जब श्री नाथपार्ई बोलें तब उन को जो कहना हो वह कहें। यहाँ तो गुजरात वालों की बात को स्वीकार करना होगा क्योंकि वह वास्तविकता है। यहाँ अगर बार्डर महाराष्ट्र के पास होता तो उनकी बात सुनी जाती (व्यवधान) आज अगर बंगाल बार्डर की बात होती तब दूसरों की बात सुनी जाती लेकिन चूंकि इस अवार्ड का सब से ज्यादा असर गुजरात वालों पर पड़ रहा है, इसलिये मैं कहता हूँ कि जहाँ तक गुजरात का सवाल है यदि राष्ट्र के हित

के आगे गुजरात को हानि उठानी पड़ेगी तो वह हानि उठाना पसन्द करेगा, लेकिन राष्ट्र का अपमान नहीं होने देगा। इस नैतिक भूमिका को अदा करने के लिये गांधी जी और सरदार पटेल ने गुजरात को और देश को जो पाठ सिखाया है उसको हम छोड़ नहीं सकते। इस भूमिका के अन्दर ही हम को देश के सवाल को सोचना होगा। इसलिये कच्छ अवार्ड के सम्बन्ध में हम को नैतिक भूमिका को स्वीकार करना होगा और उसी के अनुसार कार्य करना होगा। आज दूसरी बातों को इस के साथ नहीं जोड़ा जाना चाहिये।

जैसा मैं ने शुरू में ही कहा, इस विषय में सारे विरोधी दल भी एकमत नहीं हैं। कम्युनिस्ट पार्टी का विचार अलग है, स्वातन्त्र पार्टी ने सन् 1965 में ही इस चीज को अनुमोदन दिया है और आज भी वह इस अवार्ड को स्वीकार करते हुए अपना अनुमोदन देती है। लेकिन आज हम जनसंघ और पी० एस० पी० की ऐडवाइस को स्वीकार नहीं कर सकते क्योंकि वह आज राजनीतिक फायदा उठाना चाहते हैं। हमारा उन के विरुद्ध चार्ज है...

श्री मधु लियेय : बिल्कुल गलत है। शुरू से हम ने इस का विरोध किया है।

श्री मनुभाई पटेल : कल अहमदाबाद बन्द और कच्छ बन्द का प्रोपाम है। अगर ऐसा नहीं है तो सारे देश की बात क्यों नहीं करते ? (व्यवधान) श्री मधोक आज कच्छ हो कर आये हैं। वह कच्छ इस लिये नहीं गये थे कि वहाँ की बाउंड्री का अध्ययन करें क्योंकि बाउंड्री का अध्ययन कुछ घंटों में नहीं हो सकता है। वह राजकोट तक जाने वाले थे लेकिन वहाँ से चले गये कच्छ तक ताकि उस के खिलाफ जो आन्दोलन करना है उस में जोर आ जाये।

श्री बल राज मधोक : मैं माननीय सदस्य की जानकारी के लिए बतला दूँ कि मेरा प्रोग्राम कठ जाने का पहले से ही था। राजकोट तो मैं बाई दि बे चला गया।

श्री मनुमाई पटेल : जो कुछ भी हो लेकिन यदि विरोधी दल इस सवाल से राजनीतिक फायदा उठाने की कोशिश करेंगे तो मैं समझता हूँ कि इस से बढ़ कर देश की कुसेवा दूसरी नहीं हो सकती। यदि निरपेक्ष मन से, सारे देश को दृष्टि में रख कर, पड़ोसी से मैत्री सम्बन्ध रखना है और लड़ाई और युद्ध के रास्ते को छोड़ कर दूसरे तरीकों से अपना समस्याओं को हल करना है, तब हम को राजनीतिक फायदे की बात को छोड़ कर इस पर सोचना होगा। हम में आपस में मतभेद हो सकता है, कई बातों में हमारी अलग-अलग राय हो सकती हैं, लेकिन जहाँ तक कच्छ अर्बाई का सवाल है उस को रिजेक्ट किया जाय या स्वीकार किया जाय, इस के न्युये हम को यह मानना पड़ेगा कि 1965 में हम ने जो कदम उठाया था उस के साथ पहली चीज यह थी कि हम को फ़ैसला मान्य होगा इसलिये हम को आज इस को स्वीकार कर लेना चाहिये। (व्यवधान) :

इस दृष्टि से विरोधी दलों ने जो अविश्वास प्रस्ताव पेश किया है उस का मैं विरोध करता हूँ।

SHRI V. KRISHNAMOORTHY (Cud-dalore) : Mr. Deputy-Speaker, Sir, I am strongly supporting the motion sponsored by my hon. friend Shri Bal Raj Madhok—the motion of no-confidence in the Council of Ministers. This question has to be considered without any passion, because it is a question of territory running over 300 square miles. On the one side we are having the award passed by the international tribunal, and on the other side we are having a Council of Ministers here and we have to judge what is the best in the interests of the country and we must decide in that way.

This Kutch dispute has not been agreed to by the Government right from 1947. Even though there has been some diplomatic correspondence between Pakistan and India, the question was there right from 1947. In 1956, when Pakistan intruded into Chhad Bet area, our troops had thrown the Pakistanis away from Chhad Bet, and there is no question of any dispute at all. But there has been some conspiracy, conspiracy by the people here and conspiracy by the people outside, in the British Kingdom. In April, 1965, there was a dispute and Pakistan occupied a portion in the Kutch territory, and a proposal was sponsored by the British Prime Minister. The proposal was like this: the British Prime Minister, during May, 1965, suggested that there shall be a tribunal to decide about the disputes, and he said :

"The following dispute shall be referred to a three-man tribunal, one each appointed by India and Pakistan, and the third acceptable to both. Pakistan said that the territory up to the 24th parallel was hers, and India said in 1960, in a statement issued after the talks between Sardar Swaran Singh and Gen. Muhammad Sheikh that there was a dispute about the Rann of Kutch, and that the two sides would discuss this after the necessary data etc., were collected."

Now, I charge this Government and these persons who have admitted that there was a dispute during 1960. Otherwise, there could not have been any tribunal and there could not have been any decision like that.

Further, this tribunal was constituted and the agreement between India and Pakistan came into effect from 1st July, 1965. We have agreed, whatever it may be, whether it is in favour of us or against us, to maintain the good relationship between India and Pakistan. We did not mind referring it to the tribunal. The agreement has been placed before Parliament, and the parties concerned resolved to refer it to the international tribunal.

We have to watch one thing. After it was referred to the international tribunal, when we nominated a judge and when Pakistan nominated its own judge, and

when both of us did not agree in the nomination of a common judge, again, there has been a conflict between India and Pakistan, which took place during September, 1965, all along the border running to thousands of miles. Why has this Government of India not withdrawn from the Tribunal after there was a major war between Pakistan and India? What made the Government pursue the policy of referring the matter again to a tribunal? When both the countries refused to nominate a common gentleman, it is this Council of Ministers who requested the Secretary General of the United Nations, U Thant, on 15th December, 1965, when thousands of people were killed on both sides, to appoint a common man. That is how these people have betrayed the interests of our country.

SHRI KAMALNAYAN BAJAJ (Wardha): You should have brought this no-confidence motion at that time for that specific issue.

SHRI V. KRISHNAMOORTHY: After the major conflict between India and Pakistan, these impartial judges of the British hierarchy who have sponsored this tribunal and mooted this idea, have openly taken sides with Pakistan. Is it fair on our part to accept the British proposal to nominate a common gentleman? On 15th December 1965, the Government of India requested the Secretary General of the UN to appoint a common gentleman to preside over the tribunal. Thereby this Council of Ministers have cheated the interests of the country. I accuse the persons who are occupying the treasury benches, the Council of Ministers, of having betrayed the interests of our country.

Still, there is a method. All the parties were here and this agreement was put and accepted by Parliament. We have been advocating so much the settlement of international disputes by negotiations and arbitration. We have been advocating the development of the United Nations. Today it may be 300 sq. miles. Suppose the tribunal had accepted our claim, would we not be supporting the decision given by the tribunal? This Council of Ministers have signed a blank cheque. They have misused the mandate they got from this

Parliament to sign a blank cheque. They were irresponsible in doing that. There were sufficient opportunities for the Government to withdraw from the tribunal after the major conflict, but they have failed to do so. Today we are an entity before the whole world and all the nations represented in the United Nations are watching us. They are saying, "The Indian people are advocating so much the settlement of disputes by negotiation or arbitration. If they do not implement this award, it means they have a double standard." The view of my party is that this award has to be accepted at the cost of the Council of Ministers. The price has to be paid by the Council of Ministers.

How is this award to be implemented? There is some technical difficulty. When the Prime Ministers of Pakistan and India arrived at a settlement by which 8½ sq. miles of our territory in Berubari and Cooch-Bihar had to be transferred to Pakistan, the President referred the matter to the Constitution Bench of the Supreme Court consisting of more than 9 judges. Their judgment is reported in AIR 1960 page 81 Supreme Court. This Council of Ministers can give Rs. 3000 crores to Pakistan by way of money. They can do anything. Shri Morarji Desai can mortgage the entire country to America, Soviet Union or any other country. But they said this Government has no right to alienate even one inch of land because that is a question of territorial integrity. Immediately after this award was announced by the International Tribunal our Prime Minister was telling that, whatever it may be, it is only a demarcation of boundary. Madam, I would appeal to you that this is not a question of demarcation, rather, this is a question of determining whether those 300 square miles of land have to go to Pakistan or they should remain with us. We are surprised to find that they are willing to contend that it is only a question of demarcating the boundary. No, it is a question of determination in regard to 300 square miles. Applying the principle laid down by the Supreme Court Full Bench in their earlier judgment to which I made a reference, this Government has to amend the article I of the Constitution which deals with the boundary of India that is Bharat. They have to amend article under

[Shri V. Krishnamoorthi]

368 or article 3 of the Constitution and only then they can bring a legislation implementing the award.

Whatever the position may be, my submission is only this. This Government cannot implement this because they cannot bring a constitutional amendment. Therefore, the need has come for forming a national government as has been suggested by my hon. friend, Shri Madhok. This Government cannot implement this award.

Another thing is, this Government has no right to continue in office. They do not have any moral sanctity to continue in office. After so many non-Congress Governments have been dismissed in States where the Congress has been defeated, is it proper on the part of the Central Government to continue or to administer President's Rule in those States. They have no business to continue, they have no moral sanctity to continue, no power to continue.

Shri Madhok in the course of his speech referred to the burning of the National Flag. I entirely agree with him, I agree with all hon. Members here and I condemn the burning of the National Flag anywhere in any part of the country. Our leader, the Chief Minister of Madras, Shri Annadurai, and Rajaji have condemned such acts, whether it is refusal to hoist the National Flag or burning of the National Flag or refusing to sing the National Anthem. We are not lacking in patriotism. We are as much responsible, if not more, as my hon. friend Shri Madhok.

The other day our Prime Minister was saying that if disputes are taken to streets where will India be, where will democracy be. But, Sir, all the people outside do not have the privilege of speaking in the Lok Sabha. Their problems that are not solved here, they are taking to the streets to get solved. If the Prime Minister and her Council of Ministers do not solve their problems, whether it is a dispute relating to Assam or regarding Maharashtra-Mysore border or regarding language, they go to the streets to get them solved. Has the Prime Minister done anything to solve

their problems. She is keeping quiet. Why? If the Madras Legislative Assembly has passed a resolution to the effect that we want only two languages—Tamil and English—in Tamilnad and we do not want Hindi—at the same time we do not compel anybody to learn Tamil, let them have Hindi if they want or any other language—why do they want to impose Hindi on us? Why is this Government sleeping without any reaction? Why this three-language business? Who wants the three-language formula? Does Shri Limaye want it? No. Does the Swatantra Party want it? No. Nobody wants it. Only the Prime Minister wants it; nobody else wants the three-language formula. Only her Council of Ministers, because they want to manoeuvre something, want the three-language formula. They want to manoeuvre the toppling of non-Congress Ministries, because they could not get the mandate from the people. Somehow or other, they want to create trouble. I ask the Prime Minister and the Home Minister: who has burnt the Constitution? Ask Shri Subramaniam. He will tell you who is doing it. Who is raising the independent flag in Coimbatore? Ask Shri Subramaniam. He will give the names. Who is financing all these agitations? The same source. I am sorry to say that the Prime Minister's attitude is not helpful to us. After Shri Subramaniam was elected as Congress President in Tamil Nad, there have been more and more of agitations. Only the other day I read in the press that in the Congress Working Committee he was arguing for the dismissal of the DMK Ministry, though he has not suggested any remedy for solving the language issue. Then how are we to believe the Prime Minister and the Home Minister when they say that they want to go hand in hand with the non-Congress governments? In my view, they are hatching a major conspiracy to dismiss the non-Congress governments, one by one. Therefore, their plan is to see that all non-Congress Ministries are dismissed ultimately.

Lastly, I would like to repeat that we do not lack in patriotism. But, at the same time, we should not forget that the dignity of this Parliament, which created the Constitution, was marred and sullied by the behaviour of some members in the name of anti-cow slaughter. Yet, these are the very people who are saying that in a

particular State the Constitution is not shown due respect. How could I forget that there are Congress people in my State who are determined to topple our Ministry and that they are doing all these things to give a bad name to the party in power in our State? Already, the State Government and our State leaders have appealed to the people to desist from such activities. We are also taking action against people who violate the laws of the land.

At the same time, I would request the Prime Minister and her Council of Ministers to be helpful to us. Let them reconsider the decision on the language issue. Shri Kamraj, the previous Congress President, Shri Brahmananda Reddi, the Chief Minister of Andhra Pradesh, Shri Nijalaingappa the present Congress President and Chief Minister of Mysore as well as Shri Nambudiripad the Chief Minister of Kerala, think alike on this problem. Many members of the Congress party, the DMK and Communist Party believe that there is an unequal burden on the people because of the Resolution passed by Parliament. So, that Resolution should be rescinded. For whom was it brought? Article 343 already gives a constitutional and special status, so far as Hindi is concerned. Yet, in the name of doing justice to the non-Hindi people, this Resolution has been foisted on us. Then, are we not entitled to agitate against it? Instead of simply saying that this dispute should not be carried to the streets, I would appeal to the Prime Minister to kindly open her mouth; let her explain how and why the resolution is necessary. The people from the South, irrespective of party affiliations, are wondering why the Prime Minister is keeping quiet.

With these words, I would appeal to the hon. Members of this House, that if this Kutch Award is accepted, then the price will be that the Council of Ministers should be dismissed and a national government should be formed. With these words, I support the motion moved by Shri Madhok.

SHRI D. C. SHARMA (Gurdaspur) : Mr. Deputy-Speaker, Sir, I must admit that Professor Bal Raj Madhok touched many a sensitive spot in my heart when he spoke. Both of us are refugees from

West Pakistan and both of us come from near the Indo-Pak border on the West.

Therefore, when he was talking about giving away this part of the country or surrendering that part of the country, of making this concession to Pakistan and of making this border dispute or that border dispute subject to an award of a tribunal, I said to myself that Shri Bal Raj Madhok is my own brother. He is my own brother because he was giving expression to those feelings which some of the refugees from Pakistan still have. We all suffer from nostalgia and my hon. friend, Shri Bal Raj Madhok, is the arch exponent of that nostalgia carried to absurdity. Therefore I feel a kind of kinship between him and myself.

But I ask you, Sir—you are a very great parliamentarian—are we discussing a vote of no confidence or are we discussing the three-language formula; are we discussing that this Government should go and we should have an alternate government or are we discussing the terms of a national government? What is a national government? We have tried this kind of national government in some States of India and we know what the result has been. They may accuse us of toppling those governments because they know how to accuse us wrongly, but I must say that this national government of which they have been speaking again shows their craving for power, their avarice for occupying the Treasury Benches, their desire for having those very ministerships which they are today condemning.

SHRI VASUDEVAN NAIR (Purmada) : What is wrong with that?

SHRI D. C. SHARMA : There is nothing wrong in this world so long as you are there because you are the chief exponent of making a wrong thing right. But I may submit that a vote of non-confidence means that the Congress Government must go out and these gentlemen, who are sitting there—my, very good friends—should be able to form an alternative government. Are they in a position to do so? No. They are as much in a position to form an alternative government as the people in the streets of Delhi are able to form a Parliament outside this House.

SHRI M. L. SONDHI (New Delhi) : Are you denying the popular basis of Parliament ?

SHRI D. C. SHARMA : I do not deny anything because you are the most popularly elected Member of this popular Parliament.

I was submitting that the vote of no-confidence does not mean that our Prime Minister should go. They say that she is the Prime Minister but she is not the leader. I do not know how they distinguish between leadership and prime ministership. She is the leader of the Congress Party elected in her own right and that is why she has become the Prime Minister. If tomorrow the Jana Sangh party comes into power and elects a leader who then becomes the Prime Minister, have I the right to say that that gentleman is the Prime Minister but he is not the leader? I say with due deference to my hon. friends that the Prime Minister is a leader not only of the Congress Party but of the whole of India and anyone who tries to detract from her dignity as the leader of the country does so at his own peril, at the peril of the country and at the peril of the nation. Therefore I would say that a thing like this would not pay.

AN HON. MEMBER : Flattery.

SHRI D. C. SHARMA : You must know there is a right kind of flattery and a wrong kind of flattery. But I do the right kind of flattery. I was submitting that Shri Bal Raj Madhok gave us a full list of the sins we have committed vis-a-vis Pakistan. We gave Dera Baba Nanak to Pakistan; we gave away this territory and that territory. But I could not understand my friend, Shri Bal Raj Madhok, who has a historical perspective on everything, who has a historical imagination, who looks more to the past than to the future, saying that we should have a package deal with Pakistan. What package deal with Pakistan? I think, the history of the world shows, specially after the Second World War, that no package deal is possible anywhere and that we have to solve the problem bit by bit, gradually, one after the other as the problems arise. I do not know what kind of package deal are we going

to have with Pakistan? Are we going to have intensive cultivation on an agricultural farm? I would very respectfully submit that my hon. friend, Shri Bal Raj Madhok, for whom I have great respect and great regard, was self-contradictory in the speech that he made. He forgot what he said in the beginning and contradicted that towards the end.

SHRI BAL RAJ MADHOK : Will you please point out where is the contradiction?

SHRI D. C. SHARMA : Why do you talk of package deal with Pakistan when you repudiate this Agreement? When you talk of package deal, it means you want us to come to terms with Pakistan, to come to agreement with Pakistan. How can you reconcile these two things?

SHRI BAL RAJ MADHOK : We do want settlement with Pakistan but not on the terms of Pakistan, that wherever Pakistan gains, we give out and wherever we lose, we give up.

SHRI D. C. SHARMA : I know you and I know your views also very well.

What have we done? I think, the history is not something that can be of past only, it is a continuous thing. What we have done is something which is in accordance with what Mr. Nehru said in this very House. This is what it says :

"Both Governments reaffirmed their determination to resolve border disputes by negotiation and agreed that all outstanding boundary disputes on the East Pakistan-India border and the West Pakistan-India border, raised so far by either country, should, if not settled by negotiation, be referred to an impartial tribunal for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction, if any."

This is what was said here. Shri Lal Bahadur Shastri also reiterated the same thing and the Government has acted upon the assurances that were made possible by the overwhelming majority vote of this

House. Therefore, I think, whatever the Government has done is in accordance with the express wishes and the desires of this House. At the same time, I want to ask one question.....

SHRI S. KUNDU (Balasore) : We opposed that.

SHRI D. C. SHARMA : When your turn comes, you do that. After all, our country is a signatory of the United Nations Charter.....

SHRI S. KUNDU : So what ?

SHRI D. C. SHARMA : What does the United Nations Charter say ? It says that we should settle our disputes by arbitration, whenever possible.

SHRI M. L. SONDHI : Why don't you encourage the other people to settle by arbitration ? (*Interruptions*).

SHRI D. C. SHARMA : We encourage them. We request the people that they should settle the disputes politically and not militarily. That is what we have always been saying. (*Interruptions*). Therefore, having accepted the United Nations' Charter, of which arbitration is the biggest keystone, I think, we have done nothing wrong. I wish my friends on the Opposition to bring a Resolution, if they want, saying that we do not respect the Charter of the United Nations. If they do so, then it is alright. But having accepted that, I think, what we have done is the right thing.

Now much has been said about the judges and about the person who presented our case. So far as the presentation of the case is concerned, I think, it was done as ably as possible. So far as the judges are concerned, I have no right to question their judgment. After all, one judge was nominated by us, one was nominated by Pakistan and the third was nominated by the United Nations. I do not wish to interfere with the judgment which the judges have given, I wish to submit very respectfully that this thing, which has happened to us, is a much better thing. (*Interruptions*). And having accepted arbitration, we cannot get back on it. This should be the pattern of solution of disputes between India and Pakistan, I think.

Now people talk of going to war. Our brave soldiers fought at Kanjar Kot and other places in 1955 and also in 1965. What gallantry did we see !

MR. DEPUTY-SPEAKER : He must conclude now.

SHRI D. C. SHARMA : I am just concluding.

They fought valiantly, heroically, and I was very happy. But all the same, I would submit that power has never solved any problem. What have you settled by the two World Wars ? What did the First World War do ? What did the Second World War do ? What have the other wars done ? If wars could solve problems, then all these big people would be fighting only wars. But war is a very imperfect substitute for arbitration, for negotiation, I must submit very respectfully that arbitration was accepted by the House; we accepted it. Therefore, there is no need for the repudiation of this award or for a national Government which will fall in six months, if not in three months, as was witnessed in various States.

With these words, I support the award.

SHRI H. N. MUKERJEE (Calcutta, North East) : Mr. Deputy-Speaker, Sir, this Government richly deserve a vote of no-confidence, and the country has already given its verdict, which is the order of the boot, during the last 1967 elections. But I am supporting this motion for reasons which are different from, and in my submission more cogent than, what have been formulated by the Mover.

The Kutch Award which has certainly deeply stirred our people has brought to a boiling point the manifold discontents of our country. It has illustrated right from the beginning this Government's weaknesses and hesitations and downright folly. The crisis which is now foisted on the country is the responsibility of the Government which has brought it on us.

As far as we are concerned, we had warned when this House was discussing this matter in August, 1965, that something of this kind of thing would happen. On that

[Shri H. N. Mukerjee.]

occasion we did even press to a vote an amendment which we had put forward to Shri Lal Bahadur Shastri's resolution, in which we wanted the House to say—and I am quoting the words of our amendment—

that the clause for reference to arbitration be revoked as it impinges upon our sovereign rights on the territory of Kutch and is fraught with grave dangers.

So, we had warned this country; on that occasion, I remember, and some of my friends in the House will perhaps also remember that my colleague Shri Indrajit Gupta had made a very impressive speech; he had pointed out how Government had been guilty of bungling over and over again, and not only bungling, but hoodwinking the House by keeping the facts away from the attention of the House. We had pointed out also that there was no compulsion on us in regard to the acceptance of a tribunal, but this Government preferred to indulge in secret diplomacy behind the scenes under the protective umbrella of the British Government. That was exactly what happened at that time.

We placed this pathetic reliance on British good offices, knowing very well how the United Kingdom has behaved in the United Nations and elsewhere over Kashmir and other questions relative to the Indo-Pakistani sub-continent. We had pointed out at that time that if the Government could not revoke the agreement, at least the minimum which the Government should have tried to do was to see that the mischief created by the terms of reference which were couched in the widest imaginable terms could be prevented and similar loopholes could be plugged. The late Prime Minister Shri Lal Bahadur Shastri did not see our point sufficiently.

Shri Sachindra Chaudhuri, who as a result of that speech, according to certain press reports, got the reward of the Finance Ministership several months later, made a speech and prated about trusting the United Kingdom as a good friend I am quoting his words; he said that :

It is hardly gracious to distrust the United Kingdom.

He had said also on that occasion as the chief advocate on the Government side :

"There is no question whatever that we can go back on any conclusion that the tribunal might come to, but as I say that occasion will never arise for the simple reason that the tribunal cannot possibly afford to do anything but honest, just and impartial."

It is quite patent that the tribunal by a majority has done something which is neither just nor honest nor impartial. It has obviously introduced extraneous extrajudicial considerations into this matter. It forgot that its job was demarcation on the basis certainly of a certain kind of determination, but in the process of that determination it could not go into the ambit which it has covered. We know all that. We should have anticipated all that. We should know how international tribunals function in the atmosphere of today; we should have had the wit to anticipate what was going to happen, and yet we did not do so.

Then it was said also on the Congress side on that occasion that we have a capability. I am sorry, my hon. friend, Shri Chavan, rather sacrilegiously called by some people, I hear, as Chhatrapati; he was Defence Minister, and even in those days when things were not going too well, we were given to understand that if we cannot fight so well in a war, we can fight another kind of battle. Our capability regarding marshalling of evidence—that is "another kind of battle." That was what Shri Chaudhuri said on that occasion. That kind of battle has been conducted so badly that some kind of a probe ought to take place, even though we cannot do anything about it. No good now; the thing is beyond repair. Even so, it has to be done. I hope that Shri N. C. Chatterjee, who is not here, is in a position uninhibitedly to tell Government certain of the things which he has told some of us in regard to the way in which the case was conducted. I would like very much to know why one of the counsel who was appointed was appointed not particularly because of his qualifications in constitutional law, but because he was an expert in defending people who evade income-tax law and that sort of thing. I have heard reports about

his gallivanting in London with a Tata assignment, to which perhaps he was giving more attention than to the kind of case which patriotism demanded he should have concentrated his attention upon.

This was the kind of thing which was going on. Something has got to be done about it. I am not mentioning names. But I have a right to demand of my country's Government that the kind of legal proceeding which had been taken recourse to by ourselves is examined to see that we were not guilty of default. I know I am saying this on the basis of what I have heard from people, even like Shri Chatterjee. I hope he will have the guts to tell the Prime Minister to her face even in regard to the kind of feeling which he had in regard to our procedure in this legal battle. We do not feel that this legal battle was fought as well as it ought to have been. This is how we have behaved in so far as the Kutch matter is concerned. Yet for this reason alone—for this reason alone which in normal conditions should have meant the fall of the Government—I do not ask for Government to quit office, because conditions are not normal.

We want friendship between India and Pakistan. Let there be no mistake about it. I was very grieved to find my hon. friend, Shri Balraj Madhok, going out of his way to make statements which I cannot conceive how in the name of decency, we should allow to pass muster in a House of Parliament. I wrote down his words. He said: "Pakistan is an enemy, and will continue to be an enemy of India." We have diplomatic relations with Pakistan, whether Shri Madhok likes it or not.

SHRI BALRAJ MADHOK: So do we have with China.

SHRI H. N. MUKERJEE: Everyone of us has his grouse against Pakistan. I have my own. My part of the country has been partitioned just as much as Shri Madhok's part of the country has been partitioned on account of the pernicious idea that Pakistan brought about in our country. But to say that Pakistan is, and will continue to be, an enemy of India is the height of irresponsibility masquerading as patriotism. I do hope there are elements in the Jan Sangh, a party which tries to appeal to the Indian-ness of our people, which

would repudiate this kind of assumption which is being circulated all over the world, only to point out that in regard to communalism, India is just as bad as Pakistan. That is the propaganda which is passing muster all over the world. I do not know if this is what we desire.

I did not interrupt at that point of time because I wanted to see this debate conducted in a serious atmosphere. But I was a little astonished when my hon. friend to my left, who is so particular in regard to interrupting whatever statement is not to his liking, did not object at that point of time. I hope my hon. friend knows that I have differed from his leader,

Dr. Ram Manohar Lohia, who was talking always about a confederation of India and Pakistan. Is that going to drop as a ripe plum into our mouth? Will it come to us as manna from heaven? It will have to come mostly by our efforts, serious and imaginative efforts, in order to bring about a friendly atmosphere between our two countries. But I found none of our people, who are now combining on account of this, objecting to that statement.

The Communists can take care of themselves. Shri Madhok or anybody else can call us all sorts of names. We can take care of ourselves. We do not depend on the good graces of any particular individual or particular party. It is our service to our people which is our own certificate, our criterion, to whatever prominence we have got in the country's polity. I am not going to say anything in regard to that, but I do hope that Members of Parliament would have the sense of responsibility not to allow such statements to go unchallenged and we have to tell the whole world that it is the policy of this country, of the greatest possible majority of our country that we want friendship with Pakistan.

Only the other day, on 21st February, in both Bengals, East Pakistan and West Bengal, there was celebration of what happened in Dacca, because the people there who are Bengalis, who speak the language which I speak, gave their blood for the sake of the honour of the Bengali language. We celebrated that in order to bring about a better atmosphere, not in order to bring about a merger between the two countries, however much you wish it, it will not

[Shri H. N. Mukerjee] happen just like that as a matter of wish fulfilment, but we want to create a better atmosphere in that country and from that point of view we celebrated that occasion and it is a pity that in this House I have to hear a statement that Pakistan is our enemy and shall always be our enemy.

And this is a point which makes me say also that by this time we ought to know, Mr. Madhok included, we all ought to know the hazards of modern international diplomacy. The theory of not an inch of our territory ever to be changed one way or the other in the wake of the Chinese aggression is neither realistic, nor correct nor patriotic. This Government, of course, which ironically brought the so-called Unlawful Activities Bill has placed itself in a ridiculous position, but then this Government is always behaving ridiculously. It is strange that by the compulsion of events it had to do certain things which it says it will never do. But when we are going to take international politics seriously, let us not go about beating the drum, with whatever sophisticated phraseology my hon. friend Shri Sondhi over there can supply to the Jana Sangh Party, let us not go about beating the drum which says that not an inch of our territory anywhere would be disturbed. It cannot do the trick, it will never do the trick. That is why we have to give up that idea, and that is why that approach we have got to discard.

That makes me say that it is not possible for me to ask this Government not to honour the commitment which it made. It was foolish, it was wrong, it was perverse in making a commitment which included so many perverse clauses about which you are very well aware, but I cannot tell this Government, "do not honour this commitment". I cannot tell this Government to take up the risk of war in order that things might improve. That is not possible, but my reasons are different.

Here is a Government whose actions are so disastrous that under the very nose of it 30,000 teachers are now on strike, and Government is treating them in a manner which is so shabby, beyond description. It is happening right under the very Government's nose. Here is a Government which carries on a parody of planning, on

account of which jobless engineers by tens of thousands are wandering all over the place, and I find my good friend, the Education Minister, well-meaning but absolutely ineffective, completely unable to do a thing about it. Here in Delhi at this moment there are wandering students and professors of Uttarpara College in West Bengal where happened a Fascist type of police barbarity, and they are trying to get hold of some Minister or other, to look for an honest man in Delhi with a lantern in daylight so to speak.

I find that our friend Shri Chavan is there. He is a strong man of the Cabinet. My hon. friend the Finance Minister is there. Both of them flank the Prime Minister, according to press reports somewhat to her consternation. How is it that the whole lot of them refuse to see the handwriting on the wall which came to the front in the 1967 elections. How is it that Centre-State relationship has yet to be placed on anything like a sensible level, but, of course, Government has neither the imagination nor the efficiency to do anything in regard to that. The Central Government is the fount of power and in line with utterly unscrupulous projects hatched at the Hyderabad session of the Congress, they have emerged as the political pindaris bent on strangulating democracy and all political decency and wherever remotely possible and by whatever means to foist a Government of their party or their puppets. Whether it is Bengal or Bihar or Punjab or Haryana or U.P. it is a variation of the same theme. They forget the fact of today. The fact of today is that Congress is decrepit. West Bengal has proved by its mighty movement that the senility of the Congress is absolutely incurable. In that stage, we found an intense new fangled and new fascist repression. The central leadership's disorganisation is complete and writ large on its face. Rejected by the people absolutely, it has shown up what it is. The way in which Mr. Chavan and his friends conducted a crusade against the whole idea of having President's rule in West Bengal and the fact that the Government had to come down the way they did as a result of popular pressure would have meant in any other parliamentary context, a parliamentary resignation. That is the essence of Parliament. You know something about

it; you are a studious person and you know what it means. In no other parliamentary context would this kind of thing happen. Mr. Chavan fought us so valiantly that I must give him credit. Then he had to come down; you have to pay the price for that sort of thing. You do not do that. Therefore, all this kind of thing is happening. I have no time; you are always intent on pressing the bell and I realise that your job is a little difficult in regulating the debate. But I must say in regard to my own State which has been suffering that they tried to impose one puppet after another—Profulla Ghosh, Atuya Ghosh and Asutosh Ghosh—and people felt crying : to hell with the whole lot of them... (*Interruptions*.) The Centre's game is going on. From West Bengal comes the demand that the Governor of West Bengal Dharma Vira who might be a vir, a very valiant person though I am doubtful—should go; that he should not be there. But the Centre does not do a thing about it and it does not give any kind of inkling as to what it thinks about the elections, when the elections are going to take place. They should take place as soon as ever it is possible. The Centre is taking a different attitude in regard to U.P. and keeps the Assembly alive because the Centre calculates that it would be possible to do something about having a Congress or Congress-supported puppet ministry. Things have come to such a pass on account of the advisers of the President; they are so hopeless that so many Members of this House had to think of something which is normally inconceivable—to impeach the President. That is evident enough of the kind of opinion which this Government has created in the country, the kind of image which it has got. This image has got to be submerged in the water for a variety of reasons. I feel that the Kutch matter has brought to focus, has brought to the boiling point the hundred and one discontents of our people. While the Kutch matter has brought them to the focus, there are so many other reasons for which this Government should go. I do hope that the writing on the wall is visible to the Prime Minister and her advisers.

SHRIMATI SUSHILA ROHATGI (Bilhaar) : There is always a spell of silence after the speech of Prof. Mukerjee be-
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cause the House feels hypnotised by his brilliant eloquence... (*Interruptions*). But I personally feel that his lustre and brilliance was somewhat lacking today. As he himself has very clearly stated, there are a hundred and one other reasons besides the Kutch question which have to be taken into consideration. So, that shows that he himself is not very serious on the no-confidence motion so far as the Kutch tribunal award is concerned. I am glad he has conceded that point, and that makes the matter slightly easier for me.

15.31 HRS.

[SHRI S. M. JOSHI in the Chair]

One of the allegations that he had made—and that too coming from a man of his eminence and learning I am surprised at it. He based it on hearsay, from a third party from whom he has heard it. And that was that at the time when the legal proceedings were going on, our legal counsel was busy gallivanting round the town. I fail to understand how an argument of that magnitude could have been brought forward. Mr. Mukerjee knows very well that Pakistan lay claim to 100 per cent of the Rann of Kutch, whereas the award has given it only 10 per cent. That itself shows that our legal counsel was not busy gallivanting round the town, but was busy putting up our case in a good, firm, reasonable and rational way.

Secondly, the argument is also repudiated by the fact that Pakistan's claim that the entire Rann of Kutch was a marine feature was not conceded. The award clearly lays down that it was not a marine feature but a unique feature. There also, the argument of Pakistan has been absolutely repudiated. Therefore, I would say that so far as our way of putting up the case in the legal proceedings was concerned, it was put up very well. It was not only put up well but India's claim to the true facts has been very successfully placed.

But the point remains that today, public passion is roused on this, because every inch of land which goes hurts our pride, hurts our national honour and hurts the very skin. I agree with the sentiments expressed by the Members, both on the Opposition side and on the Congress side,

[Shrimati Sushila Rohatgi]

that not an inch of our territory should go. I agree. But in the fight that was going on, there was no choice for us. I would ask the hon. Members on the Opposition, what was the choice before us at that time? I would not say that we should have accepted an ignoble peace. But the choice before India then was either we continued the war or we came to a settlement. We had to face odds. The terrain of Kutch was a very difficult terrain. Our forces were holding out admirably, but it was even doubtful whether we would be in a position to hold on and ultimately, even if we continued the fighting, it would have been difficult to drive out the Pakistanis. In the circumstances, we opted for peace. Therefore, we either had to come to an agreement or we had to continue the war. If we continued the war, we not only did not have all the money and the men concerned, but we were not very sure of the result that would be ultimately achieved. In view of the uncertainty, there was little choice but to opt for arbitration, and that step for arbitration was taken with the entire consensus of this House and the majority of its Members.

I would beg of my hon. friend Shri Madhok to understand the international history. He is a man who knows all about what is happening here and abroad, and I would ask him today, what happened here at the time when that agreement was discussed here. 30 Members of this Parliament opposed it. In a House which comprises over 500 Members, only 30 Members opposed that agreement. I would like to know from them, today, in the context of that perspective, that historical perspective,—what we should think : we have to think of what is to be and what is not to be.

Is India going to stand on what she has agreed to abide by, or should she go back on what she has already agreed to? I may say that so far as Pakistan is concerned, she has been saying that India does not stand by its words, and that India is playing a game of hypocrisy. But India, so far as the international comity of nations is concerned, today, is not going to take her rightful place if it is not going to honour its pledges, its words, its covenants, its agreement and its international

obligations. I would like to know where India stands in the comity of nations and what place it will have in the international context if it does not honour its word.

Where is the voice of Gandhiji and where is the voice of Nehru and where is the fate of India? This is an acid test not only for the nation but for each and every individual Member of Parliament to think of it today, not only from the point of view of India's conscience, but from the point of view of the world's conscience. I am glad that Prof. Madhok is here. He is a very senior Member of this House, and I respect him. I would appeal to him as an Indian first, not as a party member. In the light of these two facts, what is the remedy suggested by him? India has committed, this highest democratic platform had committed, to stand by the agreement. When we gave that power to the tribunal, we did not ask whether it would be in our favour or against us. We have said, the decision would be binding and final. Whether it is a majority judgment or unanimous judgment, it makes no difference. Having given hundred per cent powers to the tribunal, having given that assurance that we are committed to stand by it, if we do not accept it now, what face will be have in the international context before the eyes of the other nations of the world?

I agree that Prof. Madhok is pained. I know that we have to think of the people whom we represent and we have also to think of the Indian people as a whole. I can understand their indignation. I can understand the outburst of the feelings of the people. But because of a little mistake, which might have been made, are we to pay a greater penalty and lose the prestige and position we enjoy today? Today what is happening inside the country is bad enough. There are fissiparous tendencies and gross indiscipline in certain States. There is constitutional failure and there are agitations of a hundred and one types which we have to remedy. But to top it all, are we to climax it by breaking our word and the solemn agreement we have entered into? That is the question which I would like to ask Prof. Madhok. I would be very happy if he realises that Pakistan has not been the gainer. Pakistan laid claim to 100 per cent of the territory, but she got only 10

per cent. Her claims have been refuted. But still, by gearing up her propaganda machinery . . . (Interruptions).

MR. CHAIRMAN : Order, order.

SHRIMATI SUSHILA ROHATGI : There are certain documents which have to be considered, irrespective of the person concerned. I can quote that particular portion of the agreement dated 24th October, 1959 where this very Parliament had abdicated its powers and surrendered its powers. I agree that today the award may have been a political decision. I am very pained over that fact. I personally feel that in certain cases, they have gone beyond their terms of reference. I personally feel that it has been a political, rather than a judicial decision. But still, I would ask, what is the remedy. Because they have violated their terms of reference, are we to violate ours? That is a point which I will leave to the judgement, sane wisdom and learning of this House and to its conscience.

SHRI S. S. KOTHARI (Mandsaur) : After war, all commitments and agreements are abrogated.

श्री मधु तिमये (मुंगेर) : सभापति महोदय, यह सवाल राष्ट्रीयता का, मुल्क के आत्म-सम्मान का और हमारी सार्वभौमिकता का है। हम लोगों का इस सरकार पर आरोप है कि उस ने न राष्ट्रीयता को बढ़ाया, न मुल्क के आत्म-सम्मान को बचाया और न हमारी सार्वभौमिकता की रक्षा की। जो सरकार अपनी सीमा के ही बारे में बार बार कहे कि हमारी सीमा विवादग्रस्त है और दूसरों के द्वारा हमारे इलाके पर जो दावे किये जाते हैं उन को कबूल कर के उन दावों का फैसला अन्तर्राष्ट्रीय पंचायतों के जरिये जो सरकार करवाना चाहती है, उस सरकार के नेताओं को भारत माता के सपूत कहना मुश्किल है। मुझे तो ऐसा लगता है कि इस तरह के एक तरफा अन्तर्राष्ट्रीय भूमि दान करने वाले नेताओं को भारत माता के कपूत ही कहना पड़ेगा।

आज जो झगड़ा उत्पन्न हुआ है उस की नींव, उसकी बुनियाद करीब करीब नी-

दस साल पहले डाली गई थी। मैं आपके सामने नून और नेहरू साहब के बीच में जो समझौता हुआ था उस को रखना चाहता हूँ, जिस में यह कहा गया था कि इन विवादों को हल करने के लिए प्रयास किया जायेगा। और उस में न केवल सीमांकन और सीमा निर्धारण होगा बल्कि प्रदेशों का आदान प्रदान भी होगा। इस में एक्सचेंज ऑफ टैरिटरी है। उस के बाद हमारे सरदार स्वर्ण सिंह पाकिस्तान के शेख साहब से इस विषय में बातचीत करने लगे और दोनों ने मिल कर एक समझौता किया जिस की ओर मैं आपका ध्यान दिलाना चाहता हूँ।

1965 जब कच्छ के इलाके में पाकिस्तान में का आक्रमण हुआ तो मुझे याद है कि लाल बहादुर शास्त्री जी ने विरोधी दलों के नेताओं को बुलाया था और उस समय मैंने शास्त्री जी से पूछा था—शायद सरदार साहब भी उस बैठक में मौजूद थे— कि यह जो 1958 में और विशेषकर यह जो करार हुआ है अक्टूबर 1959 में क्या उसकी जानकारी आप को थी? यह शास्त्री जी ने खुद कबूल किया था कि मेरा ध्यान इस करार की तरफ नहीं गया था। उस पर मेरा ख्याल है कि सरदार जी ने उस वक्त कहा था कि यह करार तो सदन की टेबल पर रखा गया था, कोई भी आदमी देख सकता था। इस करार के एक वाक्य को मैं आपके सामने रखना चाहता हूँ :

"It was agreed that all outstanding boundary disputes on the East Pakistan-India and West Pakistan-India border raised so far by either country should be referred to an impartial tribunal consisting of three members for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction if any. Any dispute which may have been referred to the tribunal can be withdrawn by mutual agreement. It was also agreed that the decision of the tribunal shall be by majority and final and binding on both the parties."

SHRI M. L. SONDHI : So he is the culprit ?

श्री मधु लिमये : लेकिन मैं आज सरकार से पूछना चाहता हूँ कि सदन की टेबल पर तो यह आपने जो करार रखा था लेकिन कच्छ करार को जिस तरह एक प्रस्ताव के द्वारा पार्लियामेंट की स्वीकृति मांगने के लिए आपने रखा था क्या इतना महत्वपूर्ण जो आप करार करते हैं, संधि करते हैं, जिस में इलाकों के, प्रदेशों के आदान प्रदान की भी बात होती है, तो क्या आपका यह नैतिक कर्तव्य नहीं था कि मान्यता के लिए इस सदन के सामने इसको रखा जाए ? सदन में हर दिन पचासों कागजात रखे जाते हैं और किसी भी सदस्य के लिए जो अकेला काम करता है यह सम्भव नहीं है कि वह सभी कागजों को, सभी दस्तावेजों को पढ़ सके, उनका अध्ययन कर सके। सरकार का क्या यह नैतिक कर्तव्य नहीं था ? जब इस तरह का एक महत्वपूर्ण करार नेहरू जी ने और सरदार स्वर्ण सिंह ने किया था जिस के बारे में लाल बहादुर शास्त्री जी जैसे लोगों को भी पता नहीं था, इस करार पर लोक सभा की स्वीकृति प्राप्त करने के लिए आपको सदन के सामने नहीं आना चाहिये था ? आज प्रधान मंत्री जी से इस प्रश्न का भी मैं जवाब चाहता हूँ।

हमेशा करारों की बात की जाती है। लेकिन जिस में हम लोग अपनी भूमि देने की बात करते हैं उन्हीं करारों का पालन किया जाता है, दूसरी जो करारों में बातें होती हैं उनकी तरफ कभी ध्यान नहीं दिया जाता है। उस दिन मुझे याद है कि शास्त्री जी को मैं ने कहा था कि ठीक है कि 1959 का करार आपने किया और सदन के सामने भी आपने रखा, प्रस्ताव नहीं रखा था, लेकिन सदन के सामने आपने दस्तावेज रख दिया था, तो क्या नून और नेहरू साहब के संयुक्त वक्तव्य में यह वाक्य भी नहीं था :

"The Prime Ministers further agreed that pending the settlement of un-resolved

disputes and the demarcation and exchange of territory by mutual agreement there should be no disturbance of the *status quo* by force and peaceful conditions must be maintained in the border regions."

यह भी उसी करार का एक अंग था। और मैंने शास्त्री जी को कहा कि जब कच्छ के इलाके में आक्रमण कर पाकिस्तान ने इस करार के इस अंश को तोड़ दिया है तो क्या आप कह नहीं सकते थे कि अब जो दूसरा करार का हिस्सा है वह हमारे ऊपर बंधकारक नहीं है ? या हमेशा इसका यही मतलब है कि पाकिस्तान करारों को तोड़ता जाए और हम लोग नैतिकता और अन्तर्राष्ट्रीय कानून के नाम पर जो करार हमारे विरुद्ध जाता है उस पर भी अपनी नाक काट कर अमल करते रहें ? यह कौन-सा अन्तर्राष्ट्रीय व्यवहार है कौन-सी कूटनीति है मेरी समझ में नहीं आता है। मगर जहां तक जवान की पवित्रता का और जीभ का आदर करने की बात है मैं पूछना चाहता हूँ कि क्या लाल बहादुर शास्त्री जी ने समूचे देश के सामने और इस सदन के सामने यह भी नहीं कहा था और यह वायदा भी नहीं किया था कि हमारे जवानों ने खून की नदियां बहा कर काश्मीर के जो कि हिन्दुस्तान का हिस्सा माना जाता है हाजीपीर, उड़ी, पूंछ, टिखवाल, कारगिल के इलाके वापिस ले लिये हैं उनको हम नहीं छोड़ेंगे ? देश के और सदन के साथ भी उन्होंने यह वायदा नहीं किया था कि हमें दुनिया में अकेले ही क्यों न रहना पड़े इन इलाकों से हमारी फौज नहीं हटेगी क्योंकि यह हमारी भूमि है अपनी भूमि को हमने वापिस लिया है ?

श्री कंबर लाल गुप्त (दिल्ली सदर) : चैम्बर में किया था।

श्री मधु लिमये : देश के सामने किया था, यह चैम्बर की बात नहीं है। लेकिन ताशकंद में करार कर इस वादे को तोड़ा गया। हिरेन मुखर्जी साहब ने कहा कि अंग्रेजों के दबाव में आ कर हमें काम नहीं

करना चाहिए। मैं इससे सहमत हूँ। मैं तो इस से भी आगे चल कर कहना चाहता हूँ कि कोसिगिन और जानसन के दबाव में आ कर भी हमें काम नहीं करना चाहिये, हम को अपने पैरों पर खड़ा हो कर काम करना चाहिये। इस सरकार पर हमारा यह आरोप है कि कभी विलसन साहब के दबाव, मैं कभी कोसिगिन साहब के दबाव में और कभी जानसन साहब के दबाव में आ कर हम राष्ट्रीय हितों का होम करते हैं राष्ट्रीय हित को जलाने का काम करते हैं।

मैं कहना चाहता हूँ कि अन्तर्राष्ट्रीय कानून में क्या स्थिति है? बार बार कहा जा रहा है कि कच्छ करार के अनुसार हम ने यह वादा किया है कि :

"The decision of the Tribunal shall be binding on both governments and shall not be questioned on any ground whatsoever."

लेकिन अन्तर्राष्ट्रीय कानून से ही मैं आप के सामने आधिकारिक व्यक्तियों के उद्धरण रखने वाला हूँ कि क्या अन्तर्राष्ट्रीय—पंचों के निर्णयों को सार्वभौम राष्ट्रों के द्वारा ठुकराया जा सकता है या नहीं? उसके बारे में पहला उद्धरण मैं ओपनहिम की किताब में से देना चाहता हूँ। उन्होंने कहा है :

"There seems to exist no provision of a general nature for the solution of controversies arising out of the allegations of a party that an arbitral award has been rendered in excess of the powers conferred upon the arbitrator and is, therefore, null and void. There is nothing inherent in the nature of arbitral awards to render them final beyond the possibility of appeal."

आगे दूसरा यह जे० एल० सिम्पन अंड हैजेल फाक्स की किताब से है :

"The general rule that the judgment or award of an international tribunal is final and binding upon the parties is subject to the qualification universally admitted, that it may, on certain specific

grounds to be treated as null and void. A judgment or award is void if the tribunal has clearly exceeded the bounds of jurisdiction conferred upon it expressly or by implication in the relevant treaty."

और एक किताब का मैं उद्धरण देना चाहता हूँ। यह किताब कार्लस्टन की है। इस में कहा गया है :

"It is believed that the foregoing discussion has amply demonstrated that an arbitral award may, under certain conditions, be null. This is supported by the practice of States and the views of writers. In the words of Judge More 'the finality of award does not mean that in no case whatsoever, no matter what the circumstances may be, an award cannot be attacked on the ground of its character or the means by which it may have been obtained'. More concludes : 'It may be stated that by the outbreak of the world war the doctrine and practice of international law recognise that an arbitral award could be considered as without effect by reason of the lack of jurisdiction of the arbitrator or of an excess of jurisdiction committed by him.'"

अब मैं इस ओर ध्यान दिलाना चाहता हूँ कि यह बहुमत वाला जो निर्णय है क्या अपने अधिकारों के और कच्छ संबंधी करार की जो शब्दावली और उस का जो भावार्थ है उस के बाहर जाकर यह फैसला हुआ है या नहीं। उस में तो बहुत समय जायगा। पृष्ठ 153 में दो वाक्य चेरमैन के आये हैं उन्हीं को केवल मैं रखता हूँ। केवल इन्हीं दो वाक्यों को ले कर जो मैं ने अन्तर्राष्ट्रीय कानून से उद्धरण दिए हैं उन के आधार पर इस पंच फैसले को आप अस्वीकार कर सकते हैं, ठुकरा सकते हैं। यह बहुमत वाला निर्णय चेरमैन का मैं पढ़ रहा हूँ :

"The two deep inlets on either side of Nagar Parkar will constitute the territory of Pakistan.

In my opinion it would be inequitable to recognise these inlets as foreign territory. It would be conducive to

[श्री मधु लिमये]

friction and conflict. *The paramount consideration of promoting peace and stability in this region compels the recognition and confirmation that this territory, which is wholly surrounded by Pakistan territory, also be regarded as such. The points where the boundary will thus cut off the two inlets are*—

फिर इस के आगे तफसील दिया है और आगे (बी) में कहते हैं :

"The boundary marked by symbols along the outer edges of the peninsula of Nagar Parkar and up to the Eastern Terminus is a jagged one. As such it is unsuitable and impracticable as an international boundary. The boundary shall accordingly lie in conformity with the depiction on Map C".

तो केवल इन दो वाक्यों— सीमा का अंकन करना हो और सीमा निर्धारण करना, सीमा निर्धारण को ही आप ले लीजिए, इसके तहत भी इन दो वाक्यों में चेयरमैन ने जो फंसला दिया है, कच्छ करार की जो शब्दावली है, उस का जो भावार्थ है उस को भी ले लीजिए, तो उस के यह बिलकुल विपरीत जाता है। इसलिए मेरी राय में सरकार इस बिना पर कि अपने अधिकार क्षेत्र के बाहर जा कर एक्सेस जूरिस्डिक्शन इस तरह का फंसला दिया गया है कह सकती है कि सरकार इस को कबूल करने में असमर्थ है, इस तरह की घोषणा वह कर सकती है। अगर आज इस बात की घोषणा हो जाती है तो मैं अपने दल की तरफ से कहता हूँ कि अविश्वास का प्रस्ताव वापस लेने के लिये हम तैयार हो जायेंगे और मेरा ख्याल है कि मधोक जी भी मान जायेंगे . . .

एक माननीय सदस्य : आप को उम्मीद है कि वह ऐसी घोषणा करेंगे।

श्री मधु लिमये : मुझे तो उम्मीद नहीं है। लेकिन यह हमेशा कहते हैं कि रचनात्मक बात करो। तो मैं ने रचनात्मक सुझाव दिया कि अन्तर्राष्ट्रीय कानून के अनुसार और

कच्छ करार तथा ट्रिब्यूनल का जो फंसला है उस के अनुसार भी आप इस फंसले को ठुकरा सकते हैं। अन्तर्राष्ट्रीय कानून में कोई प्रतिबन्ध नहीं है, कोई रोक नहीं है। अगर आप और हम मिल कर यह फंसला करते हैं तो मैं मानता हूँ विल्सन साहब बहुत नाराज हो जायेंगे और हीरेन्द्र मुखर्जी साहब से भी मैं यह कहना चाहता हूँ कि कोसीगिन साहब भी बहुत नाराज हो जायेंगे और जानसन भी कुछ पक्षपाती यहां होंगे जो उन को भी मैं कह सकता हूँ कि वह भी नाराज हो जायेंगे लेकिन अगर हिन्दुस्तान की जानता खुश हो जाती है तो इस अन्तर्राष्ट्रीय नाराजगी का मुकाबिला हम लोग कर सकते हैं। तो मैं चाहता हूँ कि प्रधान मंत्री इस के बारे में फंसला करें। अगर वह फंसला करती है तो वह देखेंगी कि विरोधी दल भी कोई राजकीय पूंजी नहीं बनाना चाहते हैं, हम अपनी भूमि की रक्षा करना चाहते हैं। इस में राजकीय पूंजी बनाने का कोई सवाल नहीं है। इसलिए अन्तर्राष्ट्रीय कानून में जो स्थिति है उस की ओर मैं ने आप का ध्यान दिलाया।

अब अगर हमारी प्रार्थना को यह ठुकराती है और इन का यह निर्णय है कि इस पर हम अमल करेंगे तो फिर क्या सूरत पैदा होती है उस के बारे में मैं कुछ अर्ज करना चाहता हूँ। इस के लिए मैं याद दिलाना चाहता हूँ कि कुछ साल पहले बेरुबारी के बारे में करार हुआ था और यह भी जो दो तीन करार हो गए हैं सीमा के संबंध में, उन में से ही एक है अलग नहीं है। और उस के बारे में राष्ट्रपति जी ने संविधान की दफा 143 के मातहत सुप्रीम कोर्ट के पाम यह मामला भेजा था। काहे के लिए? यह तय करने के लिए कि अगर इस पर अमल करना है तो क्या सिर्फ कार्यपालिका के हुकम से यानी सरकार के हुकम से इस पर अमल को सकता है या पार्लियामेंट को कानून बनाना पड़ेगा? और कानून बनाना पड़ेगा तो कानून संबैधानिक संशोधन

की शकल में या मामूली दफा 3 के तहत जैसे राज्यों की सीमा घटाते बढ़ाते हैं उस के तहत कानून बना कर यह इलाका हम पाकिस्तान को दे सकते हैं? सरकार की तरफ से एटार्नी जनरल ने सुप्रीम कोर्ट के सामने कहा कि केवल कार्यपालिका के अधिकार में यह बात है और वह दे सकती है, सुप्रीम कोर्ट का जो फैसला है, जो गजेन्द्रगडकर ने दिया था और उस वक्त जो हिन्दुस्तान के उस समय के बड़े बड़े मंशहूर जज थे और जो वर्तमान के मुख्य न्यायाधीश हैं हिदायतुल्ला साहब, सुबाराब यह सब थे, उस फैसले में एटार्नी जनरल साहब की बात का खण्डन करते हुए गजेन्द्रगडकर साहब ने कहा है :

"Therefore, we cannot accede to the argument urged by the learned Attorney-General that it does no more than ascertain and determine the boundaries in the light of the Award. It is an agreement by which a part of the territory of India has been ceded to Pakistan and the question referred to us in respect of this agreement must, therefore, be considered on the basis that it involves alienation or a cession of a part of India's territory."

इस में तो उस से भी बड़ा इलाका जा रहा है और स्वयं ट्रिब्यूनल ने कहा है कि यह जो नगर-पारकर के इलाके में दिया गया है वह इसलिए नहीं दिया गया है कि सीमा वहां थी। सीमा का निर्धारण कर के नहीं, बल्कि यह इसलिए कि पाकिस्तान का इस तरह घिरा रहना अच्छा नहीं है, इसलिए हम दे रहे हैं। जो यह विशुद्ध भूमि का दान है, अपने इलाके, अपने सीमावर्ती विभाग को पाकिस्तान को देना है और इसलिए सुप्रीम कोर्ट की राय के अनुसार कार्यपालिका केवल हुकम जारी कर के यह 320 वर्ग मील वाले इलाके पर—अगर अपने हाथ में है तो, राम सुभग सिंह जी ने आश्वासन दिया था, लेकिन मुझे डर है कि शायद पाकिस्तानी लोग उस में घुस गए हैं, पहले ही उन के हाथ में चला गया है—

लेकिन अगर नहीं गया है और हमारे हाथ में वह इलाका है तो सुप्रीम कोर्ट के फैसले के अनुसार अगर सरकार इस फैसले पर अमल करना चाहती है तो केवल कार्यपालिका के आदेश से नहीं हो पायेगा, कानून बनाना पड़ेगा। अब कानून अगर बनता है दफा 3 में तो जो बम्बई के बारे में स्टेट्स रीआर्गनाइजेशन ऐक्ट बना है उस में गुजरात की सीमा निश्चित की गई थी और उस में आप को परिवर्तन करना पड़ेगा क्योंकि आपने उसमें इस इलाके के बारे में कहा था कि गुजरात में कच्छ भी आता है। अब यह कच्छ की सीमा बिलकुल साफ है। चेयरमैन भी इस बात को नहीं काट सके हैं। कम से कम यह नगर पारकर के इलाके में जो भूमि है वह निश्चित रूप से भारत की भूमि है। इसके बारे में चेयरमैन साहब भी अलग राय नहीं दे पाये हैं। वह कहते हैं शान्ति के लिए या दूसरे कारणों को लेकर हम दे रहे हैं। इसलिए आप संविधान की दफा 3 के तहत मामूली बहुमत से कानून बना कर, जैसे राज्यों की सीमा बदलते हैं और एक राज्य को दूसरे राज्य का विभाग देते हैं, उस तरह यह नहीं हो पायेगा। सुप्रीम कोर्ट ने इस में यह कहा है :

"Parliament may, however, if it so chooses, pass a law amending article 3 of the Constitution so as to cover cases of cession of territory in India in favour of a foreign State. If such a law is passed, then Parliament may be competent to make a law under the amended article 3 to implement the agreement in question. On the other hand, if the necessary law is passed under article 368 itself, that alone would be sufficient to implement the agreement."

16 Hrs.

इसका मतलब है कि संवैधानिक संशोधन धारा 368 के तहत आवश्यक है। या तो संशोधन की मारफत यह जमीन दे सकते हैं या उसके बाद नया कानून बनाकर आप इस जमीन को पाकिस्तान को दे सकते हैं। इस लिये अब यदि प्रधान मंत्री जी हमारी

[श्री मधु लिमये]

प्रार्थना को ठुकराती है और इस विषय पर राष्ट्रीय संयुक्त मोर्चा खड़ा नहीं करना चाहती है और जिद करके इस इलाके को पाकिस्तान को देना चाहती है, तो मेरी मांग है कि कार्य-पालिका के हुकम से आप यह नहीं कर पायेंगे, संविधान की धारा 3 तहत बहुमत में कानून आप नहीं कर पायेंगी, आपको धारा 368 के तहत कानून लाना पड़ेगा और वह कानून दो-तिहाई बहुमत और दूसरी जो व्यवस्थायें हैं, उनके अनुसार आपको करना पड़ेगा।

आगे जाकर मैं यह मांग करता हूँ कि चूंकि यह हमारी सार्वभौमिकता का सवाल है, जमीन का सवाल है और चूंकि हिन्दुस्तान की जनता ने अपने आप के लिये सार्वभौमिक गणराज्य तैयार किया है, इस लिये जनता की राय भी इस पर लेना आवश्यक है। संवैधानिक संशोधन पारित करने के बाद भी मेरी मांग है कि आप जनता के पास जाइये। अगर गोआ का फ़ैसला करने के लिये आपने जनता की राय आजमाने की कोशिश की, जो जब अपनी भूमि आप विदेशी राज्य को दे रहे हैं तो इस के ऊपर संवैधानिक तरमीम पास करने के बाद, कानून पास करने के बाद भी जनता की राय जानना आवश्यक है। तो सब से पहले आप राष्ट्रपति जी को सलाह दीजिये कि दफा 143 के तहत क्या संवैधानिक संशोधन जरूरी है, यह जानने के लिए सुप्रीम कोर्ट की राय तलब की जाय। मेरे मन में तनिक भी संदेह नहीं है—सुप्रीम कोर्ट कहेगा कि आपकी संशोधन करना पड़ेगा हमारे आईन में, संविधान में, उसके बाद आप संवैधानिक तरमीम ले आइये, जब वह पास हो जाती है, तो आगे जाकर जनता की राय जानते ही कोशिश कीजिए।

दूसरे—मैं आज प्रधान मंत्री जी को चुनौती देना चाहता हूँ। अगर उन का यह कहना है कि जनता इन के साथ है और वह इस पर अमल करना चाहती है, तो वह इस्तीफ़ा

दे दें और इसी प्रश्न पर रायबरेली से चुनाव लड़ें, जो मदद करने वाले हैं, वे उन की मदद करें, जो विरोध करने वाले हैं, वे उन का विरोध करेंगे। और अगर आप समझती हैं.....

AN HON. MEMBER : From his Constituency ?

श्री मधु लिमये : मैं अपने क्षेत्र से भी तैयार हूँ, मैं उनकी चुनौती को स्वीकारने के लिये तैयार हूँ। अगर आप समझती हैं कि जनता उन के हक में है, तो मेरी मांग है आप इस्तीफ़ा दे दें और चुनाव लड़िये, मैं भी तैयार हूँ।

एक और बात भी मैं कहना चाहता हूँ आज गृह मंत्री जी बैठे हुए हैं। जब अनलाफुल एक्टिविटीज़ बिल पर ज्वाइन्ट पार्लियामेन्ट्री कमेटी में और यहां पर बहस हो रही थी तो मैंने जानबूझ कर एक संशोधन पटल पर रखा था। अगर हिन्दुस्तान का कोई संगठन अलगाव की बात करता है या अपने इलाक़ों को चीन को देना चाहिये या पाकिस्तान की देना चाहिये या बर्मा को देना चाहिये—ऐसी बात करता है या प्रचार करता है, तो उस संगठन पर पाबन्दी लगाने का विशेषाधिकार इन्होंने लिया है, राक्षसी अधिकार। आज मैं पूछना चाहता हूँ कि इम 21 साल की अवधि में भूमिदान किस ने किया, क्या हीरेन मुखर्जी ने किया या राममूर्ति जी ने किया राम मूर्ति जी ने उस वक़्त मेरी तरमीम का समर्थन किया था। हमने उस वक़्त कहा था कि जो संगठन इस तरह का काम करेंगे, चाहे सरकारी आधिकारी हों या मंत्री हों या गैर-सरकारी हों, उन पर पाबन्दी लगाने की बात की जाये, लेकिन आपने हमारी बात को नहीं माना, क्योंकि आपके मन में चोर था और आप जानते थे कि थोड़े ही दिन में ऐसा समय आने-वाला है जब आप ही को यह अन्तरराष्ट्रीय भूमिदान कर दूसरा कार्य करना पड़ेगा। इस लिये आपने हमारी तरमीम को नहीं माना। ऐसी स्थिति में इस अनलाफुल एक्टिविटीज़

कानून का कोई मतलब नहीं रहा, क्योंकि इस कानून पर अमल करना है, यदि इस को कार्यान्वित करना है, तो सब से पहले कांग्रेस पार्टी पर रोक लगनी चाहिये, पाबन्दी लगनी चाहिये और इस संगठन को खत्म कर देना चाहिये, क्योंकि इस के रहते हुए हमारी भूमि का एक-एक टुकड़ा विदेशियों के हाथ में गया।

इन शब्दों के साथ मैं मधोक साहब के इस प्रस्ताव की तारीफ करता हूँ और प्रधान मंत्री जी से कहता हूँ कि या तो वह हमारी प्रार्थना को स्वीकार करें या खुद इस्तीफा दे कर चुनाव लड़ें और जनता को इस के ऊपर फैसला करने का मौका दें।

SHRI J. B. KRIPALANI (Guna) : Mr. Chairman, Sir, it gives me no pleasure to speak on this motion. I wish the no-confidence motion had not been brought in and we could have discussed this Kutch question without generating any heat. I am sorry that as Congressmen have been speaking, they have been proving themselves to be the devil's advocates. They have waxed very eloquent upon the loss of our territory.

Even in regard to this agreement which we opposed, as I shall show hereafter, why was it made? It was made because it was said that 'It will lead to the reduction of tension on the entire Indian border'. Even when steps had not been taken for this tribunal to meet, there was added tension on our border.

Congressmen have argued that there should be less of tension between Pakistan and India. I do not think that there is anybody in this House who does not want the tension between Pakistan and India to decrease and friendship to prevail between these two parts that were the same country. But can you by merely giving sops to Pakistan bring about this result? Can you reconcile the Pakistan Government to remain at peace with India? I am not talking of the people of Pakistan. The people of India and Pakistan are one. But are the two Governments one? And

is it not a fact that the Pakistan Government is in existence because it wants to create conflict between India and Pakistan? That was its origin and that is also the reason for its existence. If that reason disappears it has no earthly reason to remain where it is further, it is wrong to say that we considered that there was any dispute about territory. In this very document that has been issued now, in the preamble, when the appointment of the commission is decided upon, it is said "that India claims that there is no territorial dispute as there is a well-established boundary roughly running along the northern edge of the Rann of Kutch as shown in the pre-Partition maps. This is not only written in that document but this was even said often by our two previous Prime Ministers. Much is made about what was said in 1960. Shri Jawaharlal Nehru had said that 'both sides should collect data and there should be nothing done unless data are collected'. What happened? I said on the 17th August, when this question came before Parliament, 'what is the meaning of this collection of data? After the data is being collected, the two parties would sit together and review that data, and according to that data, they would decide what is right, what is wrong, what ought to be done and what ought not to be done'. This is in this volume of debates. Anybody who wants to read it may do so.

I am talking of these things because some Congressmen said that 'the House accepted'. The House had a majority of Congressmen. The majority accepted. We never accepted the appointment of the tribunal. Even after it was appointed, when the question came before Parliament, we strongly protested, because we said 'there are reasons why you can even now repudiate this agreement, because peace has not been restored, tension has increased and they are attacking us in Kashmir'. All this is quotation.

'Supposing there was an agreement to refer the Kutch dispute to arbitration, it is of the essence of an arbitration that you must clearly keep the issues before it'. There should be no confusion about the issues, as there has been. Indifferently in that document, the two words 'demarca-

[Shri J. B. Kripalani]

tion' and 'determination' of boundaries are repeatedly used. One does not know whether it is demarcation of the boundary or it is to be the determination of the territory, as to where any portion of this Rann of Kutch should go.

'Our Prime Minister has many times said that there was no question whether the Rann of Kutch belongs to us or not. There was only a boundary dispute'. When this dispute was being referred to the tribunal, it was said here that 'we have a cast-iron case' was it said by the Defence Minister or the External Affairs Minister ?

SHRI NATH PAI : All of them.

SHRI J. B. KRIPALANI : All of them said that they had a cast-iron case. This is what has happened to their cast-iron case !

SHRI HANUMANTHAIYA : That is what Mr. Wilson said.

SHRI NATH PAI : The whole lot.

SHRI J. B. KRIPALANI : On that occasion as on this our friends have talked of international opinion.

16.15 Hrs.

[MR. SPEAKER *in the Chair*]

I said on that occasion that 'international opinion is affected and guided by its own interests, "and not by our interests."

Further I said :

"Wherever their own rights are concerned, they (the other nations) are prepared to risk world conflagration, they are prepared to risk nuclear war and they are prepared to risk the destruction of the world."

They are prepared to risk even the annihilation of humanity. If we are to guide our international policy or internal policy by world opinion, then I say we go wrong. We have to look to our interests, and not to world opinion.

On that occasion I had given the example of Gandhiji. When he started the Quit India Movement, many wise men among us said that international opinion

will be affected. Gandhiji said, "It does not matter what international opinion thinks about us. If right is with us, we must assert that right, and we must not care for international opinion, because, if we are right, international opinion will be in our favour some day or the other, sooner than later."

Then I said also :

"Whatever Agreements about Kutch might have been made, they have no value after Pakistan has attacked in Kashmir."

This award had not come before that war began. You had every opportunity to cancel the agreement that you had arrived at. When war is declared between two nations, no agreements exist in international law. All agreements are abrogated at that time. But what did our wise men say at that time. They said that Kutch was different from Kashmir. It was from the Congress Benches that it was said that Kutch was different from Kashmir. And what did I say about it ? I said :

"Some Congressmen argued then that Kashmir question is different from the Kutch question. To this I said that the circumstances under which this agreement was made were quite different, radically different from the circumstances that exist today on account of the betrayal by Pakistan in Kashmir."

This word "betrayal" was used by our Prime Minister Shri Lal Bahadur Shastri. At that time everybody said that it was betrayed. Then I asked if it was possible to sit round the table with Pakistan about the boundary of Kutch. I concluded like this.

I may be permitted to allow my friend to read for me. I hope the House will excuse me and you will allow it, because the light and my sight do not coincide with each other.

SHRI NATH PAI : I apologise to the House because I cannot introduce in my voice the authority and power and fire which our veteran Acharya can. So, with due apology, I will try to read it :

"I concluded my speech by saying that when we have clearly been shown that

their words cannot be trusted, when the Prime Minister has said that their words cannot be trusted, can we then sit with them round a negotiating table? It is sinful to carry out at this time of the year when we are fighting Pakistan with the skin of our teeth in Kashmir. I say it is time enough for Government to retrace its steps if it wants to be considered a powerful, good and honourable Government, a Government that does represent the people, not only with the vote of the people, but the will of the people. . . Go into the market place, go into the bazar, go into the kutcheries, you will find that people think that this is a wrong agreement and the people think it will be wrong at this time to talk with Pakistan."

SHRI J. B. KRIPALANI: I entirely agree with what Mr. Madhu Limaye said about international agreements. International agreements are made under certain conditions. If those conditions are not observed by those who sit in judgment, then those agreements are to be scrapped. At least one member of this tribunal, the representative from Yugoslavia has told us that so far as the boundary question is concerned, it is quite clear as to what are the considerations that have weighed with the majority. It is not the consideration of finding out the truth about the boundary. It is the consideration of bringing about peace between India and Pakistan. If peace can be brought about between India and Pakistan by giving 350 sq. miles of territory, I shall be the first man to grant it to them. But you will not get peace with Pakistan by granting this territory. Do not think that you are giving only 350 sq. miles; you are giving the best part of Kutch territory. Do not think that it is only one-tenth of that area; you are giving almost the whole of it. We are entitled to repudiate this award. I do not call it an award. It exceeds the terms of reference that were given to it. First of all we should not have made our terms vague. Vague even as they are, there is no place therein for political considerations or for considerations of peace between Pakistan and India. People are daydreaming when they think that it is easy to bring about peace between

India and Pakistan. Our friend Sheikh Abdulla dreams he is going to bring about peace between India and Pakistan, something which Mahatma Gandhi could not do, Jawaharlal could not do and something that the Tashkent agreement could not do. I say that the evil that people do lives after them and unfortunately it affects our country. Three major mistakes were made by Lal Bahadur Shastri. One was the Tashkent agreement; another was the setting up of the Kutch Tribunal and the third was the agreement to bring back the nationals of Ceylon to India. They were there for centuries; they were carrying on their work; they did not go of their own accord; they had gone as indentured labour. They were citizens of Ceylon. We wanted to bring them back as if America could still send the people of Irish origin back to Ireland. Will Ireland ever agree to it? It is something impossible and yet we do this. I am very sorry that in this Parliament there are descendants of our Prime Ministers and I have to say about them that they have betrayed the trust that was reposed in them. These are hard words but I cannot but say these words, because this is not a question of my friendship with this man or that man. It is a question of our country. If we go on like that, what will happen?

Gandhiji had non-violence as his creed. But on that account he did not say, "Yield to violence." He said, "Make your body so strong that if anybody wants to kick you, his leg may be broken but the body may not be broken." He wanted us to be men of iron, and not men who are afraid of shadows. If we are afraid of Pakistan, if we are afraid of China, if we are afraid of anybody we cannot do anything. We must take risks. A nation that does not take risks will go down in history.

SHRI R. D. BHANDARE (Bombay Central): Mr. Speaker, Sir, I oppose the no-confidence motion moved in this House. I was under the impression that logic was a very strong point with Mr. Madhu Limaye, but today I found that logic is not a strong point with Mr. Madhu Limaye at all. I say this because of two reasons. The major portion of his speech was based on the question of implementation of the award: if we are to implement the award, what procedure should be followed: whether the

[Shri R. D. Bhandare] ·

Constitution should be amended, what was the opinion expressed by the Supreme Court and so on. All these are things which are not germane to the discussion of the no-confidence motion. When we come to the question of implementing the award, how it can be implemented will be a matter of procedure which we shall discuss later on.

Mr. Madhu Limaye said something about this: that if you are not to amend the Constitution, then resign and let us go before the country. If we can resign, who can implement the award? The implementation part of the award will come later, and then at that time, we shall consider whether the Constitution should be amended or not. Therefore, from today, at least, I will remove that impression that logic was a very strong point with Mr. Madhu Limaye.

There have been a number of prohepts and there have been a number of fortunetellers who say that if we accept the award, then the desire of Pakistan will not be satiated and Pakistan will again put forth claims for further territory. I think those who say this must have studied the *Panchang*. Today, that is not the point before the House. The point before the House is whether we should accept the award or should not accept it. On that basis, they have brought in this no-confidence motion.

Preposterous propositions have been laid before this House. On this side, we do not for a moment say that an award cannot be challenged. We say that an award can be challenged. I am talking of generality and I am not talking on a specific point pertaining to this award. We are prepared to say that any award of the International Court will be challenged, but under what conditions and on what grounds it should be challenged, is the question. It is not necessary for me to go through the different authorities which deal with the nature, acceptance and implementation of the award of the International tribunal. It can be challenged on the basis of excessive powers, powers assumed and not given to the tribunal. Mr. Limaye has dwelt on this point at length saying that it could be challenged on the ground that the tribunal has gone beyond and behind the agreement entered into between India and Pakistan. If any

tribunal goes beyond the compromise and terms of the agreement, certainly it can be challenged. But what is there in this award to show that the members of the tribunal have gone beyond the terms of agreement between India and Pakistan? There is not a word which can be proved or suggested that the tribunal has gone beyond the compromise terms of the agreement.

It can also be challenged, as the mover of the motion Prof. Madhok said, on the ground of corruption. Certainly these are general principles accepted by all countries. But the question is whether we can prove that there was corruption, whether we have an iota of evidence to show that the judges accepted the bribe. So long as that evidence is not there, how can we challenge the award on the ground of corruption?

It can also be challenged on the ground of essential error. What does it mean? I have gone through the award carefully. If at all this aspect is to be challenged, then there will be no grounds for us to stand and go before any tribunal of international repute. We have to read the award carefully to find out whether it has dealt with any essential errors.

It has been said in the press and by some members here also that that it should be rejected because the award is based on majority opinion. It is again a preposterous proposition. It has been accepted that an award does not lose its sanctity because it is based on majority opinion. In this context, I would like to quote what Simpson and Fox have said in their standard book on International Arbitration:

"It may today be stated, without fear of arousing controversy, that in the absence of express provisions to the contrary, an international tribunal reaches all its decisions by a simple majority. To require unanimity would involve the risk that the Tribunal would either be unable to reach any decision at all or would degenerate into a negotiating rather than a strictly judicial organ."

Therefore, it should not be rejected on the flimsy ground that the award is not based on the unanimous opinion of all the members of the tribunal.

We have got to take into consideration certain basic facts if we are to answer the question as to why the dispute between India and Pakistan on Kutch border was referred to the international tribunal. Much heat has been generated on this issue. Emotions are bound to be aroused, as some of my friends have said, "We will go before the people; the people are agitated." That is true. But the affairs of a great nation cannot be carried on and managed on mere sentiments and emotions. Therefore, we have got to take into consideration certain obligations, national and international.

Before I come to the obligations I would certainly share along with my friends the anxiety felt by the persons on the Kutch border. I quite appreciate, I quite sympathise their lot. But the question is, apart from the question of sympathy and apart from the question of sentiment and emotion, a great nation has to fulfil certain obligations.

How did this dispute between India and Pakistan on the question of Rann of Kutch arise? This dispute arose out of an Instrument of Accession. It is in fact based on the succession of a State. They ask, why is it that we have taken up this headache from the Maharao. I have here this book, *The Story of Integration of Indian States*. Shri Madhok said that this dispute arose out of partition. I beg to differ from him. The dispute between Kutch and Pakistan did not arise out of partition. This arose out of the succession of the State by virtue of an Instrument of Accession. I refer to page 286 of this book, *The Story of Integration of Indian States*.

SHRI BAL RAJ MADHOK : Who is the author ?

SHRI R. D. BHANDARE : Shri V. P. Menon. I was saying that this dispute arose out of the accession of States. If a State has acceded then we have to accept the liabilities and responsibilities of that State which has acceded to the Indian Union. The result was that when we entered into the Instrument of Accession we had to accept the dispute. That is the origin of the dispute. It arose in 1948. In this connection, I would like to read a passage from

the speech of the hon. Prime Minister, Shri Jawaharlal Nehru made on 3rd March 1956. He said that the Government of Pakistan raised the issue of the boundary between Kutch and Sind being in dispute in 1948. He went on to say, I quote, "After a lapse of about five years Pakistan is again creating...". Even the Prime Minister had to say on the floor of this House how this dispute arose.

I would like to put forth three propositions for the consideration of this House. Firstly what sanctity, how much importance should be attached to the decision taken by this House when the agreement was entered into after the cessation of hostilities between Pakistan and India? That agreement was laid before the House and it was approved by a majority. Is it right to say that that decision was perverse and should not have been accepted. I quite concede the right of the Opposition to criticise but, at the same time, they must attach some sanctity to the decision taken by the highest tribunal of this country, namely, Parliament.

I would like, secondly, to place before the House as to sow a dispute, a border dispute, between two nations could be resolved. These are the accepted methods by which a dispute between two nations could be resolved. One is by the negotiation. If you go through these documents you will find that we have been negotiating a settlement for a long time. On 28th February, 1965 the negotiations broke. The negotiations were carried on in order to solve the dispute between Pakistan and India at the Prime Minister's level, at the ministerial level, at the official level. When negotiations failed, then war started. The negotiations failed on 20-8-65. Before that, we had taken all possible care to resolve the dispute by negotiation. Could my friends suggest, could they argue in favour of total war, war to the finish, and say that we should not have entered into an agreement for the cessation of hostilities and an agreement for the purpose of referring the dispute to the tribunal? Let them say, let the leaders of the opposition declare their policy, that they are for war to the finish with Pakistan, or for that matter, any other country.

Thirdly, if war as a means of solving international disputes fails then there is a

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third method and that method is reference to the International Tribunal. Now, when the matter was referred to the international tribunal, under the conditions as they were prevailing then, that agreement was approved and sanctified by this House. Could we now say that it was wrong on our part and that we should not have referred the matter to the international tribunal. Now when the international tribunal has given the award, have we any check, have we any right to say that we shall not accept the award?

One more point and I am done. If there is any doubt as to the merit of the award of the tribunal, we have one remedy, we have one way open. If at all there is any doubt about the award, if at all there is any ambiguity in the award, we can go to that very tribunal and seek certain clarifications. That is the only way. Otherwise, there is no other way but to accept the award of the tribunal. With these words, I oppose the motion of no-confidence with all my strength.

SHRI P. RAMAMURTI (Madurai): Mr. Speaker, Sir, I rise to support the simple motion, expressing want of confidence in the Council of Ministers, for the reason that this government deserves to go for many of its acts of omission and commission. But I want to make it clear that the Mover of the Resolution, apart from indicting the government for its acts of omission and commission, also wants the country to take a particular course in the particular circumstances and I feel that it has nothing whatsoever to do with the motion of no-confidence. What we ought to do in the case of a particular award is entirely a different matter altogether, and on that I have absolutely no doubt as to what the country should do.

I have been hearing very learned disputations about international law, the niceties of international law, when an international arbitration award can be upset. All right. But may I say that in the agreement itself we have said:

"the decision of the tribunal referred to in (3) above shall be binding on both governments and"

—mark these words—

"shall not be questioned on any ground whatsoever."

You have given up your right to question that arbitration award on any ground whatsoever, be it extra jurisdiction, this thing or that thing.

SHRI N. K. P. SALVE (Betul): If the agreement is void *ab initio*, could it be binding on the parties?

SHRI P. RAMAMURTI: I am not entering into a dispute with my hon. friend, but the fact is that it is the position. Why they entered into an agreement of that type, on that we can condemn them—that is an entirely different matter—but today the country cannot afford not to implement the award *in toto*. Therefore, as far as I am concerned, it is futile, it does not serve any purpose whatsoever just at this moment, to go into the details of this award itself. It is not for us to sit in judgment over the award itself having agreed that we shall implement it irrespective of other considerations. It is not necessary for us. It does not serve any purpose. No fruitful purpose is served. Later on some people, out of academic interest, may enter into research as to how exactly these people came to this conclusion and all that. But I am not concerned with that at present.

Another point which I want to urge is that when we do a thing, let us do it with grace. Having agreed to that, I will not be looking into other questions at all, whether the tribunal was correct here or there. I would not raise that question inside the country; first I shall implement that award and then all other questions will come, as far as I am concerned. That is the way in which I look at this. Therefore the question of implementation of the award is outside the scope because it is not something which has already been done. After all, you bring a motion of no-confidence against the Government for acts which it has done and not for acts which it has not yet done. Therefore I completely separate the whole thing and I support the No-confidence Motion for very many other valid reasons.

Take, for example, this agreement itself. Why should it not have been possible for

us to settle the disputes by bilateral talks? He referred to an agreement in 1960. Shri Swaran Singh and his counterpart there had agreed that they will collect material. Is it necessary to sit up for five long years to collect that material and once again to meet? After all, when disputes have arisen it is of the utmost importance that the greatest effort and speed are exhibited to resolve those disputes. But I find that unfortunately that determination is not there on the part of Government.

Then again, why was it necessary to enter into that? Other people have spoken about arbitration and all that. I am not going into that now. I agree with Shri Hiren Mukerjee on that. For example, there are other aspects of the question. I am able to sympathise with the position of Government, which it is in and which is entirely of their own making. Once a dispute has arisen and you have agreed either to enter into bilateral talks or to arbitration, obviously any wise man, any man with ordinary commonsense, will tell you that when you go there it is likely that some parts you will get and some parts you may not get. Even if you enter into bilateral talks it may be necessary to give and take. When this is the thing, what is the use of going on telling the people in the country day in and day out that our case is a cast iron case—you can say that it is a steel case instead of a cast iron case; what does it matter?—and on that basis go on raising the people's chauvinism on these questions? Because you raise the people's Chauvinism on these questions, when something happens you find yourself in an extremely difficult position and the country also begins to say that we have lost something.

I was rather amused to find Shrimati Sushila Rohatgi talking about and saying, we have won; we have gained 90 per cent. So, you have lost 10 per cent. After all, what does it matter; why go on talking all the time of our having got 90 per cent and Pakistan having got 10 per cent and all that? That is not the question to be looked at all. All these questions arise fundamentally because of the particular outlook that the Government has been exhibiting throughout in these border disputes with other countries. It has always

been exhibiting a certain attitude and that attitude is whatever I say will be correct; nobody can dispute that; any international tribunal will find us to be correct; our case is absolutely correct. This kind of propaganda that is being done day in and day out unfortunately creates a situation when bilateral talks themselves will become difficult and, therefore, later on people are not conditioned to a situation where in the country's interest it becomes necessary to have an agreement in which you may have to give up a part of your claim.

SHRI SAMAR GUHA : Aksaichin and others.

SHRI P. RAMAMURTI : Yes, I do maintain that. After all, you have to settle your border disputes with China by bilateral talks. I wish god speed to my friends and to my friend Mr. Madhok. Let them collect an army in this country and go to Aksaichin and win it back. But I know in the ultimate analysis, you have got to come to an agreement on the basis of settlement.

Apart from this Kutch affair... (*Interruption*) I am not yielding; don't interrupt me. The other day, the Prime Minister, while speaking on the motion of thanks on the President's Address, said that the Opposition people are all cynics and she quoted from Oscar Wilde—she used the word 'cynic' in a particular sense—and she said, cynic is one who knows the price of many things but who does not understand the value of anything. As far as this Government's policies are concerned, its internal policies, its external policies, I feel totally guilty to the charge that she has made. We know the price of policies that the Government of India has been pursuing but we do not know the value and, I say, the Government knows the value of its policies but does not know the price. I shall tell you how.

22 years after our Independence, where do we find our country? We find the Government, year after year, begging from other countries. Without that begging, our country cannot live. There is more and more aid. This is the way in which this Government is going and its price we know. The price of it is loss of self-respect of this country. We do not know

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its value. Its value may be reserved to Shri Morarji Desai and Shrimati Indira Gandhi. Let them hug that value. We do not want to know the value. We know what the policies of the Congress Government have led the country to. There are the teachers in the streets, the engineers in the streets... (*Interruption*) I am not yielding. Today, hundreds of thousands of people are going about begging for a morsel of food. There is unemployment increasing day after day, retrenchment increasing day after day, factory after factory, and the common people of this country know by their sweat and blood what the policies of this Congress Government have caused to them, unemployment, rising prices and all that. As far as the value is concerned, they know that the black-marketeers in this country have flourished. Of course, Shri Morarji Desai could not take much action against them. There was a time when Pandit Nehru, our late Prime Minister, said in 1946, before he became the Prime Minister that the moment he became the Prime Minister, he would hang the black-marketeers by the nearest lamp-post. 22 years have passed and I do not know why Pandit Nehru did not hang a single black-marketeer. Perhaps, he did not find the yarn or he did not find the *rasi* for that. If the workers were told, of course, the workers of Coimbatore would have supplied him enough *rasi* free of cost.

We know this has yielded about Rs. 41 crores of black money in the hands of the people. We also know that the policies of the Congress Government have led to the concentration of wealth in the hands of a few people. The Monopolies Commission's Report has said that 75 houses have amassed Rs. 36 crores of accounted money. How much unaccounted money they have, heaven alone knows. Therefore, the common people of this country and we know the price of the policies that the Congress Government has been pursuing. Its value we do not know. Of course, Shri Morarji Desai and Shrimati Indira Gandhi are valuing it. They know the value of the money in the hands of the big people because it is valuable for their class. We have to pay the price and we will continue to pay the price. That is the policy that the Congress Government has been pursuing.

As far as the peasants, the agricultural labourers, in this country, are concerned, 22 years of Congress rule has led to what. Instead of the peasants getting land, on the other hand, it is authoritatively pointed out that the evictions that have taken place during the last ten years have exceeded the total number of evictions that had taken place in hundred years of British rule.

Therefore, the peasants of this country know the price of the agrarian policies of the Congress, by losing their land. They have lost and they know the value of the agrarian policies of the Congress. They know what its value is. Therefore, we do not want to know. In that sense, we want to be cynics; we do not want to change our cynicism as far as the policies of the Congress Government are concerned.

Then there are many other things. She waxed eloquent about unity and all that. Very good. After all, here is the Congress Party with a tremendous amount of prestige... (*Interruptions*).

AN HON. MEMBER : Is ?

SHRI P. RAMAMURTI : It does not have that now; it was having a tremendous amount of prestige in 1947, the prestige of having been in the forefront of the struggle for Independence, and the people of this country entrusted this Party with power. If in twenty years, with that tremendous amount of confidence of the people and with the tremendous amount of prestige, you find in this country, when they have been in charge of the administration continuously for the last twenty years, this kind of position, this kind of fissiparous tendencies, is it not necessary at least to have a little introspection? Is there this introspection on their part? Who is responsible for this kind of thing? Do the Congress Party and the Congress Government not think that there is something fundamentally wrong with their approach to the whole problem as a result of which this country is going to dogs?

Take, for example, the language question. It is a very simple question. I am not going into the whole question at all; I am just taking only one aspect of it. Last time when the Language Bill was being discussed, Shrimati Indira Gandhi told us that, after all, some of the Opposi-

tion Parties wanted the Language Amendment Bill. Yes. But did we want any Resolution? We did not ask for it. On the other hand, I asked Mr. Chavan to at least postpone consideration of it in the House; I pleaded with him to postpone consideration of this particular Resolution at least; I said that the Bill could be passed, but let us at least postpone the consideration of the Resolution for three days; I suggested that we could sit together. But he said, 'no; we will not do that'. Why? Because, they are the Government, they have the authority and they have decided this. It is this haughtiness, it is this arrogance, that is responsible for the present state of affairs. After all you have to realise that the Congress Government does not represent the majority of the people of this country; they got only 36% of the votes of the people. Therefore, they should have a little more humility, a little more introspection. Let them at least have the sense of listening to the other people. Did they do that? No.

Then they go on preaching about the 3-language formula, saying that that is the panacea... I would like to tell the Hindi-speaking people that I am not against the Hindi language. But I would like to ask the Hindi-speaking people as to what is the position today. They talk of the 3-language formula. After all, the 3-language formula has been in vogue since 1956. And who has implemented it? In Madras, the people have been learning three languages from 1946. In Andhra, in Mysore, in Kerala, in Maharashtra, in Karnataka and in other places, the 3-language formula has been there for the last so many years. But who did not implement it? It is the Uttar Pradesh that did not implement it; it is Rajasthan that did not implement it; it is the Madhya Pradesh that did not implement it; it is Bihar that did not implement it. Therefore, before the Hindi-speaking people get the right to preach to the others, first of all, they should demonstrate by their own deeds what they preach. But they have not done this. Naturally, therefore... (Interruptions) it becomes necessary for them to establish their *bona fides* before the other people. Otherwise, the people of the other States think that these people are mounting the slogan only with a view to imposing their own language on others.

Therefore, I would plead with them, even now, that, in order to create a better situation, to create a calmer and a cool atmosphere, so that the problem can be thought of afresh, they may at least keep that Resolution under suspension for some time. Let them create a better atmosphere. Let us put our heads together and try to see how exactly a solution can be found.

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I am making this suggestion, but I know that questions of prestige will come and many other things will come in the way, and they will not accept it. In that case, for the consequences, let them not blame the other people. We are making suggestions after suggestions. If Government think that they are the only people who are the arbiters of the destiny of this country, then the people in the streets unfortunately think that they are going to be the arbiters and not the people in Government. That is the unfortunate thing.

I wanted to talk on many other questions. With regard to their constitutionalism...

SHRI SHEO NARAIN : The hon. Member has no faith in it.

SHRI P. RAMAMURTI : We know the tremendous faith that my hon. friends opposite have; we know the tremendous faith that the Congress Party has in the Constitution from the way in which it is working it in Bihar and other places. I do not want to go into that here. Here in the House Shri Y. B. Chavan will come forward and say that there should not be defections and defection is a very bad thing. But what does the Congress Party do in Bihar? There is a party of 38 members having 38 Ministers and the Congress Party is supporting it. Have they any sense of shame, whatsoever, leave alone any sense of propriety? They are prepared to do anything that suits their purpose.

Again, we are told that there is plenty of food, and 20 million tonnes more of food production. But whatever might be the total increase in food production, Kerala will not get anything more and the people of Kerala will have to suffer. If

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the Kerala Minister says 'After all, you are giving foreign exchange to individual people to buy goods from foreign countries; import is under your charge; you are authorising Mr. Birla to go and purchase machine, and you are releasing foreign exchange for him; in the same way release us some foreign exchange so that we may go and buy some food', then Government here ask 'Is India one or two?'. Birla can buy, other people can buy and for that purpose foreign exchange is released, but if a State Government want foreign exchange to go and buy food, then it becomes division of this country. I would like to point out that it is exactly this attitude of starving the people and preventing them from getting their legitimate dues and forcing something on them which they are not accustomed to, which is leading to fissiparous tendencies. Therefore, I want to point out that on every count this Government deserves to go.

On the question of foreign policy, this morning I read that for South Viet Nam on humanitarian grounds medicinal supplies were allowed. That was very good. But why not for North Viet Nam also? Then they would say that they are neutral, and they would add 'How can we allow that to North Viet Nam? After all, the American Government will come and put pressure on us'.

Therefore, I would submit that on every one of these counts, on the question of foreign policy, on the question of every one of its internal policies, its economic policies and its political policies, this Government deserves to go. Therefore, I support this motion of no-confidence.

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI) : Mr. Speaker, Sir, I have been hearing with great respect what has been said here for the last few hours on this no-confidence motion, which has been obviously brought in connection with the award of the Kutch tribunal and the policies of Government in that connection. Many other things have been said as to why this Government should go, and why those who spoke against the Government had no confidence in this Government. I am not going to touch the other points

except this award because I shall have opportunities very soon when these things will again be hurled at me and I shall have to speak. I shall then be able to speak at greater length and with more confidence and also in an atmosphere where there would be no heat generated as it is the case today. This is a subject where heat is bound to be generated and there can be two opinions also—I would not dispute it. The only question is whether we have acted correctly in what we have done, whether the award has to be accepted or rejected. If heat is generated because there can be another opinion, I would not quarrel with these who abuse us. But I do not want to imitate them in replying to them in this matter, because I knew that they are doing this because of their dislike of this Government, which, of course, they have, and they are bound to have because they are not on this side, and do not seeing any immediate prospect of coming to this side. Therefore, it is bound to be there.

SHRI SAMAR GUHA (Contai) : Do not be too sure.

AN. HON. MEMBER : Wishful thinking.

SHRI MORARJI DESAI : Wishful thinking is what is obviously indulged in by that side. But that is not an argument which ought to be brought in this particular matter.

I have no desire, therefore, to touch on the other points raised about the uselessness of this Government or the shamelessness of people on this side, because if people who do not know the meaning of the word 'shame' begin to say we are shameless, I do not bother about it. Nobody need. It is not because somebody gives a certificate that one believes in shame or not, that one possesses it or does not. It depends upon one's own conscience.

SHRI VASUDEVAN NAIR : You are so thick-skinned.

SHRI MORARJI DESAI : I know whose skin is as thick as that of the hippopotamus. Otherwise, they would not have carried on in the manner they do. What else can they see? They can see only what they have. How can they see something else which others have? Therefore, on that score, I have no quarrel. But I

do not want to take more time in these repartees because that is beside the issue. I want a very cool, calculated consideration of this problem. I agree it concerns the honour and integrity of this country. But whether the honour and integrity of the country have been preserved by this Government, or whether the arguments put forward today put them in danger, is a problem which requires to be considered very seriously.

I did not want to speak on this issue, but when I heard the various arguments, specially when I heard my hon. elder, Shri Kripalani, I thought I must also give a view which I hold, and that too as I have understood from the teachings of Mahatma Gandhi. I do not claim a better understanding of Mahatma Gandhi than Kripalaniji. I have no right to do so.

AN HON. MEMBER : You dare not.

SHRI MORARJI DESAI : No question of dare not. I can dare many things which others cannot. But that is not daring. Daring is not the greatest of qualities. I do not want to dare in a foolish manner. One may have courage; therefore, one does not jump from the fifth floor and commit suicide. That is not courage. My hon. friends opposite are welcome to that kind of courage. This Government is not interested in that kind of courage; nor is it interested in mere oratory or castigation of people whom it does not like or whom you do not like—I do not refer to you, Sir when I say 'you do not like'; you like everybody.

If we take this Kutch award, it starts first with the dispute, whether there was a dispute or no dispute.

It has been said that it was wrong to have said in 1959 or 1960 that there was a dispute, that it had to be settled, and that it might be settled by arbitration. It can be said, I do not say that it cannot be said, because we had no dispute in our mind, we said that the whole of the Rann of Kutch as demarcated belonged to us. But does that mean that Pakistan, accepted it. It is not as if this claim has been made by Pakistan only after independence. It was claimed before by Sindh, and Pakistan has gone on disputing this ever since Pakistan was created, and if there is a

dispute, we cannot merely say that we do not consider it a dispute, and therefore there is no dispute. Therefore, there is a dispute, it has to be solved. How, is the question.

SHRI M. L. SONDHI : By silence.

SHRI MORARJI DESAI : I hope my hon. friend understands the value of silence at proper times.

SHRI M. L. SONDHI : Shri Swaran Singh does not.

SHRI MORARJI DESAI : It will save his energy.

SHRI M. L. SONDHI : He presented an aeroplane to Iraq the other day.

SHRI MORARJI DESAI : I think he did better than hon. Member's intervention. I do not think he did anything wrong.

Here, in the Award these facts have been given, from which we see that this is not a dispute which has arisen only today. Here, it is mentioned at page 130. if anybody wants to refer to it :

Next, in 1903, the Commissioner in Sind declared, in a matter concerning fishing, that *prima facie* the rights of the Sind authorities extend up to at least the centre line of the Rann'.

"The correspondence ending with the 1914 Resolution and the file of 1934 concerning the establishment of a Customs Preventive Line has also been mentioned; both of them confirm that at the relevant times a historically recognised and well-established boundary cannot be said to have existed. Between these dates several official reports made in the course of the 1926 incident indicate that the Sind officials then concerned did not regard the boundary as definitely fixed.

"Even later in time are the documents emanating from both Kutch and Sind in the years 1944-1946 and relating to an extradition case. They show that a dispute about the boundary still existed on the eve of Independence."

Therefore, the question of dispute cannot be disputed. It was there. Whether we

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should have agreed to solve it by arbitration is a problem which should be considered, and what are we doing.

We have a Constitution. In the Constitution, in the Directive Principles we have laid down in article 51 :

'The State shall endeavour....

SHRI VASUDEVAN NAIR : Is it on the advice of the Law Minister about the Constitution ?

SHRI MORARJI DESAI : There is no question of any advice. I think I understand the Constitution better than the hon. member, because he has no use for the Constitution, he does not believe in a constitution, therefore he does not understand it.

'The State shall endeavour to—

"(d) encourage settlement of international disputes by arbitration."

This has never been disputed in this House, and if we believe that we should not have any arbitration....

श्री मधु लिमये : वह जमीन और भूमि के बारे में है... (व्यवधान)

SHRI MORARJI DESAI : Let him have some patience.

श्री यश दत्त शर्मा : आपकी गलत बातें ही तो देख रहे हैं, मोरारजी भाई ।

MR. SPEAKER : Order order. I will not allow this. Whether you agree or not, you must hear. If he has said anything wrong, Mr. Madhok can give the facts. He has a right to speak again; he will speak tomorrow on your behalf. I shall appeal to Mr. Sheo Narain also not to provoke them.

SHRI MORARJI DESAI : I want to plead with my hon. friends not to accept everything that I say but only to hear what I have to say. Let them consider it and stick to their view if they want to. But it is no use stampeding the discussion.... (An Hon. Member : You are stampeding a decision). I am not stampeding any decision. We are taking decisions which we are entitled to. It is a right of the

Government. If it is wrong, the Opposition can castigate us and we shall take it if it is deserved. But let them also understand that if they are in the wrong, they must be prepared to admit it or at any rate concede us the right to tell them what we think about it. That is how things can be carried on here; and in no other manner can they be carried on. People get angry because they have no arguments and they are unable to reply to the arguments.

AN HON. MEMBER : Why are you angry ?

SHRI MORARJI DESAI : I am not angry at all. Even if you try to make me angry, I will not because then you will win if I get angry. Even in regard to Ladakh, then Prime Minister Jawaharlalji said that he would be prepared to refer the question to the International Court. Nobody objected then.

SHRI A. B. VAJPAYEE (Balrampur) : We did.

SHRI MORARJI DESAI : You might have done. Even in this matter, when it was discussed in 1965, several hon. Members in this House objected to the agreement and I do not say that they were not right.

SHRI M. L. SONDHAI : You said that you had a iron-clad case at that time. What did the Prime Minister say in Raipur ? What did Shri Swaran Singh say in Chandigarh ? Where is that iron-clad case ? You must be wrong either then or now; you cannot be right on both the occasions.... (Interruptions.)

SHRI MORARJI DESAI : My hon. friend should have some manners; this is not the way to speak. If one side believes in its case and says that it is a iron-cast case, I do not know how you can find fault with it. We have presented our case to the Tribunal. The other side also says that their case was cast-iron case. Both sides presented their cases to the Tribunal and the Tribunal had come to certain conclusion. Nobody can say that our case was wrong or that we had no belief in it. To say that our case was not presented well is a grave injustice to those who presented our case.... (Interruptions.)

MR. SPEAKER: May I appeal to the Deputy Prime Minister not to reply to the interruptions but to go on with his arguments. They can refer to these issues later on. If he replies to them now, it serves no useful purpose.

SHRI MORARJI DESAI: I agree that I should not speak about them but I do not agree that it serves no purpose. It serves a good purpose; it makes them silent afterwards. When arguments stop, they have got to stop. What else can they do?

SHRI BALRAJ MADHOK: We can reply to your arguments. But this invective will not do. We listen to your arguments. We will reply to your arguments. But these invectives would not do.

श्री मधु लिमेय : वह पूछ रहे हैं कि क्या कश्मीर के हमले को भी आप वहाँ पर आर-विदेशन के लिए भेजने को तैयार हैं ?

SHRI MORARJI DESAI: I am not. I can definitely say that in future we should decide not to go to any arbitration. And then no government can go to it. Let us do it. But that is not the question now. (Interruption.) The question today is that we have gone to arbitration. And we went to arbitration at the time when it was discussed in this hon. House, and the agreement was accepted by the House by 260 votes to 28. Therefore, it was not merely that the Government side only voted for it. There were also people from the Opposition who had voted for it. It was not that all of them voted against it. What is the sanctity of the decision of the House? We all accept the decision; not that all do not accept the decision; that would not be right. The decision is binding on everybody, whether he likes it or does not like it; whether he opposes it or does not oppose it, and the decision of the House is binding on everybody. It is binding not only on this Government; it is also binding on the Opposition.

AN HON. MEMBER: We do not accept.

SHRI MORARJI DESAI: If it is not accepted, I am not going to dispute it. They can say what they like.

श्री मधु लिमेय : जो हम कहते हैं बिलकुल जिम्मेदारी से कहते हैं ।

SHRI MORARJI DESAI: That is the height of irresponsibility in the House. That is all that I would say. Then, my hon. friend also says that they are the only *saputs* of this country, and on this side people are all *kaputs*. On that also I do not want to argue, because that is one opinion. And at any rate I am happy that there are some *saputs* according to him, and that is a good thing for India. I am not going to quarrel about it. But *kaputs* never call themselves *kaputs*. That never happens. It is only the other people who do that.

Now, in this matter, when we have gone to arbitration, it can be argued that we should not have gone to arbitration, that we need not have done, but it was done. What is the use of going behind it? What is the use of saying that we should not have done it?

Then, in the agreement there is a clause which is objected to, but that was also accepted. The clause is that the award is binding on both sides and that it will not be questioned on any ground whatsoever.

SHRI M. L. SONDHI: Even if it is an illegal award.

SHRI MORARJI DESAI: Whether it is illegal, absurd, perverse or anything.

AN HON. MEMBER: Even if it is beyond the point of reference.

SHRI MORARJI DESAI: If there is an arbitration, then in the arbitration there would have to be such a clause; otherwise, there cannot be any arbitration. I think this debate is justifying the inclusion of such a clause. I have done myself some arbitration work in several places in the past. And there was a clause in this arbitration also that the award will not be disputed on any account.

श्री मधु लिमेय : अगर एकसँस जुरिस्टिक्शन, अधिकारों का अतिक्रमण हो जाय तो हम उस एवार्ड को टुकरा सकते हैं । हमारे देश में भी ऐसे एवार्ड तोड़े जाते हैं ।

SHRI MORARJI DESAI : I am coming to the problem whether this is without jurisdiction or not. I am not trying to evade any issue. I am only trying to point out step by step how there is no escape for us but to accept this, and we have to accept it properly. That is the submission which I am putting before my hon. friends. They are free to accept my argument; they are free to reject it. But at any rate I must put forward the arguments as I see them. I cannot do it otherwise. With this clause, therefore, it is not possible to dispute this award and say that the award is perverse. There is no ground to prove that it is perverse. It is said here by some members that this is cession of territory. But this is not what the tribunal says. If they have said it, that is different. (*Interruptions*). I would request hon. members to bear with me. I am only quoting from the award. I am not even putting my interpretation to it. The award says. . . .

श्री मधु लिमये : आप किस का पढ़ रहे हैं एलिस वेबलर का पढ़ रहे हैं या चेयरमैन का पढ़ रहे हैं ?

SHRI MORARJI DESAI : I am giving the award, not the dissenting minute. Dissenting minute cannot be called award.

SHRI MADHU LIMAYE : That is also part of the award.

SHRI MORARJI DESAI : No; it is not part of the award. It is only a dissenting minute. Award is the decision and the decision is the majority decision. It is not a unanimous decision. The argument that because it is not unanimous it is not binding is absolutely wrong, because no tribunal, unless it has been specified that it must be a unanimous decision, can be charged with not giving a unanimous award. If they give a majority award, it has the same effect as a unanimous award and is recognised in any court. If anybody has respect for courts, they will believe this. I have no doubt about it. Here there was no mention whatsoever that the award should be unanimous. It was only said that the award of the tribunal will be binding on both the Governments and we accepted it. Whether it is outside the jurisdiction should be seen now.

What was the tribunal asked to do? The tribunal was asked to fix the boundary. These are the words :

"In the event of no agreement between the Ministers of the two Governments on the determination of the border being reached within two months of the cease-fire, the two Governments shall, as contemplated in the joint communique of October 24, 1959, have recourse to the Tribunal referred to in (iii) below for determination of the border in the light of their respective claims and evidence produced before it and the decision of the Tribunal shall be final and binding on both parties."

Now to say that the two inlets were not a disputed territory or that boundary was not disputed is wrong. What was disputed was half of the Rann of Kutch which is totally wrong in our view, but in their view, they have gone on saying this since 1903. Therefore, that was also a dispute. What have they said? Have they ceded our territory? That is what we must see from the award itself. If that is so, certainly it would not be a boundary settlement, but it would be ceding of our territory. In para 3, of page 152 they have said :

"For the reasons now given, and with due regard to what is fair and reasonable to us to details, I conclude on the great issue before me that the boundary between India and Pakistan lies as follows. Reference is made here to the Award Map (Map C)."

So, they fixed the boundary in those areas. What is said on page 153 is an additional argument in detail. Even there, what is said is this :

"In my opinion, it would be inequitable to recognise these inlets as foreign territory. It would be conducive to friction and conflict. The paramount consideration of promoting peace and stability in this region compels the recognition and confirmation that this territory, which is wholly surrounded by Pakistan territory, also be regarded as such."

श्री मधु लिमेय : एक्सिस जूरिस्टिकशन का सवाल है। बहुमत वाले निर्णय में क्या कहा गया है और बेबलर ने क्या कहा है ? कहा सीमा है, यह आप को बतलाना है, कहा सीमा होनी चाहिये, यह नहीं बतलाना है, इस लिये बेबलर की राय बहुत महत्वपूर्ण है।

SHRI MORARJI DESAI : Where the problem is the determination of the boundary the Tribunal has to say where the boundary should be. Then it is not ascertaining, it is determination. When it is determination it is for the Tribunal to determine where the boundary lies, and it is their prerogative that they have utilised. We might be unhappy. I do not say I am happy about it. I am certainly unhappy about it. I was very unhappy when Pakistan accepted it. But we have to accept it and we have accepted it. It is no use bringing in unhappiness about it now. Even though one may not like it and one may be unhappy about it, when the arbitration is finished and the award is given one has to accept it as the determination of a boundary, not as cession of territory. Therefore, in my view there is no question of this award dealing with any cession of territory and there is no question of any suitable constitutional amendment in the matter. There can be other views. I do not say there would not be any other view.

श्री अटल बिहारी वाजपेयी : क्या आप सुप्रीम कोर्ट की राय लेने के लिये तैयार होंगे ?

श्री मधु लिमेय : आप हमारी बात भी छोड़िये और अपनी बात छोड़ दीजिए। आप सुप्रीम कोर्ट में जाइये।

SHRI MORARJI DESAI : I would go to the Supreme Court if I have any doubt. If I have no doubt why should I go to the Supreme Court ?

श्री मधु लिमेय : आप पाकिस्तान और भारत का झगड़ा ट्राइब्यूनल में ले जाते हैं, लेकिन हमारे मतभेदों पर सुप्रीम कोर्ट की राय लेने के लिये तैयार नहीं हैं, आप का यही मतलब है न ?

SHRI M. L. SONDHI : Why don't you refer to Waldeck and Gugenheim who advised you in the matter of Dadra and Nagar Haveli ?

SHRI MORARJI DESAI : If my hon. friends do not get into the habit of making us refer every time to the Supreme Court on every question I can very respectfully consider that question of reference to Supreme Court.

श्री मधु लिमेय : 'हरेक से' का क्या मतलब है ? बेरुवाड़ी का निर्णय आ चुका है।

SHRI MORARJI DESAI : There is no question of fear in this matter. The question is one of clarity and whether there is a doubt or not. There is no doubt in my mind in this matter. Therefore, there is no question of referring this matter to the Supreme Court.

Now, let us examine whether we are afraid of doing this. Whether we should remain alone and not bother about international opinion also should be considered. I can conceive of a matter where the matter is so serious and where we cannot agree to anything. . . .

SHRI KANWAR LAL GUPTA : This is not serious ?

श्री मधु लिमेय : बेरुवाड़ी का निर्णय है या नहीं ? मैं कोई नई बात नहीं कहता।

SHRI MORARJI DESAI : The matter is serious, no doubt, but I am also saying that we should consider whether the matter is such that we cannot accept and we are not bound to accept. Where the matter is such that we cannot accept and we are not bound to accept, then, certainly, even if the whole international world forces us to do anything, we should be prepared to be wiped out but not accept it. I quite agree with that.

श्री कंवर लाल गुप्त : जब आप ने रिफर किया तब भी आप इतने ही श्योर थे कि फैसला ठीक होगा आप के लिये, लेकिन गलत हुआ।

SHRI MORARJI DESAI : When one goes to a court one is sure of one's case. But when one loses the case one has to accept the judgment. It is no use saying, I was right, the judge is wrong. I may think that

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the judge may be wrong and I may be right, and yet the decision of the judge is right and not my thinking. That is the position one has to accept, otherwise one's faith in democracy is only hypocritical and not real. That is what one has to recognise in all such matters. If that is not recognised it will be a wrong thing. We are not living as outlaws. We do not want to live as outlaws. I do not think that is a respectable position for any country to take. We must consider international obligations and international laws in this matter. We must also have international conventions in this matter. It is no argument to say that the other side is one which does not accept arbitrations or decisions when they do not suit them and therefore we should also follow them. We cannot follow people who do not follow morality. We have to follow only people who follow morality. That would be an argument for not going in for arbitration with such parties. There I agree. But, after going into arbitration with them, it does not lie in our mouth to say that we will not accept the award when it is given and that we will defy the whole world. It is very easy to say that.

SHRI PASHABHAI PATEL : Are you prepared to say that in future you will not go in for arbitration in such cases ?

SHRI MORARJI DESAI : I am prepared to say that we should not go in for arbitration in such matters. I am prepared to say that.

SHRI PILOO MODY (Godhra) : Why not go to the Supreme Court ?

SHRI MORARJI DESAI : Supreme Court is not meant for arbitration. This is not a matter for reference to the Supreme Court. We cannot be cowed down, either by the British or the Russians, or by the opposition. Let us understand that once and for all.

SHRI BAL RAJ MADHOK : You should not compare the opposition with foreigners like British and Russians. This comparison is very bad. He should not have made this comparison.

SHRI MORARJI DESAI : There is no comparison as such with foreigners. The comparison is to pressures, whether the pressures come from one side, or another side, or from within. I am not prepared

to surrender to pressures, even if it is from my own family, or from my friends, or from anybody.

AN HON. MEMBER : From your party ?

SHRI MORARJI DESAI : I am not prepared to surrender to pressure even from my own party. But it is not the same thing if one accepts the arguments of the other person. Then, it is not surrender; it is accepting the argument. When a compromise is made, it is not surrender. But, it must be a compromise done out of goodwill, and not done out of fear. I am not suggesting this out of fear. I do not believe when people say that we will not be able to defend ourselves. I do not believe it for a moment. We can defend ourselves there and anywhere else. We can defend ourselves completely; I have no doubt about it in my mind. Also, it is not for the party to sit in judgment over the decision given by the judge; it is not for the party to do it. There is also no question of any appellate tribunal in this matter. If there was an appellate tribunal, we could have gone to that tribunal; but there is no appellate tribunal. We have ourselves accepted this as final and honour demands that we accept this award and accept it without flinching. It has been the tradition and culture of this country, which is peculiar only to this country : कि प्राण जाये पर वचन ना जाही ।

and this government is going to stick to its word; nothing more.

श्री मधु लिमये : जनता को जो वचन दिया था उस का क्या हुआ ?

श्री य० द० शर्मा : एक इंच जमीन नहीं देंगे, क्या यह वचन भूल गये ?

SHRI J. B. KRIPALANI : Mr. Speaker, Sir, I did not want to interrupt the Deputy Prime Minister but, unfortunately, he mentioned my name. I would have liked to know what argument of mine did not appeal to him, because I read out portions of what I have said on a previous occasion when this question was discussed. Was there anything wrong in that ? What is it about which he wants to differ from me, I could not understand.

SHRI MORARJI DESAI : May I clarify ? I am not disputing the arguments

of my hon. friend. I am only saying that he may have said those things, even rightly but now that this award has come, to say that this should be disputed, that this should be thrown out, that we should stand alone as outlaws, this is what I do not accept and this is where I differ from him.

SHRI J. B. KRIPALANI : But I have never used any word like 'outlaw'.

SHRI MORARJI DESAI : You have not; but I am translating the meaning of what you have said.

MR. SPEAKER : Shri Nath Pai.

SHRI J. H. PATEL : Before that. I want to seek a clarification.

MR. SPEAKER : I cannot give him an opportunity now. He can do it later. If doubts are to be clarified, there are many hon. Members who have doubts.

SHRI J. H. PATEL : I will not take much time. Now that we have come to understand that the matter will not be referred to the Supreme Court and that the government is determined to accept the award, will they think in terms of a consensus at least on such awards which come under the jurisdiction of the Central Government? For instance, the Mahajan Commission Report. But they do not want a national consensus on such awards which are to be referred and which should be taken. . . . (*Interruption*).

MR. SPEAKER : We are discussing the international border between Pakistan and India and not the Mysore-Maharashtra border.

SHRI NATH PAI : Mr. Speaker, now that the Pakistani case has been so ably presented to this House, let me try to present India's case.

SHRI MORARJI DESAI : It is very cheap.

SHRI NATH PAI : The basic issue, the real issue, the fundamental issue is being deliberately, systematically, designedly being clouded, camouflaged and confused by the Government. Totally irrelevant and highly tendentious considerations like the international image, our commitments and international law, are being imported into

this discussion. The only issue to be taken into consideration, though I am constrained to say that the spokesmen of some other parties fell into the trap of the Government by bringing in every other kind of consideration which, though very relevant and justifiable, ought not to have been mentioned today—the only issue with which this House is concerned at this moment is the incredible and callous failure of the ruling party to understand the significance of sovereignty of a free nation and its even less pardonable failure to defend the territorial integrity of this country.

The present award, which this Government should have absentmindedly wandered into accepting, and the fact that such an award should have been given against India only underline the failure of the defence and foreign policy of the ruling party. The present award is only one more instance of the way this party has mishandled the defence and foreign policies of this country. Let us, therefore, try to go to the essence of the debate today and not allow ourselves to be dragged into other considerations.

Image of India, our international commitments, international law—all these are being freely bandied about. Amateurs and pseudo experts on international law, even on military strategy, are being pressed into service. If we listen to what All India Radio and some of those so-called experts are telling us day in and day out, the conclusion would be irresistible that the best thing for India to do is, that the real interest of India is advanced, our prestige is boosted and our image gains in lustre and glory if we reward the aggressor with our own territory. This is the only conclusion one is driven to if we listen to the barrage of propaganda that the All India Radio and some others are every day pressing into service.

Let us now take one after another what is the issue. Shri Morarjibhai Desai tells us, "Once we went into arbitration, is it now fair for you at this late hour to challenge arbitration?" Who went into arbitration? We opposed it. It is totally wrong to tell this country that Parliament adopted it. It was this majority of the ruling party which adopted it. We opposed it tooth and nail. It is the guilty men who should apologise to the country. Shri

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Morarji bhai Desai stands up and tells us that we went into arbitration. It is like saying that I committed the folly, you pay the penalty.

SHRI MANUBHAI PATEL : What is Parliament ?

SHRI NATH PAI : I will explain to you the meaning of Parliament. I was then too a Member of Parliament. I hope, Shri Patel will be saying this to his constituency with the bravado with which he is trying to say these things here.

SHRI MANUBHAI PATEL : Very bravely and by conviction.

श्री नाथ पार्ई : आप में हिम्मत नहीं है । मैं आप मिल कर आपकी कंस्टिट्यूंसी में चलेंगे । साथ मिल कर जाएंगे आपकी कंस्टिट्यूंसी में ।

I would like Shri Patel to refer to the debate of the Lok Sabha of the 18th August, 1965. I want to charge this Government, apart from the failure to defend the territorial integrity of this country, with deliberate indulgence in casuistry and dissimulation. I may tell you what I mean. Speaking in this House, on the 30th March, 1965, this is the thing I had to submit to the consideration of the House :

"Though the House, as usual, has not been taken into confidence and told the bitter truth, Pakistan has only in the recent past grabbed 18,000 sq. acres in Kutch. I hope that the Minister, that is, the Defence Minister, in his reply will be in a position to either say that this is wrong or what steps he proposes to take, to take back the territory."

I want the House to ponder over this fact. This is 30th March, 1965. Till 9th April, 1966, the House and the country, the people, were kept in the dark by this Government. Nothing was admitted, nothing was acknowledged and nothing was told. Then, we were told in a very casual manner that there has been an intrusion. The nation was alarmed that already the enemy was advancing and, again, casuistry was that there had been an intrusion—this was a thin edge of the enemy's aggress-

sion. But the then External Affairs Minister who is sitting here with another cap—I mean the turban is the same but the portfolio is different—the then Home Minister and the then Defence Minister told us that there has been an intrusion.

Mr. Speaker, Sir, the House ought to have been told that this was the beginning of the aggression of Pakistan. But instead, continuously, we were told, when we raised the subject matter—I would like Shri Swaran Singh to listen to me very carefully—that there was an intrusion. I asked him these questions—this is on 26th April—as follows :

"Is it not a fact that in 1960, when Shri Swaran Singh signed an agreement with Lt. Gen. Sheikh, Mr. Sheikh gave a warning of Pakistan's claim of Rann of Kutch?"

Shri Swaran Singh signed a document accepting that there was a dispute. . . .

SOME HON. MEMBERS : Shame, shame!

SHRI NATH PAI : Mr. Morarji Desai says that the dispute has been there. With a little more care, a little more dedication to India's interests, the draft would have been totally different that there was disagreement regarding the alignment of the border. Instead, in a very casual manner, as if they are gifting away some ancestral property of their own which is uncultivable like some people playing a fraud on Vinobhaji. Once a gentleman told me that he has given 30 acres of land to Vinobhaji. I said "How nice!" Then, he said, "It is on the other side of the precipice."—poor Vinobhaji does not know it! It was in this casual manner that Shri Swaran Singh accepted that there was a dispute.

Then, there was another question : If there was an acceptance of the dispute, what did you do between 1960 and 1965 either to resolve it by negotiation or, knowing Pakistan's intentions, to defend the country? As the Chairman says, Pakistan's claim came to be recognised by the simple fact of your negligence or failure to guard the territory, to defend the territory and because Pakistan was exercising its sovereignty and authority. If this is not an example of the failure of this Government, what proof can we produce

to bring conviction against these guilty men here? Mr. Chavan has made an evil prophecy that the Congress will remain in power for 20 more years. God forbid. During the past 20 years, 51,000 sq. miles have been given to the aggressor and if we continue this arithmetic... (*Interruption*). If we come to power, we will regain every inch of your territory. If this arithmetic is true, if this nation is destined to be misruled by this galaxy of bureau, then, at the rate of 2,500 miles a year, in another 20 years, 50,000 sq. miles will go.

Mr. Speaker, Sir, let me take point after point... (*Interruption*). I did not interrupt you; I listened to you; I had tried to be very patient and I succeeded in it.

Now we are told again and again that there is the Resolution, there is the Resolve, and there is the commitment of the House. In the first place, let us see what the commitment was. The commitment of the House was not to reward the aggressor. I will read it out. I am shocked to see that not a single member from the ruling Party has recalled that Resolution. The Resolution regarding reference to arbitration was a Party Resolution, thrust down the throat of the House and the country by the ruling Party with its majority. But there is a far more important Resolution, which was unanimously adopted by Parliament. That Resolution stood in the name of Shri Surendranath Dwivedy, Shri Hari Vishnu Kamath and my own name. Shastriji had the goodness of withdrawing his own motion and accepting our motion. What was that motion? It is this by which we stand even today. I will read it out to you because nobody thought it fit to recall it. It is this that was the unanimous commitment of Parliament, of the people and of the whole nation:

"This House, having considered the situation arising out of the repeated and continuing attacks by the armed forces of Pakistan on the Kutch border, places on record its high appreciation of the valiant struggle of the police force as well as of men and officers of our Armed Forces while defending our frontiers and pays its respectful homage to the martyrs who have laid down their lives in defending the honour and integrity of our motherland, and with hope and faith

this House affirms the firm resolve of the Indian people to drive out the aggressor from the sacred soil of India."

It was this on which we were united. The commitment of Parliament was to this... (*Interruption*). You are the Deputy Prime Minister. There was a Prime Minister at that time. Of course, you were there...

MR. SPEAKER: The hon. Member may please address the Chair.

SHRI NATH PAI: I did not want to ignore him.

Shastriji told us in Parliament, Shastriji, the late Prime Minister, who had many many qualities, for which he was held in high esteem by all of us....

AN HON. MEMBER: He was misled..

SHRI NATH PAI: Yes; he was misled by them.

Now I will tell you this. Time and again, Shastriji made this distinction between demarcation and determination. Shri Morarji Desai is completely forgetting that Parliament was never consulted when Mr. Azim Hussain signed this document with Mr. Arshad Hussain that there shall be a demarcation and determination. Our commitment was only limited to demarcation, and these are Mr. Shastri's words with regard to this:

यह तो मैं साफ कर चुका हूँ और कह चुका हूँ कि अपने देश की एक इंच भी भूमि हम किसी भी हानन में छोड़ने के लिए तैयार नहीं हैं, उसे अलग करने के लिए तैयार नहीं हैं और उस के लिए जो भी जरूरत होगी इसे करने में पीछे नहीं रहेंगे।

What is this about demarcation? This is again regarding Kanjar Kot. I would like now, about session and about demarcation and determination, the Deputy Prime Minister to reflect over these assurances regarding Kanjar Kot, Biar Bet and Chhad Bet. Chhad Bet has now been gifted away to Pakistan. Our stand is positive and clear that it forms a part and parcel of Kutch and we are not prepared to deviate

[Shri Nath Pai]

from that stand. Just now, we were told that there is no giving away of territory. . . (*Interruptions*). I have been, for days and nights, going through the proceedings of this House to find out what we have said and what the then leaders of the Government have spoken. There is something which I would like to quote from the then Prime Minister. The then Prime Minister tells Parliament time and again that there is no question about where the border lies, it is well-defined. This was in April. Pakistan's claims also ignore the historical fact that even though the Kutch-Sind border is undemarcated, it is well-defined, it is well determined on maps, and it is well recognised, in fact. Now you are making this casuistry that there is no distinction between demarcation and determination. I can recall, Mr. Speaker, that this is an old habit. Today what is called an award is not an award.

It is a reward to the aggressor. But there was another casuistry. The then Prime Minister—and I hate to condemn him because we held him in such high regard and esteem and affection and there is nobody to defend him there—said in this Parliament that 'There is only a lull but there is no cease-fire'. But Mr. Wilson speaking in the House of Commons said, 'I do not know if this hon. House does not know the distinction between a lull and cease-fire; so far as we are concerned, India has accepted a cease-fire'. Again, the same jugglery of words was done with Parliament, and behind the back of Parliament cease-fire was accepted, but Parliament was told that there was a lull. The determination of the frontier was not in question, we were told; there was no territorial dispute, we were told. But were Government honest and fair to this Parliament and to this country? How many of their sins shall we go on condoning and forgiving?

Mr. Bhutto speaking in Karachi on the 15th April said 'The dispute is with regard to territory'. I shall now quote Mr. Bhutto. He said:

"A dispute has arisen not out of the boundary as being undemarcated but because the disputed territory is in the adverse possession of India".

Pakistan gave a clear warning that there was a dispute regarding a territory. Government told Parliament that they did not accept it and it was only demarcation.

But they signed the agreement and signed our honour along with it. Mr. Speaker, Sir, it is not today that I am saying that. I had said this even on the 20th April while speaking in this House that in allowing Pakistan to run away with these pieces of our territory, with these chunks of our territory which really every Indian believes and feels was something which was very vital for him, we were allowing her to run away with the prestige and honour of this country in the eyes of this world. But then we are told about India's image and the sanctity of an international award.

Let us see the mistake one after another that they have committed in the first place. I charge the Government—and can anybody repudiate this charge—that they are guilty of dissimulation of 'double-talk and perhaps, double-think'. They did not know what they were doing and what went wrong, and this happened even when a goodman like Shastriji was there. One of the misfortunes of this motherland has been that under pressure they have always yielded; under pressure they yielded to the division of this country; under pressure they yielded to go to the tribunal regarding Kutch; under pressure they signed what was won with the blood of our youngmen in Kashmir; under pressure they yielded to give away what was taken with so much valour by our soldiers in Kashmir. And this process continues again and again. Sometimes it is the American hand which twists the arm of India; sometimes it is the British arm and sometimes it is the Russian arm. But as Shri Madhu Limaye has said, whosoever arm it may be, so far as pressure is concerned, we must resist it. It is a pity that this Government's physiognomy proves that it is susceptible so easily to certain kinds of pressure, and there are men sitting here who will not mind the pressure if it comes from a certain quarter; but the people of India want to resist every kind of pressure from whatever quarter it may be.

Again, Mr. Lal Bahadur Shastri tells us, 'The totality of evidence leaves no basis

whatsoever for any dispute'. But Shri Swaran Singh tells us that there is a dispute. The Deputy Prime Minister eloquently tells us and with passion tells us that there was a dispute. But here was the Prime Minister saying that. Whom should the people take seriously? Whom should Parliament take seriously? Whom should this nation take seriously? Which of these three should the nation take seriously?

AN HON. MEMBER : The hon. Member who is speaking.

SHRI NATH PAI : Certainly, they will one day take me seriously, and it will be a great day in Indian history when they will take us seriously, and they are taking us seriously even now. So, let not my hon. friend be in the dark. Shri Lal Bahadur Shastri had told us that 'The totality of evidence leaves no basis whatsoever for any dispute regarding the border between Sind and Kutch'.

Now, let us see what happens if we take the kind of pusillanimous stand that the Government of India have thought it fit to take. Regarding the award, I shall presently answer Shri Morarji Desai.

18.00 Hrs.

I wanted to quote deliberately these books; the better books would have been *Bagehot* and *Guggenheim*. But I would not take the time of the House. I would like to submit in the first place that this award is *ab initio* vitiated by three considerations: this award is not based on the merits of the case; this award has no regard for the facts of the case; this award has no consideration for the justice of the case. This award is vitiated by considerations which were not within the terms of reference of the Tribunal, by extraneous considerations and by expediency. This award is vitiated by the fact that one member has completely disagreed with the other two. Shri Morarji Desai just now said that it does not matter; in a court, it is the majority judgment that counts. But this is an agreement. This is not a normal thing. What was the agreement? The award shall be signed by all the three members. Nowhere, in any part of it, is it said that it is not so. I want to agree

with the award. But which part of it? I want to agree with the award of Mr. Ales Bebler? Who says that that is not part of the award?

I was really surprised that the Deputy Prime Minister, who is very deft who is very alert, should allow himself to be so wrongly briefed. Mr. Bebler's dissenting minute is as much a part of the award as the majority's. Nowhere did we say, nowhere did the Tribunal say that the majority's is the award. Somebody may say that this is quibbling. It is not. I have gone through this very carefully. There is a serious point here, relating to the law of awards. Since Shri Desai is wanting it, let me give him a taste of it.

MR. SPEAKER : His time is limited.

SHRI NATH PAI : The Deputy Prime Minister talks about sanctity. Somebody went to the International Court regarding Dadra and Nagar Haveli. The International Court upheld the right of Portugal against India. What did you do? You rejected it. What happened then? You all know. What happened to the image of India? What happened to the commitment of India? What happened to the international image of India? Then we thought about what happened to the honour of India. We thought that the international tribunal's finding was wrong. Once they had the gumption and the courage to reject it, things turned in our favour.—Even Shri Sheo Narain is agreeing with me; under that cap there lies a good patriot at least.

SHRI MORARJI DESAI : May I correct the hon. Member. That was not arbitration. We did not go there.

SHRI NATH PAI : This is an example of quibbling. If ever one wanted a classic example of quibbling, it is the one provided by no less a person than the Deputy Prime Minister just now.

I would now like to deal with two rather important considerations regarding this. If we are to be persuaded that India's image somehow gains, our image in the world gains if only we barter away our territory, the greater the territory we give to the aggressor, the more will be the luster that will be added to our image! If by accept-

[Shri Nath Pai]

ing one-tenth of the claim for territory of Pakistan our image in the world will gain, now much better will it be if we concede 3,500 square miles of the claim made by them? Don't they see the sheer ridiculous absurdity of what they say?

We are told about international opinion. International opinion is a fickle thing, it is a flippant thing. There is no such thing as a static international opinion. I do not defy international opinion. I want this country to abide by it.

We are told about our commitments. What is our commitment? Our commitment is to the unanimous Resolution passed by this House.

AN HON. MEMBER : No.

SHRI NATH PAI : Your commitment, my commitment and the commitment of everybody who is born as an Indian is an inalienable commitment, is an inescapable commitment, is an unavoidable commitment; we are born with this commitment and we die with it. It is not to bend our knees to international pressure; it is to defend the territory of India. This is the commitment in which we are all involved. Mr. Wilson's commitment is to defend the UK, Mr. Johnson's commitment is to defend the USA and Mr. Kosygin's commitment is to defend the USSR. How satisfactorily and how bravely they are all discharging their commitments? If only—what shall I call members of the Government?—if only they accept their basic commitment, not to bend down their knees before this kind of award, how good it would have been?

I hope I have dismissed very satisfactorily all these tendentious arguments advanced about our image. Shall I tell you how our image will grow? Let us take a defiant posture, a posture of firmness, of determination, of defiance. Let us show that we can defend this country. Let us show that any aggressor who transgresses our frontiers is punished,—and the so-called world opinion will be paying homage to this country. We saw an example of it concerning the *Time* which had been so inimical to this country, which had been so critical of this country,

almost hostile to this country, never missing an opportunity to ridicule us, to hold us to contempt. After the valour of the Indian army in our brief encounter with Pakistan, they had to say that when everything is said and done the world has to accept that India has arrived on the map of the world as a modern country. This is world opinion. It is not shaped by these pathetic demonstration of mendicants, "we are such nice gentlemen." We are going to improve our image in the world by this kind of posture which I am pleading for.

I want finally to plead even at this belated hour: let us ponder over this, let us not raise false issues, false slogans, false considerations, let us go to the very essence of this thing.

What does this Tribunal say at page 8? They say that there have been more aggressions from Sind into Kutch than from Kutch into Sind. And then Mr. Bebler tells us something which the old patriot in Mr. Desai should take into consideration. The Defence Minister should ponder over this basic issue. He says that history shows that there have been more incursions into Kutch from Sind than from Kutch into Sind. What does this mean? There was a warning for India to be ready to defend itself. But then, the tribunal's findings are proved wrong beyond measure in these words:

"If the behaviour of France and Germany in the past is compared, it was the latter who was the more aggressive, but no one draws from this fact any conclusion as to the territorial rights of those two neighbours over their respective borders."

This is what Mr. Bebler points out. The fact that Pakistan was committing aggression repeatedly, or before Pakistan Sind did so, does not prove that Pakistan has a better right than India. It only proves that Pakistan was successor to an aggressive tendency. So, Mr. Bebler says that if this is held true, half the territory of France would have to be gifted away to Germany. Thank God there are French patriots who will not succumb to such kind of casuistry and argument.

This territory belongs to every one of us, it belongs to the 51 crores of Indians, and above all, we are only trustees for the future generations of Indians to come. None of us has a right to gift away that territory, make a present of any territory of India. If this is your conception, I would submit to you: let the Government make a new precedent. The ultimate sovereigns in a democratic free country are the people. We are prepared to go to the people and seek their verdict, if the Government of India is so convinced. The United States Senate is required to ratify every treaty entered into by the President of the United States. Let us start a new precedent. At least where the sanctity,

honour and integrity of our territory is concerned, let Mr. Morarji Desai get up and say: "Yes, the territory belongs to the people of India. Let the people of India decide this issue."

SHRI MORARJI DESAI: The hon. member was mentioning about the International Court. The hon. member forgets that the International Court upheld our case and did not allow passage for Portugal to Dadra and Nagar Haveli.

18.09 Hrs.

The Lok Sabha then adjourned till Eleven of the Clock on February 28, 1968/Phalgun 9, 1889 (Saka).