

Cochin Port, three are normally earmarked and available for foodships. These facilities are ordinarily adequate.

(c) In view of the recent congestion, an additional berth has been made available and at present 4 food ships are discharge.

12.05 hrs.

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

**Use of U.S. electronic base by Pakistan
for spying on India**

SHRIMATI TARKESHWARI SINHA
(Barh) : I call the attention of the Minister of External Affairs to the following matter of urgent public importance and I request that he may make a statement thereon :

The use of the U.S. electronic base in Peshawar by Pakistan for spying purposes in India.

**THE MINISTER OF STATE IN THE
MINISTRY OF EXTERNAL AFFAIRS**
(SHRI B. R. BHAGAT) : Sir, we have seen press reports alleging the use of a US electronic base near Peshwar by Pakistan for spying purposes in India. There have been reports of this nature in the past regarding the activities of this American base in Pakistan. But since it is a secret installation, it is difficult to verify such reports. Naturally, neither the United States nor Pakistan would care to share the information regarding the activities of this base with others.

It is well-known, however, that the base which is known as "US Air Force Communication Group Base" has been in existence at Badber near Peshawar since 1959 and also that it was set up under a bilateral agreement between the United States and Pakistan, and not as a part of the CENTO or SEATO. The base is surrounded by barbed wire and has been out of bounds even for Pakistani nationals. The lease of the base ends on July 1, 1969 and a decision to renew it has to be taken by July 1 this year. We understand that negotiations for the renewal of the lease

are at the moment taking place between the United States and Pakistan.

SHRIMATI TARKESHWARI SINHA :
The hon. Minister has made the statement. But may I remind him of the statement that he made in Rajya Sabha the other day—I have the whole proceedings before me—when he said that when this matter came to be reported in *Washington Post* the Government of India took this matter up with the American *charge d'affaires* here and he completely denied that any such thing has happened? Now the hon. Minister has come with the announcement that the base has been operating from 1959 and it is going to be renewed. Since then so much of scientific development has taken place—every body knows it; it is not a news or information to anybody—that this base has been developed as one of the most superior and technologically advanced bases for electronic operations. In view of this fact and also in view of the fact that both America and Russia are putting so much of pressure on India to sign the nuclear non-proliferation treaty, may I know whether the Government of India would take this matter up at the very highest level not only with America but Russia also that unless and until this base is abolished we cannot even consider that proposition? Because, if America and Russia feel that atomic weapons are not to be used in warfare then this base loses all its relevance? What is the use of this base, which is so developed and sophisticated in the context of the nuclear non-proliferation treaty? Both are completely and diametrically opposed to each other. So, if America and Russia want to insist and they want to provide arguments in favour of the signing by India of the nuclear non-proliferation treaty, may I know whether we will make it a condition that unless and until this base is demolished there will be no talks for the signing of the non-proliferation treaty either with America or Russia?

AN HON. MEMBER : Will we sign that treaty on that condition?

SHRIMATI TARKESHWARI SINHA :
Even if they fulfil all other conditions, unless and until this base is demolished this question of the negotiations for the

signing of the nuclear non-proliferation treaty will not be carried out. Secondly, this is the most crucial time these two months which the Government have got between now and July when the agreement will be signed. May I know whether during this period they will intensify their negotiations, because the answer which the hon. Minister has provided indicates that they have left it to the Indian Embassy to negotiate with the American Government about this matter. I would request the hon. Minister to take this matter up at the highest level and intensify all diplomatic activity to see that this base is not continued and that a new agreement for its renewal is not signed.

SHRI B. R. BHAGAT : If the hon. Member feels that there is any inconsistency in what I said in the Rajya Sabha and here, I can say that there is no inconsistency. This matter was not only taken up as soon as it appeared in the *Washington Post*—the *Times of India* published it—and the U.S Embassy denied it but even last year also when this matter was published, we took it up with them.

SHRI NATH PAI (Rajapur) : After it was published.

SHRI B. R. BHAGAT : The question is not of the base but of the use of the base for monitoring signals and collecting intelligence material to the detriment of our security. It is this matter with which we are concerned. The hon. Member is emphasizing about the base itself. The base itself, it is well known, has been there now for ten years and it can not only monitor signals from India but also from China, Central Asia, the Soviet Union and every other place because of the electronic and other instruments of a highly sophisticated nature.

The hon. Member says that we should make it a condition that the non-proliferation treaty can be there only if the base is not there. I think, it is more for the Soviet Union, who and USA have combined for this treaty, because the base is also directed against them. Then, the base is located in Pakistan and it is for Pakistan to decide whether the base should be there or not. They are getting, I am told, a very large sum for this base and it is for them

to decide. It is for the friend of Pakistan, China, to decide whether this base should be there or not or for the Soviet Union which has come together with the USA about the non-proliferation treaty.

SHRIMATI TARKESHWARI SINHA : I would like to clarify what I said.

SHRI B. R. BHAGAT : Since she linked the question of the non-proliferation treaty with this base, I am bringing these facts to the notice of the hon. Member.

Therefore, the question about the base is not our question. We are only concerned with the possible use of this base against India and against our security. Technologically this base is equipped with highly sophisticated electronic equipment. It can monitor signals from India as well. We have taken up with the US Government at the highest level, with the State Department which is the highest level, and they have denied it. The Embassy here has also said earlier that this is not used against India. We are only concerned with that.

SHRIMATI TARKESHWARI SINHA : The hon. Minister says that it is a very powerful base used only for intelligence work and that we will make all efforts to check its activities. It is a layman's knowledge that such a powerful monitor system with powerful electronic equipment, we have no capacity to counteract. There is no question of India taking any action to counteract that powerful electronic activity which will be carried through that base. Therefore that question does not arise. The question is very relevant from that point of view that if this base is there it cannot be possible for the Government of India to take any counteractive measures to protect India against intelligence and spying.

SHRI NAMBIAR (Tiruchirappalli) : What shall we do to protect ourselves against its misuse ?

MR. SPEAKER : Unfortunately, you cannot ask a question. Shri Hem Barua may ask that,

SHRI HEM BARUA (Mangaldal) : Even if this American base in Peshawar is destroyed, we would request our Government not to sign the non-proliferation treaty. These two things must not be linked up.

Whatever that might be, Pakistan's belligerent attitude towards India has been stabilised by Pakistan getting more arms and ammunitions from our friends and when the Pakistani aggression took place in 1965 President Ayub Khan said that Pakistan was at war with India. President Ayub Khan has not withdrawn that statement up till now. That shows that Pakistan's belligerent attitude towards India continues and it gets more and more intensified with the import of arms and ammunitions from our friends.

About this electronic base, it is a highly sophisticated weapon and it is said that it is established in order to spy on Soviet Russia. That is the ostensible purpose. But whatever that might be, our coded messages to our friends might be or have been monitored and deciphered by this electronic American base at Peshawar since 1959, which is a danger to our security.

In the context of that may I know why our Government have not taken up this matter with Pakistan also? The Minister said that the Government have taken up the matter at the highest level with the American authorities. What that highest level is, God alone knows; whether it is ministerial level or any other level, I could not understand. But what we want is that India should lodge a strong protest both with America and Pakistan that the spying instrument should be removed from that area because it is a danger to the security of India.

SHRI B. R. BHAGAT : As regards the location of such a base is concerned, it has been our policy that we are opposed to such bases. For that matter, we are also opposed to the induction of armour in such areas to create more tension. Our policy has been very clear.

As for the question of taking up this question with Pakistan that this base should not be there, we know in the present relations how Pakistan will react to it. But certainly if Pakistan decides not to have the base, it will be all right.

However, any agitation here will, I think, harden their attitude—that is my assessment in favour of the base and not against it.

SHRI HEM BARUA : I do not agree with what the hon. Minister has said.

MR. SPEAKER : You may not agree.

SHRI HEM BARUA : He says that any agitation here would harden Pakistan's attitude.

MR. SPEAKER : That is his assessment, he says.

SHRI HEM BARUA : He has also said that we know Pakistan's attitude. We know Pakistan's attitude. Pakistan's attitude is belligerent, but that does not mean that by our submission or subservience to Pakistan we will allow Pakistan to get strengthened in her position.

SHRI R. K. SINHA (Faizabad) : There are two parts to the answer of the hon. Minister of State for External Affairs. First is the denial of the American diplomats. America was denying throughout 1965 and earlier that American weapons would be used against us. This spy base has been there since 1959. That means, in the war against India in 1965, this base was used. What I want the Minister of External Affairs to consider is whether bases in Pakistan shall continue to be used for infiltration against India.

Americans are specialists in the art of espionage. Espionage in the Tonkin Bay or the U-2 plane over the Soviet Union or some espionage in Korea is a special art of theirs. The point which has been made here that they are spying also against China and the Soviet Union is hardly material because China today is in collusion with Pakistan. On the 2nd May there were press reports that China had poured an unknown number of aircraft, transporters and weapons into Pakistan. Then, Pakistan received 100 American tanks through Italy. Therefore I want to ask the Minister of State for External Affairs whether about this base, which is being used against India, against Afghanistan and against Pukhtoons also, Govern-

ment of India will work out a policy with Afghanistan so that we can counter this sinister propaganda of Pakistan

SHRI B. R. BHAGAT : I do not know what is the sinister propaganda of Pakistan and I do not know what is this question. If he says that our stand on this base is not there, I have said that we are opposed to it.

SHRI DINKAR DESAI (Kanara) : This base was in operation since 1959 and it was obvious even at that time that this base would be used against India for espionage purposes. I want to know whether at that time the Government protested and asked the U.S. Government that the establishment of this base very near India would be considered as an unfriendly act.

May I know whether the Government of India protested to the U.S. Government, and if they did not protest, the reason why a protest was not lodged with them ?

Only last week, the hon. Minister had said in the Rajya Sabha that Government were going to verify this fact from the Indian Embassy at Washington namely whether this base was being used for espionage purposes. I would like to know whether the hon. Minister has received any information from the Embassy at Washington, and if he has not received any information so far, I would like to know when he expects to get that information.

This base may be terminated next year, that is, in 1969, and for that, Pakistan will have to give one year's notice next July. It is quite likely that the U.S. Government will bring pressure on the Pakistan Government and Pakistan also will bring pressure on the U.S. Government in order to get a number of concessions. And do you know why they will ask for those concessions ? They will ask for those concessions because when the base was first established, Pakistan got many concessions including military and economic aid. Again, Pakistan may bring pressure on the U.S. Government and say that these concessions should be given on a larger scale, particularly military concessions.

In this respect, I would like to read out just a small quotation from *The Times*

of *India*, dated the 25th of last month, wherein Washington correspondent of that paper had written as follows :

“A real danger for India appears to lie in the current pressures which Pakistan is bringing upon the United States. In the past it received liberal military and economic aid from the United States as a consideration for its services.”

What will be the next price now ? I would like to know from the hon. Minister what the price now will be. It may be war against India also. That is why this matter is very important. It is a question of the security of our country. I would like to know from the hon. Prime Minister...

MR. SPEAKER : Now, he should resume his seat.

SHRI DINKAR DESAI : ...whether she is aware of this danger as pointed out by the Washington correspondent of *The Times of India*, and if she is aware of this danger; what steps she is going to take to avert this danger.

SHRI B. R. BHAGAT : I shall take the last part of the question first. We are aware of the policy of Pakistan in the matter of procuring arms and military help from all quarters. It is true that Pakistan has followed a policy of expediency and opportunism so as to get arms from China, from America and from every other source. It is quite possible that in the negotiations they may use this base for further concessions. That danger is there. We have made our views in this matter and in the matter of the whole question of arms aid to Pakistan known to the United States Government.

As for the second part of the question...

SHRI NATH PAI : He did not answer the first part of the question.

SHRI B. R. BHAGAT : I am starting from the last part.

SHRI NATH PAI : But the first part was the most important part.

SHRI B. R. BHAGAT : I am coming to that.

SHRI NATH PAI : He has begun the other way around. So, he has started from the tail end.

SHRI B. R. BHAGAT : In the middle of his question, he had asked—I think I should take it from the end—whether we had got a reply. I have said that the Embassy here have replied to us categorically denying the use of this base for spying against India...

SHRI NAMBIAR : No country will agree that they are spying. It is so obvious.

SHRI B. R. BHAGAT : Then, in the first part of his question he had asked this; this base has been there since 1959; he had asked what we had done to ask the U.S. Government to safeguard against the possibility of this base being used against us. I think that that was the first part of his question.

SHRI NATH PAI : More or less.

SHRI B. R. BHAGAT : It is known; and it is true that this base is there for about ten years now, and the U.S. Government have been maintaining that it is a part of the chain of their worldwide communications system, and they say that they are fully in control of this; the Pakistanis are not in control; they are not even allowed to go near it, is a US enclave in the territory of Pakistan. Whether Pakistan should allow this or not is for Pakistan to say. But they have been maintaining that they are in full control of this base and they are not using it against India and they will never use it against India; that is what they have been saying.

AN HON. MEMBER : What is his information ?

SHRI NATH PAI : When was this raised ?

Sir, I have no right to ask a question on this. So, I am not asking any question. But the question asked by Shri

Dinkar Desai has not been answered. I think the first part of his question was...

MR. SPEAKER : That way it would be impossible to carry on...

SHRI NATH PAI : Once a question has been put, I think anybody can take it up and point out that it has not been answered...

MR. SPEAKER : That would mean that anybody can put a question also.

SHRI NATH PAI : I am not asking a question...

SHRI DINKAR DESAI : He has not answered the first part of my question.

MR. SPEAKER : Shri Dinkar Desai is taking it up himself. So, let me give preference to him.

SHRI DINKAR DESAI : The first part of my question was this. When the base was first established, why did the Government of India not protest and inform the U.S. Government that it would be considered as an unfriendly act against India ?

SHRI B. R. BHAGAT : I have said that our postures in this regard are well known, and we have said that these things will add to the tensions of the world, and particularly in this region we are opposed to such things. This base is established in another country and they are deriving some benefit out of it because it is known that the Pakistanis are getting very large and liberal sums for this base, and if this base is set up in another country it is not for us to protest against it and say that it should not be established... (*Interruptions*).

SHRI NATH PAI : When did we first protest ?

SHRI HEM BARUA : When did we protest ? That is the question which we have been asking. He has tried to water down the whole thing; he has tried to water down the gravity of the situation.

MR. SPEAKER ; I cannot help if he has watered it down. The hon. Member

had put a question and the hon. Minister had answered it ; I cannot ask the hon. Minister to answer to his satisfaction

SHRI HEM BARUA : May I submit that you are the custodian of the rights and privileges of this House ?

MR. SPEAKER : That is true. But the Speaker has no right to change the views of Government.

SHRI BAL RAJ MADHOK (South Delhi) : When did the Government of India protest first ? You may please direct him to answer at least that much.

SHRI S. M. KRISHNA (Mandya) : Did they ever protest at all ?

12.30 hrs.

RULING RE QUESTION OF DISCREPANCY BETWEEN GOVERNMENT STATEMENT IN THE HOUSE AND AFFIDAVIT FILED IN COURT ON KUTCH AWARD

MR. SPEAKER : On the 6th May, 1968, during the discussion on the West Bengal Budget, Shri Madhu Limay raised a question that discrepancies in the statements made in the House and the affidavit relating to the implementation of the Kutch Award filed in the High Court of Delhi by an official on behalf of the Government should be discussed by adjourning the business of the House. He was supported by Shri Bal Raj madhok and Shri Prakash Vir Shastri. Shri Hem Barua, who was in the Chair, observed that he would ask the Prime Minister to make a statement. Later in the day, when the Prime Minister came to the House and expressed her inability to make a statement, I observed that the matter would be discussed on the 7th May along with the discussion on the discrepancies in the communications regarding the restraint and removal of certain Members in connection with the agitation in Kutch. There was, however, a demand by certain Members that copies of the affidavit, in question, should be circulated.

2. On the 7th May, there was again a

request in the House that copies of the affidavit should be circulated. I said that I would ask the Minister. Subsequently the Law Minister made a statement objecting to the circulation of the copies of the affidavit on the following grounds :

- (i) it was a document in the record of the High Court :
- (ii) Points fit to be commented upon in the affidavit had been placed before the High Court by parties and the High Court had reserved Judgment. Hence the matter was *sub judice*.

3. At 6 o'clock on the same day, when Shri Madhu Limay was called upon by me to move his motion standing in the list of business, a point of order was raised by Shri Narayan Rao that the motion related to a matter which was *sub judice*. He submitted that the moving of the motion would be contempt of court as the High Court had not given its judgment. He further contended that the freedom of speech in Parliament was governed by Article 19(2) of the Constitution. I straightaway rule out this point of order because freedom of speech in the House is subject only to the rules of procedure of the House and such articles of the Constitution as regulate the procedure in the House. Article 19(2) does not come in the way of speeches in Parliament.

4. The Law Minister, however, raised a more substantial point of order. He contended that as the court had reserved judgment, discussion on the affidavit would mean discussing a matter which was *sub judice* and was hit by rule 186 (viii) which prohibited discussion on a matter which was under adjudication by a court of law.

5. Shri Nath Pai speaking on the point of order stated that the question whether a particular matter was *sub judice* or not should be decided by the Speaker on the merit of each case and such matter could be discussed unless it appeared to the Chair that there was real and substantial danger or prejudice to the trial of the case. He further stated that the House could give instructions to Government as to how the proceedings should be conducted before the court and mere filing of a writ could not immobilise Parliament. He