

SHRI SAMAR GUHA : Certainly if you find me wrong, I will abide by what you decide. But I will exercise my right as a member and I will raise the point of order.

MR. SPEAKER : When the Speaker is of opinion that the member always gets up on a point of order only to interrupt, he has got the right to stop him.

SHRI SAMAR GUHA : Certainly not. After you hear me, you drive me out of this House if my point of order is irrelevant.

SHRI HEM BARUA (Mangaldai) : Sir, Professor Guha is definite that he had a point of order to raise.

MR. SPEAKER : He always wants to interrupt and always says that it is a point of order.

SHRI HEM BARUA : I am very sorry. I know that no member should defy the Chair.

MR. SPEAKER : I know your personal views on it.

SHRI SAMAR GUHA : I am very sorry that I have provoked you to make some remark but I would draw your attention to the point that the same subject was discussed in this House on a call-attention motion, in the form of a question and also in the course of the motion on exodus of refugees from East Pakistan. It is going to be discussed today in this House again at 5.30. My point is that it amounts to a double entry in the List of Businesses.

SHRI S. M. BANERJEE (Kanpur) : He is raising it because his name is not there.

SHRI SAMAR GUHA : I will be very happy if the issue of the East Bengal people is raised in this House over and over again. Many issues are being discussed in the Rajya Sabha but not here. We could discuss this issue when the exodus issue is discussed. I should submit to you that instead of this call-attention motion, the adjournment motion which we

have given on the land agitation or the call-attention motion on land acquisition should be taken up.

MR. SPEAKER : My guess has come out true. It is not a point of order. Shri Hem Barua can very well imagine for himself whether I was right or wrong.

SHRI HEM BARUA : I did not say that you were wrong.

SHRI SAMAR GUHA : That this has been taken up once, twice or thrice, is it not a point of order? Even today it is going to be discussed on another motion.

श्री हुकम चन्द कछवाय (उज्जैन) : अध्यक्ष महोदय, मेरा प्वाएंट ओफ़ आर्डर है। मैं लगातार जब से वह अल्प सूचना प्रश्न चल रहा था कई बार सवाल पूछने के हेतु अपनी जगह पर खड़ा हुआ कि आप मुझे बुला लें लेकिन आपने मुझे सवाल पूछने के लिए नहीं बुलाया.....

अध्यक्ष महोदय : आर्डर, आर्डर। यह कोई प्वाएंट ओफ़ आर्डर नहीं है। ऐसे मैं आप को मौका नहीं देने वाला हूँ।

श्री हुकम चन्द कछवाय : जो सवाल चल रहा था उस से मेरा कास ताल्लुक है। यह देश में राष्ट्रीय सम्पत्ति की जो हानि होती है और वह जो सारी गड़बड़ी हुई उस के बारे में मेरे पास जानकारी है और मैं उस बारे में महत्त्वपूर्ण सवाल करना चाहता था लेकिन आप ने मुझे सवाल पूछने का मौका ही नहीं दिया।

अध्यक्ष महोदय : माननीय सदस्य प्रब बँठ जाएं।

12.55 hrs.

CALLING ATTENTION TO MATTER OF
URGENT PUBLIC IMPORTANCE

REPORTED DECISION OF PAKISTAN
GOVERNMENT TO DISPOSE OF
INDIAN PROPERTY

श्री कंबर लाल गुप्त (दिल्ली सदर) : मैं अविलम्बनीय लोक महत्त्व के निम्नलिखित विषय

की ओर वैदेशिक कार्य मंत्री का ध्यान दिलाता हूँ और प्रार्थना करता हूँ कि वे इस बारे में एक बक्तव्य दें :

“भारतीय सम्पत्ति को बेचने के पाकिस्तान सरकार के कथित निश्चय तथा इस सम्बन्ध में भारत सरकार की प्रतिक्रिया”

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH) : During and soon after the 1965 conflict the Government of Pakistan took over the Indian properties in Pakistan and declared them as enemy property. The value of the Indian properties/assets so seized by Pakistan, is estimated at Rs.109.00 crores.

Under Article VIII of the Tashkent Declaration signed in 1966, India and Pakistan had agreed:

“to discuss the return of the property and assets taken over by either side in connection with the conflict.”

India immediately thereafter expressed its readiness to discuss the question of the return of properties and assets taken over by either side. But Pakistan did not respond.

In October 1968, it was confirmed that the Government of Pakistan were disposing of by auction some of the properties seized during the 1965 conflict. Several Tender Notices for sale of Indian properties have since appeared in the Pakistan newspapers.

The Government of India have been in touch with the Government of Pakistan on this question ever since 1966. The Government have been drawing the attention of the Government of Pakistan to the relevant provision of the Tashkent Declaration and pressing for the reciprocal return of the seized properties/assets. The Government have also been protesting against their sale. It has been pointed out to the Government of Pakistan that such action on their part is arbitrary and contrary to International Law and practice and a flagrant violation of the

Tashkent Declaration. It has also been made clear to Pakistan that India would not recognise the title that Pakistan or any third party might claim to have acquired through such illegal sale by auction or other means.

So far there has been no positive response from Pakistan. Pakistan's contention is that assets seized during the conflict become the property of the seizing Government whose legal right to their disposal was unquestionable. The Government of India have made it clear that they do not accept this contention.

The Government are of the view that the question of the return of the seized properties should be settled bilaterally. Our efforts in this regard are continuing. Friendly countries have been kept informed of Pakistan's intransigent attitude in this regard.

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, यह पाकिस्तान का दुर्व्यवहार भारत के प्रति कोई नया नहीं है। पाकिस्तान और भारत का विगत 22 सालों के सम्बन्ध का इतिहास इंडो-पाक एग्रीमेंट के वाएलेशन का इतिहास प्रारम्भ से ही रहा है। अभी जैसा कि मंत्री महोदय ने कहा कि उन्होंने वाएलेशन किया है और बहुत पहले से ही वह प्रापरटी बेच रहे हैं तो यह ठीक बात है। हमारे पास पाकिस्तान की केवल 27 करोड़ की प्रापरटी है जबकि हमारी प्रापरटी उन के पास कोई 109 करोड़ रुपये की है। यह तो हुआ लड़ाई के बाद है। आजकल भी पिछले डेढ़ दो वर्ष से माइनारटी जो वहाँ रहती है, हिन्दू लोग जो वहाँ रहते हैं उन की प्रापरटी पाकिस्तान में डिफेंस आफ पाकिस्तान रूल्स के तहत वहाँ की सरकार अपने कब्जे में ले रही है और काफी उन की प्रापरटी ली जा चुकी है और हालत यह है कि उन को वहाँ कोई सीक्योरिटी नहीं है। नेहरू लियाकत पब्लिक एक्ट का यह भी एक उन की तरफ से वाएलेशन है। बहुत सारे लोग वहाँ पर जो हिन्दुओं की प्रापरटी है उस के ऊपर जबरदस्ती कब्जा कर रहे हैं। इसलिए पहले तो मैं मंत्री महोदय से यह पूछना

चाहता हूँ कि जो प्रापरटी अभी तक पाकिस्तान डिस्पोज कर चुका है उस की वस्तु क्या है और जो डिफेंस आफ पाकिस्तान रूल्स के तहत पाकिस्तान अभी भी फोसेबुल आक्युपेशन । पिछले एक दो सालों में कर रहा है ऐसी वहाँ हिन्दुओं की प्रापरटी की वस्तु क्या है ?

यह शर्म की बात है कि पाकिस्तान की जो प्रापरटी हमने पकड़ी थी उसमें से हमने कुछ जहाज वगैरह भी वापिस कर दिये लेकिन पाकिस्तान ने हमें एक चीज भी वापिस नहीं की तो मैं यह भी पूछना चाहता हूँ कि इस तरह से हमने पाकिस्तान की कितनी प्रापरटी वापिस कर दी है ?

मंत्री महोदय ने अभी कहा कि वह फ्रैंडली कंट्रीज के साथ वार्तालाप कर रहे हैं और उन मित्र देशों को इस बारे में पाकिस्तान के बेजा व अनुचित रवैये से परिचित कराया जा रहा है तो क्या आपने लिख कर सोवियत रूस को भी भेजा है जिसने कि यह ताशकंद एग्रीमेंट एक तरह से हमारी मर्जी के विरुद्ध और देश हित के विरुद्ध जबरदस्ती उस एग्रीमेंट पर हमसे दस्तखत करवाये थे, उस सोवियट रूस को लिख कर आपने कब पत्र भेजा था और मौखिक बात में नहीं करता हूँ, मैं जानना चाहता हूँ कि जो आप ने उन्हें लिख कर यदि भेजा था तो उनका लिख कर कोई जबाब क्या आया है, यदि हाँ, तो क्या आया है और क्या वह पत्र व्यवहार उस बारे का आप सभा पटल पर रखेगे ?

अध्यक्ष महोदय, मंत्री जी ने अभी कहा कि उन्होंने विरोध पत्र भेजा लेकिन हकीकत यह है कि सन् 65 से लेकर सन् 1970 तक अर्थात् पांच सवाल की कोशिश के बाद भी आज तक मंत्री महोदय द्वारा लिखे गये उस विरोध पत्र आदि का कोई फल नहीं निकला है और आगे निकलने वाला भी नहीं है । अपने 22 साल के अनुभव के बाद अब तो यह सरकार समझ गई

होगी कि पाकिस्तान के साथ कंसा व्यवहार करना चाहिए । मैं और मेरी पार्टी चाहती है कि पाकिस्तान के साथ हमारे अच्छे सम्बन्ध रहें और हम भी इसके लिए उतने उत्सुक है जितना कि अन्य कोई और लेकिन यह 22 साल का जो अनुभव हमारे सामने है उस की बिना पर उसका एक ही रास्ता है । इसका एक ही रास्ता है । इस सरकार ने पाकिस्तान के सम्बन्ध में जो नीति घपनाई है उस की वेसिक अप्रोच में जब तक परिवर्तन नहीं होगा तब तक कोई काम बनने वाला नहीं है । मैं समझता हूँ कि रेसिप्रोकल ऐक्शन होना चाहिये ।

13 hrs.

सरकार से मेरी मांग है कि एक नया सर्वे कराया जाये । हमारे देश में बहुत सी प्रापर्टी ऐसी है जिस में पाकिस्तान का शेअर है । उस का भी सर्वे कराना चाहिये और जो 300 करोड़ रुपये हम को पाटिशन के वक्त का पाकिस्तान को देना है यह इक्वैवी प्रापर्टी का भगडा तय होने के बाद ही कंसीडर करना चाहिये । सरकार पाकिस्तान से पीसमील तरीके से बात चीत करती है । कभी फरक्का बाटर के बारे में और कभी किसो और चीज के बारे में । यह गलत नीति है मेरी मांग है कि सरकार किसी भी इश्यू के ऊपर पाकिस्तान से कोई बात चीत न करे जब तक पाकिस्तान का रवैया बदलता नहीं है और यह सब चीजें वह मानता नहीं है । यह नहीं होना चाहिए कि जब उस को सूट करे तब वह टेबल पर आ कर बैठ जाय और जब सूट न करे तब टेबल पर न आये । जो आप की नीति है कि जो मामले सुलभ सकते हों वह सुलभ लिये जायें, वह ठीक नहीं है । पाकिस्तान यह करता है कि जो चीज उस को सूट करती है उसको सुलभ लेता है और जो सूट नहीं करता उसको नहीं सुलभता । सरकार से मेरी मांग है कि वह किसी भी इश्यू पर पाकिस्तान के साथ

[प्रध्यक्ष महोदय]

कोई बात चीज न करे जब तक पाकिस्तान सारे मामलों में जो ऐग्रोमेंट हैं उन्हें मानने के लिये तैयार न हो जाये।

दूसरी चीज मैं यह जानना चाहता हूँ कि 23 सालों से पाकिस्तान ने जो भी बायोलेशन किया है क्या सरकार ने उसके बारे में कोई मेटिरियल तैयार किया है और इस सम्बन्ध में बल्ड ओपीनियन करने के लिये कुछ किया है? अगर किया है तो वह क्या है और क्या वह सारा मेटिरियल सभा पटल पर रखेगी?

तीसरी चीज यह है कि सरकार अभी तक केवल देने देने की बात करती रही। जहाँ तक पाकिस्तान का सवाल है लेने का कोई सवाल नहीं रहा है। मैं यह भी पूछना चाहता हूँ कि जब पाकिस्तान सरकार हमारी प्रोटेस्ट्स को मानता भी नहीं है तब फिर हमारी सरकार पाकिस्तान के साथ अपने डिप्लोमैटिक रिलेशन्स को तोड़ क्यों नहीं देती? मैं समझता हूँ कि उस को तोड़ देना चाहिये क्योंकि कम से कम हम को यह तो मालूम होना चाहिये कि जो होस्टाइल कंट्री है उसका रबैया क्या है और वह क्या करना चाहता है। सिवा इसके कि वह यहाँ पर इस्पायनेज करता है कोई गुडबिल पाकिस्तान के साथ पैदा हो गई हो, ऐसी बात नहीं है। मैं पूछना चाहता हूँ कि जब पिछले 22 सालों से आपने सब कुछ कर के देख लिया और पाकिस्तान का रबैया बदलता नहीं है तब आप क्यों उसको एनिमी कंट्री डिक्लेअर नहीं करते और उसके साथ डिप्लोमैटी रिलेशन्स नहीं तोड़ते?

मेरा आखिरी सवाल यह है कि जिन लोगों की प्रापर्टी पाकिस्तान में रह गई है, जो करीब 109 करोड़ के बतलाई जाती है, उन लोगों के रिट्रिब्यूशन के लिये सरकार क्या कर रही है? क्या उन लोगों के रिट्रिब्यूशन के लिए

जो 27 करोड़ रुपये की प्रापर्टी है उसको बेच कर उनको लॉन्स वर्ग रह देगे?

प्रध्यक्ष महोदय : आप ने सारा टाइम तो इस के लिये ले लिया। रोज यह होता है कि किसी न किसी बात पर लंच अवर आगे बढ़ जाता है। क्या आप चाहते हैं कि इस को जारी रखा जाये?

DR. RAM SUBHAG SINGH (Buxar) : Let them suffer because of their fault.

MR. SPEAKER : Why should they alone suffer? All of us should suffer. The members are also responsible.

SHRI BAL RAJ MADHOK (South Delhi) : We wanted that we should have a full discussion on Durgapur. But you continued that for 50 minutes. Now you say that the time is over. We can have this after 2 p.m.

अध्यक्ष महोदय : एक तरफ आप कहते हैं कि लंच अवर खत्म न करो और दूसरी तरफ आप कहते हैं कि सारी वृत्त चलती रहे।

SHRI BAL RAJ MADHOK : I wanted to make a submission, but you never gave me an opportunity to make my submission.

श्री कंबर लाल गुप्त : जैसा आप चाहें वैसा कर लें। आप 2 बजे के बाद ले सकते हैं।

MR. SPEAKER : Please be very brief.

SHRI SWARAN SINGH : I will try to be brief in my reply.

First he has stated his view about the general state of relationship. But I would like to confine myself to the specific problem which is the subject matter of the present calling attention notice. We should make in our mind a clear distinction between the Indian property and property belonging to Indian nationals which had been seized either during or after the 1965 conflict. The calling attention motion relates to this matter.

About the seizure of property of Hindu citizens of Pakistani origin or who are Pakistani citizens, that is a separate question.

SHRI SAMAR GUHA (Contai) : That is not a separate question at all. (*Interruption*).

Mr. SPEAKER : Mr. Samar Guha, please sit down ; let him explain the position.

SHRI SWARAN SINGH : This Calling Attention Notice does not relate to that ; that may be an important question ; but surely, the question of property of Pakistani citizens who are Hindus is a separate question which has nothing to do with the seizure of property by the Pakistan Government as a result of the 1965 conflict. This Calling Attention Notice relates to the 1965 conflict.

SHRI SAMAR GUHA : How can that be separate ? He does not know anything. (*Interruption*)

SHRI SWARAN SINGH : In spite of you, I am a Foreign Minister.

SHRI SAMAR GUHA : He does not know anything. Contrary to the Nehru-Liaquat Pact, properties worth crores of rupees have been taken away. They belong to the refugees ; they have kept everything there. (*Interruption*)

MR. SPEAKER : M. Samar Guha, after your performance every time I have to take aspirin. I do not know what stuff you are made of.

SHRI SAMAR GUHA : He is Foreign Minister ; he does not know about the Nehru-Liaquat Ali Pact.

SHRI SWARAN SINGH - I would only say that the Hon. Member— who is so Vociferous in his intervention—does not know anything about the present Calling Attention Notice which has nothing to do with the Nehru-Liaquat Pact.

SHRI SAMAR GUHA : I challenge you. You don't know anything. Nehru-Liaquat Pact is about the refugees.

MR. SPEAKER : Mr. Samar Guha. If you go on like this, you will have to withdraw from the House. There is no way out.

SHRI SAMAR GUHA : In the evening you will know this. Maharaja Chakravarty has written about everything. I have got a whole file, this bundle of papers, with me on this subject. If you allow me, I can tell you everything. My heart bleeds for those people. Refugee properties have been declared as enemy property by the Government of Pakistan. He does not know about all these things. Even yesterday I have got a letter from a Member of the former Pakistan Assembly who is a Pakistan citizen. I have not a long letter. (*Interruption*)

MR. SPEAKER : May I ask him to withdraw from the House ?

DR. RAM SUBHAG SINGH ; You may adjourn the House. (*Interruption*)

MR. SPEAKER : I am not going to adjourn. The hon. Member must withdraw from the House.

SHRI RANDHIR SINGH (Rohtak) : You must be able to control him. Every day it is like this.

MR. SPEAKER : In the meanwhile, he will have to withdraw from the House. Otherwise we cannot stop this even at 2-0, clock. If you are persisting like this, I will request you to withdraw from the House. (*Interruption*)

SHRI SAMAR GUHA : I will consider it an honour if, in the defence of those uprooted humanity, in the name of the minorities who have left everything there,— I am asked to withdraw. It is an honour for my service, for my commitment, for those uprooted humanity, for the minorities of East Pakistan, where I was born and brought up. I feel very much for those unfortunate people. I will consider it an honour to raise their voice in the House in their defence. If you ask me to withdraw, certainly, I will withdraw.

SHRI RANDHIR SINGH : But he cannot block the proceedings of the House. (*Interruption*)

SHRI HEM BARUA : On behalf of Professor Samar Guha, I withdraw the abusive words he used against our Hon. Minister.

SHRI SAMAR GUHA : I have not used any abusive words. (*Interruption*)

MR. SPEAKER : I will have to settle this once for all. Is the House prepared to give me some extraordinary powers to deal with this extraordinary gentleman ?

SHRI RANDHIR SINGH : You have full powers.

MR. SPEAKER : How many times I have been beseeching him, requesting him ? He does not care.

AN HON. MEMBER : Please give him one more chance.

MR. SPEAKER : He Will never be satisfied with anything.

SHRI HEM BARUA : That is because Professor Samar Guha loves you and you love him so much.

AN HON. MEMBER : He becomes emotional. (*Interruption*)

SHRI SWARAN SINGH : I can understand his emotional approach, but this question relates to property which has been seized both in East and West Pakistan. Unfortunately, because of the other discussion for which apparently Prof. Samar Guha has come prepared, he mixed it up with this. He should reserve his comments on that for the later discussion.

About the present question, Shri Gupta has made certain suggestions. He has also given his assessment of Pakistan's behaviour in relation to properties which have been seized. It is a fact that the attitude of Pakistan in this respect has been not only intransigent but extremely indefensible by any standards of international behaviour. It is a direct contravention of the relevant clause of the Tashkent Declaration. There is no doubt about it.

How do we deal with this ? The basic thing is that in this particular case, it suits them to disregard all the international obligations because the Pakistan property seized in India, as has been pointed out in the question, is roughly Rs. 27 crores whereas Indian property seized by Pakistan is worth about Rs. 109 crores. Therefore, they are trying to dispose of that property in order to take under advantage of the present situation.

To deal with this, we have to continue to remind them of the international obligations. At the same time, whatever Pakistan property has been seized by us here, although it is roughly about one-fourth of the value of Indian property seized by them, will have also to be dealt with according to our laws so that it might provide some little solace, although this is a legal matter to which we are giving consideration.

He also made certain suggestions. It is my duty to clarify Government's position with regard to that. He very bravely suggested that we should break off diplomatic relations with Pakistan. At the same time he said I am anxious that relations with Pakistan 'should improve and we should live as good neighbours'. I do not know how his desire to develop friendly relations with Pakistan—good neighbourly relations—is consistent with the suggestion he makes for breaking off diplomatic relations. This is a voice of despair and we should never adopt that line. We must recognise the great forces working at present in Pakistan in favour of a secular approach, to which Shri Trilokya Maharajji himself made very touching and moving reference in his address to MPs. It will be wrong for us to think in terms of breaking diplomatic relations. Geography has placed the two countries together and ultimately the people of both India and Pakistan will have to live in peace, whatever may be the present difficulties. So I cannot accept that suggestion of his.

Another suggestion he made was that there should be no piecemeal talks with Pakistan on any subject. This again is a negative policy. It means that if they suggest anything, we should say 'No, we do not talk' and if we suggest something,

they should refuse to talk—in other words, confrontation. This is perhaps what some people in Pakistan want, to have a continuing atmosphere of confrontation with India. We should not fall in to this trap. It will be wrong policy. I therefore am sorry I cannot also accept that suggestion of his.

Then he said we should declare Pakistan an 'enemy' country. There was that unfortunate conflict. Thereafter we should make every effort to bring about normalcy in relations rather than indulge in these brave expressions of declaring that country as an 'enemy country'.

What do we get out of it? What is the advantage of that? It might be a slogan which might catch the ears of some people but this is not a practical and proper approach to deal with the problem. This requires restraint and statesmanship, not brave slogans.

Then he mentioned about the way we should deal with those claimants whose property has been seized. This is a matter which is receiving our consideration. Although the Pakistan property which we have seized and which is with us is much less in value, we will take appropriate action to see what best we could do.

As regards world opinion, let us understand quite clearly that in relation to India and Pakistan, our approach should be that of bilateralism rather than involvement of other countries want to inter-meddle in Indo-Pakistan affairs. We should constantly be alert and on the look-out to resolve these questions bilaterally rather than run away with the idea that other people are likely in any way to resolve these issues.

SHRI BAL RAJ MADHOK : He himself admitted that he has informed other countries.

श्री कंबर लाल गुप्त : मैंने पूछा था कि कितनी प्रापर्टी डिमण्ड ग्रामफ कर दी है और आपने कितनी वापिस की है। मैंने यह भी पूछा था कि रूस के साथ क्या पत्र व्यवहार किया है आपने।

SHRI SWARAN SINGH : Both sides have agreed to exchange two ships, that is, two ships seized in India for two seized in Pakistan. Pakistan has been disposing of property, but there is no reliable information with us about the quantum that has been disposed of,

श्री कंबर लाल गुप्त : आपने कितनी वापिस की है ?

SHRI SWARAN SINGH : About our protest, I lay on the Table a copy of our protest note dated July 31, 1970, which we have delivered to Pakistan. [Placed in Library. See No. LT-3932/70]

श्री कंबर लाल गुप्त : आपने कितनी प्रापर्टी वापिस की है, इसका जवाब नहीं दिया है। उन्होंने कुछ वापिस की है ?

SHRI SWARAN SINGH : He does not listen. I have already said that two ships have been agreed to be exchanged.

SHRI R. BARUA (Jorhat) : It is a sad commentary on our political wisdom that we have not been able to resolve these small matters during these long years, whether it is Pakistan or India, and we have thereby exposed ourselves to be pawns in the international chess-board. Will the hon. Minister prepare a white paper and lay it on the Table showing what tangible efforts were actually made either in collaboration with friendly countries or bilaterally to resolve the disputes?

Secondly, when he knew as far back as 1968 that this was a clear violation of the Tashkent Declaration, why was nothing actually done to see that the two countries came together and something positive was evolved? Only exchange of letters between the two Governments was not enough; there should have been some attempt made to meet at the highest governmental level to resolve these matters.

Lastly, are Government thinking of giving some sort of rehabilitation or compensation to those who have lost their properties as a result of detention by the Pakistan Government?

SHRI SWARAN SINGH : With regard to the first question, my reply is that it is sad and unfortunate that India and Pakistan have not been able to resolve differences. But I will appeal to the hon. House not to club India along with Pakistan in this respect. We have done our best to resolve the differences, but have not succeeded. When it is a question of relations between two countries, one country, however well-intentioned, cannot succeed unilaterally.

As for a white paper, if any specific point is suggested, I am prepared to supply information. I do not think any useful purpose will be served by printing a white paper.

His second question was why efforts were not made to see that the two countries got together. I agree that we should meet. But unilaterally I cannot succeed. All suggestions made in this respect have not drawn a positive response. We have said that we are prepared to meet the representatives of Pakistan at any level at any place without any pre-conditions and to discuss all disputes or differences between the two countries. I have already answered the question on rehabilitation that the matter is receiving our attention.

SHRI RANJEET SINGH (Khalilabad) : There are certain contradictions in the Minister's statement and certain clarifications are called for. I want that he should give the clarifications and also reply to my questions. In the second part of the last para of his statement he says that the property which they have seized has become their property, whereas under rule 181 of the Defence of Pakistan rules it is categorically mentioned that this property would be kept under the custody and management of the Pakistani authorities. Now they have gone back on that rule and made a statement like this. Have they done so in their oral talks or have they put it down in writing? This is a five year old problem. Originally when the seizures took place, Pakistan started with it and took over some property as enemy property and then we did so. They were mainly ships and river craft and immovable property also. What was

the value of the property of Pakistan that we originally seized over here as enemy property in 1965, just after the conflict? He has mentioned the value today as Rs. 7 crores; what was the value then?

The hon. Minister will recall that there was the question of evacuee property after Partition, Pakistan started taking certain arbitrary action against certain agreements arrived at previously regarding such property. The moment we retaliated, they ceased that action and there was a new agreement also. It all goes to show a certain trend. He says that the negotiations are not succeeding and the other side is not ready to help in these matters; then he himself says that he will carry on the negotiations. This is contradictory. What is the retaliatory measure that we are proposing? Can we for instance as a matter of retaliation recoil from the Farakka barrage talks of other matters and tell them, you act according to your own rules, first. We do not want even the Tashkent spirit or agreement; so far as Pakistan is concerned, it is down the drain already. But they have their own Defence of Pakistan rules 181, 161, 162 according to which they had seized this property and are managing it and they should adhere to their own rules at least. If we insist on these things, there would be some response from the Pakistani side because we have seen that they do not understand the language of requests of weakness.

The hon. Minister in his statement says that friendly countries have been kept informed of Pakistan's/intransigent attitude in this matter. We should like to know who these 'friendly countries' are. This is a pointed question. Would he please name them? Would he kindly place before the House the correspondence with those friendly countries?

Lastly, we know that Pakistan has disposed of this property. It may or may not repatriate some amount which it got by auction, etc. to the original owners. I know that the Government of India will do it once they auction their property, whether they do it or not just as we do in the case of

refugees coming from Pakistan, is it not the responsibility of the Government to provide some relief to the sufferers? At least an interim relief may be given and then long-term loans, so that they can resettle themselves. Many of these people owning property which has been confiscated—especially the small fishermen with their fishing craft lost, and rivercraft lost—are utter destitutes today. Would the Government come out with a positive programme for their rehabilitation? This is another pointed question.

Lastly, I would ask the Government, have the Government worked out the quantum of expenditure required for the full rehabilitation the sufferers where rehabilitation is required, and considering the fact that even the Indo-Pakistan war was just a failure of diplomacy—every way is a failure of diplomacy—and this is a failure of diplomacy since for the last five years we have not been able to settle these problems, and we have not been able to sit across the table on these problems, considering that diplomacy has failed, that political moves have failed, would Sardar Sahib consider other moves also?

MR. SPEAKER: You have very much improved in courtesy after he left the defence portfolio.

SHRI RANJEET SINGH: He was familiar with the subject he was dealing with previously, and now he has taken over affairs which are quite foreign to him.

SHRI SWARAN SINGH: I will give my reply very briefly to the questions that have been put. Firstly, he asked if Pakistan has ever taken up the position in any written note. Yes; they have. In their note dated 12th August, 1967, the Pakistan Government questioned India's contention that property seized in war should be in the nature of a continuing trust and that their disposal would violate the Tashkent declaration. The Government of Pakistan took the position that "assets seized during the war become the property of the seizing Government, whose legal right to their disposal is unquestionable." The note admitted that under the Tashkent declaration, India and Pakistan undertook to discuss the question of seized properties, but no progress had been made—

SHRI HEM BARUA: In clause 1 of the Tashkent agreement, you have said the outstanding problems; not this.

SHRI SWARAN SINGH: I am now quoting their note, Pakistan's note,—that India and Pakistan undertook to discuss the question of seized properties, but no progress had been made in implementing the Tashkent declaration and for this, according to the Pakistani note the blame lay with India. So, this is the type of complete denial, completely negative attitude, both on procedure and on substance.

The hon. Member said that we should quote their own rules against their action. They have themselves said that rules are procedural things which enable them to take possession of them and take control. As to what is the legal effect of what they describe as the war situation, they have substantially said in this note, and it will not be good strategy to quote their own rules against them, because they can easily make other rules or law. That perhaps will not be a very proper approach.

The hon. Member then asked, can we take any retaliatory measures? To this I have replied in length. We should try to resolve matters without using any expression like retaliation.

Then he mentioned about relief to those whose properties had been seized. I have already said that this is a matter which is receiving our attention. He especially mentioned about the poorer sections. Well, if you look at the list of properties, you will find there is Government property, there is bank property, there is the insurance company property, but if there are poorer types of people to whom the hon. Member has referred, we will certainly try our best to find out the extent of their problems and we will be prepared to find out some way to give relief to those people if it has not been already given; I am not quite sure about this.

Then about our mentioning it to other friendly countries. We mentioned it to the USSR Government, to the United States Government, to the British Government, to the French Government. But I have no

[Shri Swaran Singh]

intention of placing copies of any correspondence that might have taken place with them, on the Table, because that is not customary.

SHRI N. K. SANGHI (Jodhpur) : From what we have just now heard from the Minister and Members of Parliament, I come to the conclusion that the Tashkent agreement looks to be "dead as dodo". We have seen that Pakistan Government is going on a system of economic aggression against Indian nationals, whether it is a question of property left by them or otherwise. They are also going on the system of genocide against minorities in that State. I am sure Government would understand what the future designs of the Pakistan Government would be. We have to realise it sooner than later. I know the hon. Minister has nothing to say. As a protest against the failure of the Government to get proper redress to the Indian nationals whose property has been left behind, I would refuse to ask any question. I request the Government to take this matter seriously so that the properties are restored to them, failing which at least some positive compensation should be given to them so that they can survive.

SHRI SWARAN SINGH : I have noted his protest and his feelings.

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13.32 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER FORWARD CONTRACTS (REGULATION ACT 1952)

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE (SHRI M. R. KRISHNA) : On behalf of Shri Dinesh Singh, I beg to lay on the Table a copy of Notification No. S. O. 1980 (Hindi and English versions) published in Gazette of India dated the 30th May, 1970, issued under section 6 of the Forward Contracts (Regulation) Act, 1952. [*Placed in Library. See No. LT—3920/70*]

AMENDMENTS TO DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER 1966 IN RESPECT OF MAHARASHTRA

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI JAGANATH RAO) : I beg to lay on the Table—

- (1) A Copy of Notification No. S. O. 228 (Hindi and English versions) published in Gazette of India dated the 14th January, 1970 making certain amendments in Schedule X to the Delimitation of Parliamentary and Assembly Constituencies Order, 1966 in respect of Maharashtra, under sub-section (2) of section 9 of the Representation of the People Act, 1950. [*Placed in Library. See No. LT—3919/70*]
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the above Notification. [*Placed in Library. See No. LT—3921/70*]

ANNUAL REPORT ETC. GOVERNMENT REVIEW IN WORKING OF NATIONAL MINERAL DEVELOPMENT CORPORATION LTD. NEW DELHI

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS (SHRI NITIRAJ SINGH CHAUDHARY) : I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956 :—

- (1) Review by the Government on the working of the National Mineral Development Corporation Limited, New Delhi, for the year 1968-69.
- (2) Annual Report of the National Mineral Development Corporation Limited, New Delhi, for the year