

in laying the Notification mentioned at (i) of item (3). I would like to know whether we can look forward to a day in the near future when this matter will become a thing of the past.

There is another small point. It just caught my eye as I was casually glancing through the Order Paper. In item 4 of the Order paper there is a Gazette Notification dated 5th May, the laying of that is not considered to be late, but that of a Gazette Notification dated 7th May is considered so late that reasons have been given for the delay in laying it on the Table of the House. Why this curious anomaly that a Notification dated 5th May is not considered late, when a Notification dated 7th May is considered late? This is an anomaly which should be explained. The Ministry should not be so negligent and remiss, it is the same Ministry in both cases.

The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam): I agree. I thought Parliament adjourned in the first week of May. Therefore, naturally after Parliament has reassembled again, we have placed it. In this case also, unfortunately we could not lay it immediately because Parliament had adjourned. We shall see that delays are avoided as far as possible.

Shri Hari Vishnu Kamath: Not the first, but third week of May.

Mr. Speaker: He means to say for 5th May there is no delay, for 7th May there is delay, why that difference.

12.16 hrs.

STATEMENT RE: MEMBERSHIP OF  
ADVOCATES ACT REVIEW COM-  
MITTEE

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): I beg to inform the House that it is proposed to appoint Shri G. N. Dikshit, Member, Lok Sabha, as a Member of the Advocates Act Review Committee in the vacancy caused by the sad demise of Shri S. V. Rama-

swamy. Shri Dikshit has agreed to serve on the Committee.

Shri Hari Vishnu Kamath (Hoshangabad): What is this Review Committee about?

Shrimati Renu Chakravartty (Barrackpore): This Committee was to review the Advocates Act which has been passed because there were anomalies. I want to know how long this is going to take and when it is going to give its report. Will the new Advocates Bill be passed by this Parliament?

Shri C. R. Pattabhi Raman: I expect there will be one or two more meetings; they have already finished two meetings, and it will then be placed on the Table of the House.

Shrimati Renu Chakravartty: I hope it will come before the last session of this Parliament.

12.17 hrs.

STATEMENT RE: JUDGMENT BY  
INTERNATIONAL COURT OF JUSTICE  
ON SOUTH WEST AFRICA

The Minister of External Affairs (Shri Swaran Singh): The Government of India has seen with deep disappointment the judgment of the International Court of Justice on South West Africa. The Government of South Africa has persistently refused to place the territory of South West Africa under UN Trusteeship as required under the Charter. On the other hand, the South African Government has been taking measures to incorporate South West Africa as one of its provinces applying to it all the evils of apartheid to which it has subjected its own non-white population.

It will be recalled that certain aspects of the question of South West Africa were referred by the General Assembly to the International Court for advisory opinion which was given in 1950, in 1955 and again in 1958.

[Shri Swaran Singh]

These opinions clarified certain issues and were generally helpful, whereafter the UN Committee on South West Africa was asked to consider what legal action was open to ensure that South Africa fulfilled the obligations assumed by it under the mandate until such time as it is placed under the trusteeship system. The U.N. Committee on South West Africa suggested taking the matter to the International Court. In 1959 the General Assembly welcomed this suggestion as a result of which in 1960 Ethiopia and Liberia, both original members of the League, filed their application in the International Court. The General Assembly commended the two applicant Governments upon their initiative, thereby indicating the importance the U.N. attached to the issues placed before the World Court for a decision.

The judgment is not likely to inspire confidence in the International Court or in the establishment of the rule of law in international affairs. The fact that it took nearly six years for the Court to decide that Ethiopia and Liberia have not established any legal right or interest in the subject matter of their complaint is regrettable. In 1962 the Court rejected the preliminary objection of South Africa that the Court had no jurisdiction and that Ethiopia and Liberia had no standing to bring the case. Yet four years later the Court has decided that Ethiopia and Liberia have no *locus standi* in the matter. It would seem, therefore, that the Court has reversed its own judgment of 1962.

It is unfortunate that the Court has failed to answer the substantive questions raised, namely, that since the mandate has not been converted into a trusteeship it continues to remain in effect; that South Africa continues to be subject to the obligations of the mandate and cannot unilaterally alter the status of South-West Africa without the consent of the U.N.; that South Africa must accept U.N. supervision of this territory and submit annual reports and for-

ward petitions to the U.N. General Assembly; that South Africa has violated the obligation of the mandatory power to "promote to the utmost the material and moral well being and the social progress of the inhabitants" by the application of apartheid and other arbitrary, unreasonable and unjust measures detrimental to human dignity.

In our view the answer to all these questions is in the affirmative. Indeed the General Assembly has adopted numerous resolutions condemning the Government of South Africa for its persistent refusal to cooperate with the world body in applying the principles of the U.N. Charter and implementing the various resolutions of the General Assembly on South-West Africa.

India's attitude has been throughout to strongly support the African countries in their legitimate demand for the grant of independence to South-West Africa. As early as 1946, the Government of India were the first to raise this issue at the United Nations, and expressed their opposition to what amounted to the annexation of South-West Africa. We urged that the territory should be put under the trusteeship system which would lead progressively to independence. The international community has long recognised the basic fact that the problem of South West Africa is not only a juridical one; it is more basically a political and colonial problem. The U.N. General Assembly has passed numerous resolutions, the last one being Resolution—2074 (XX), 1965—which reaffirms the inalienable right of the people of South-West Africa to freedom and independence and has called upon the Government of South Africa to remove immediately all bases and other military installations located in the territory of South-West Africa.

Whatever the judgment on the limited legal issue of the competence of Liberia and Ethiopia to seek redress

from the International Court, the problem of South West Africa remains and demands urgent attention of the U.N. The Government of India continues strongly to support the view that the General Assembly and, if necessary the Security Council must ensure that the Government of South Africa is not permitted to take any further steps—administrative, legal or constitutional—to incorporate the territory of South West Africa into South Africa, and such steps as have already been taken are declared null and void. Further, that the future of South West Africa must be governed by the U.N. Resolution on the Declaration on the Granting of Independence to Colonial Countries and Peoples (Res. 1514). Finally, till such time as the people of South West Africa attain independence in accordance with the freely expressed will of the people, the mandate should be replaced by effective U.N. presence in place of the administration by the Government of South Africa.

It is now for the U.N. to take firm and decisive action in support of the people of South West Africa to thwart the aggressive plans of the South African Government. As in the past, the Government of India would lend vigorous and full support to all Afro-Asian and like minded members of the U.N. towards the achievement of these objectives. For this purpose, the Government of India is in touch with the members of the Organisation of African Unity and the Afro-Asian Group at the U.N. We are actually participating in the Sub-Committee appointed by the Special Committee of 24. We are also in touch with others so as to cooperate with them to end this vestige of racialism and colonialism. Unless this is done in the near future, there is grave danger that the present situation may lead to a most serious racial conflict throughout Africa endangering international peace and security.

**Shri P. K. Deo (Kalahandi):** It is a matter of great regret to all of us that the verdict of the World Court

has been in favour of South Africa and by that indirectly they are going to perpetuate the colonial rule where there is racial discrimination in South West Africa. At the same time....

**Mr. Speaker:** Not a good beginning. He might put only a question. That would be followed by others also.

**Shri P. K. Deo:** At the same time, I would request the Government of India to make their position clear and to let us know what effective steps they are going to take in the United Nations so that the mandate or the trusteeship of South West Africa is terminated and a proper democratic government is allowed to function there and there is an end to racial discrimination.

**Shrimati Renu Chakravarty (Barrackpore):** Now that the World Court's verdict has been announced and it is very clear that the judges of the World Court have reacted in a manner which shakes the confidence of the whole Afro-Asian world and there are many cases in which we are also involved directly and may be going upto the World Court in future, will the Government of India take any measures, in whatever way it is possible—if any steps can be taken—in order to see that the World Court and its panel of judges are acting in an impartial manner and this whole matter can be taken up by the United Nations and the matter raised by us?

**Shri Hem Barua (Gauhati):** While welcoming the statement made by the hon. Minister, may I know whether Government are in a position to enlighten us about the role played by Pakistan in this matter, particularly because this morning, the Pakistan High Commission in New Delhi has distributed certain newsletters to us wherein it has been said that India is indulging in malicious propaganda against Pakistan in this particular matter? I want to know from the hon. Minister how far it is a fact that India is indulging in malicious propaganda against Pakistan in this parti-

(Shri Hem Barua)

cular matter, and what is the rôle that Pakistan has actually played in this particular case.

Dr. L. M. Singhvi (Jodhpur): We would like the Government to tell us whether even in juridical terms it considers the question closed or whether they are thinking in terms of bringing juridical strategy in this matter, particularly because what has been determined is the only question of *locus standi* and the substantive question is yet to be determined. What is proposed to be done in respect of certain mandates of the United Nations, involvement of the United Nations and in securing a proper answer to the substantive question of the continuing mandate of the United Nations? We would like particularly to know whether it is proposed to persuade the United Nations as a body to secure an advisory opinion of the World Court on the substantive question or to agitate in any other manner.

Shri Joachim Alva (Kanara): We are known to look the stables after the horse has run away. What steps did the battery of our lawyers—we have talented lawyers and a vast number of them, national and international, and of course our ambassadors are working all the 24 hours of the day—take when Sir Zafrulla Khan was ordered by the President of the International Court to stay away?

Shri D. C. Sharma (Gurdaspur): The statement made by the Minister raises some fundamental questions. In the first place, there are two organisations which are always under fire and which are absolutely unrepresentative in character. The first is the Security Council and the second is the World Court at the Hague. May I know whether the Government is going to do anything to get the Constitutions of these bodies amended so that they become more representative? At present both these bodies are the preserves of a few big powers

and they can do whatever they like. I think such things will go on happening, Pakistan or no Pakistan. India or no India, till the Constitutions of these two bodies are amended.

Shri Shivaji Rao S. Deshmukh (Parbhani): The judgment of the International Court raises certain basic issues of justice under international law. As far as I am aware, the signatories to the Charter for the establishment of the International Court are of two varieties. There are some nations who admit by themselves that the judgment of the International Court shall be observed as it is. There are some other nations who reserve the right to disregard the judgment. But when there is a specific reference by a U.N. body to the International Court, which is a creation of the U.N. Charter, I think the judgment itself does not go beyond the rôle of an advisory opinion. In this regard, may I know whether the Government proposes to specifically move the UN under the mandatory provisions of UN to see to it that the so-called territory of South West Africa is released from the League of Nations mandate?

श्री बड़े (खारगोन) : इंटरनेशनल कोर्ट ने छः साल तक तो केस को पेंडिंग रखा फिर अब जब उसने जजमेंट दिया तो अपने ही जजमेंट को रिवर्स कर दिया। इस प्रकार के जजमेंट से हिन्दुस्तान के लोगों का जो अभी तक विश्वास था कि कोई सवाल हुआ तो उसको इंटरनेशनल कोर्ट में हम ले जायेंगे क्या यह विश्वास उड़ नहीं जायेगा? मैं जानना चाहता हूँ कि क्या इस प्रकार की बात यू० एन० के सामने शासन रखने जा रहा है?

Shri Swaran Singh: I am happy that the general reaction of the hon. members has been against the decision of the World Court and in line with the attitude taken by the Government.

The Leader of the Swatantra Party, asked about the steps we propose to



[Shri Swaran Singh]

liminary issue is all the more disquieting. I have already commented upon that.

12.38 hrs.

**MOTION RE. PARAGRAPHS 4.39 TO 4.52 OF 50TH (THIRD LOK SABHA) REPORT OF PUBLIC ACCOUNTS COMMITTEE**

**Mr. Speaker:** The next item on the Order Paper is a motion by Shri Madhu Limaye and others saying that this House, in the light of the statement made by the Chairman of Public Accounts Committee on 28th July, 1966, in Lok Sabha, should give some direction to the Public Accounts Committee.

There are two things that are before us. Shri Madhu Limaye had given separately notice of two privilege motions also. They will be taken up separately, and I will allow him to raise them. So far as this, particular motion is concerned, I had also received earlier notices from Shri Bhagwat Jha Azad and Shri Sidheswar Prasad that the Speaker should give a direction to the Public Accounts Committee that they might go into the matter. I was still considering that motion, when I got this motion from Shri Madhu Limaye saying that the House should give that direction. Therefore, I have put it down on the Order Paper. So far as I know, there ought not to be any objection and I was also inclined to just give that direction that the Public Accounts Committee should look into it.

**Shri Hem Barua (Gauhati):** You can give that direction if you want to.

**श्री मधु लिमये (मुंबई) :** अध्यक्ष महोदय, आप मेरे प्रस्ताव को क्यों रोकना चाहते हैं ?

**अध्यक्ष महोदय :** प्रस्ताव का सवाल तब पैदा होगा, जब आपस में कोई फर्क हो। माननीय सदस्य जो कुछ चाहते हैं, वह मैं करने के लिए तैयार हूँ।

Why should the time of the House be spent on that? The question at this moment is whether the House should give the direction. If that is the desire, I give it just now. The matter is finished.

माननीय सदस्य का जो प्रिविलेज का सवाल है, उसको मैं सेपरेटली लेने के लिए तैयार हूँ।

So, I am giving that direction to the Public Accounts Committee. In consonance with the motion tabled by Shri Madhu Limaye, as the House is required to give a direction, I am giving that direction. Let it be considered by the Public Accounts Committee.

**Shri Hari Vishnu Kamath (Hoshangabad):** Sir, on a point of clarification on the ruling which you have given.

**श्री मधु लिमये :** अध्यक्ष महोदय, कार्य-सूची में मेरा प्रस्ताव आ चुका है। मैं आप का कोई अपमान नहीं करना चाहता हूँ, लेकिन अगर आप ने अपना निदेश मेरे प्रस्ताव को मंजूर करने के पहले दिया होता, तो मेरे प्रस्ताव का सवाल ही न उठता। अब चूंकि यह कार्य-सूची पर आ गया है, इस लिए आप मुझे इस मामले को प्रस्ताव के द्वारा उठाने की इजाजत दीजिये।

**अध्यक्ष महोदय :** मैं डायरेक्शन नहीं देता हूँ, हाउस डायरेक्शन देता है। क्या गवर्नमेंट को कोई आबजैवशन है कि यह डायरेक्शन दिया जाये ?

**The Minister of Finance (Shri Sachindra Chaudhuri):** No.