

12.12½ hrs.

## BUSINESS ADVISORY COMMITTEE

## FORTY-THIRD REPORT

**The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha):** I beg to move:

"That this House agrees with the Forty-third Report of the Business Advisory Committee presented to the House on the 15th February, 1966."

**Mr. Speaker:** The question is:

"That this House agrees with the Forty-third Report of the Business Advisory Committee presented to the House on the 15th February, 1966."

*The motion was adopted.*

13.14 hrs.

INDIAN TARIFF (AMENDMENT)  
BILL\*

**The Minister of Commerce (Shri Manubhai Shah):** I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

*The motion was adopted.*

**Shri Manubhai Shah:** I introduce the Bill.

13.14½ hrs.

STATEMENT RE. INDIAN TARIFF  
(AMENDMENT) ORDINANCES

**The Minister of Commerce (Shri Manubhai Shah):** I beg to lay on the

\*Published in Gazette of India extraordinary, Part II, Section II, dated 16-2-1966.

+Introduced with the recommendation of the President.

Table a copy of the explanatory statement giving reasons for immediate legislation by (1) The Indian Tariff (Amendment) Ordinance, 1965, and (2) The Indian Tariff (Amendment) Ordinance, 1966, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

13.15 hrs.

## MOTION RE. TASHKENT DECLARATION

**The Minister of External Affairs (Shri Swaran Singh):** I beg to move:

"That the Tashkent Declaration be taken into consideration."

**Shri U. M. Trivedi (Mandsaur):** I would like to rise on a point of order whether this motion is in order.

**Mr. Speaker:** Only after I have placed the motion before the House, can anything be moved.

**Shri Swaran Singh:** I must confess that I might have been able to give a little longer statement at this stage, but the insistence on the part of the hon. members to ask questions about the tragic circumstances under which we lost our Prime Minister has brought vividly back to my mind—and I am sure to the mind of my colleague, Shri Chavan, also—the very painful and touching atmosphere when we heard in our own hotel about the sudden illness of our late Prime Minister.

Sir, after this lapse of time and perhaps in an atmosphere which is different, we can look back with perhaps a little critical eye and with a certain objectivity. But we would not be human beings if it were expected that we would be able to face all that with the fortitude that is normally expected from us.

About the Tashkent Declaration, the Prime Minister was good enough to make a statement and a copy of that has been laid on the Table of the House yesterday. A copy of the

Tashkent Declaration has also been laid on the Table of the House. A brief statement has also been made giving the salient features of the Tashkent Declaration and some information about the follow-up action that has already been initiated and also accomplished between the two countries, India and Pakistan. I will not repeat what is contained in that statement. I would, at this stage, draw attention to only some of the important aspects of the Tashkent Declaration.

Mr. Speaker, Sir, the circumstances and the back-ground in which the two Heads of Governments of India and Pakistan, Shri Lal Bahadur Shastri and President Ayub Khan, met in Tashkent are well known. The late Prime Minister, Shri Lal Bahadur Shastri, before the House adjourned on the last occasion, himself made a statement about his intention to go to Tashkent and several hon. members belonging to different parties and different groups made some observations on that occasion. He responded to the suggestion made by the Chairman of the Council of Ministers of U.S.S.R. to go to Tashkent and he agreed to have discussions with President Ayub Khan, so that the relations between the two neighbouring countries, India and Pakistan, might improve. It is not for me to take any time on the description of those relations. I can say that, ever since Partition, in spite of our best efforts at the governmental level and even at non-governmental level, the relations between the two countries, India and Pakistan, continued to be highly strained and this culminated in a clash of armed forces. India faced the aggression and India valiantly fought to maintain the integrity and sovereignty of the country. Our thought first of all goes, when we talk of this conflict, to the valiant soldiers, airmen and members of the security forces, police and others, who fought so bravely to maintain the honour and dignity of our country and to repel the aggression. The spontaneous co-operation offered by the civilian population in

actual sustenance of the efforts which had been made by the armed forces and also the psychological impression and feeling of cohesion, of unity, that was created in the country will always remain as the most heart-warming experiences of all of us.

At this stage, it is not my intention to go into the details thereof. When we went to Tashkent, the cease-fire which had been agreed upon by Pakistan and India was very uneasy; there were violations almost every day, and tens or dozens of these violations sometimes took place in the different sectors in which the two Armies were confronting each other. If my memory helps me aright, we have already lodged protests against something like 1600 or 1700 violations of the cease-fire, before the UN Observers; and there were shootings sometimes by civilians and sometimes by Army men. This was the state of affairs even after a formal declaration by the two Governments that they had accepted the cease-fire in response to the resolution and the appeals issued by the Security Council and the Secretary-General of the United Nations.

There was no agreement and there was not even a purposeful discussion about the withdrawal of armed personnel. The two Armies were interlocked. I myself had occasion to go to some of the forward areas, as I am sure many hon. Members of this House must have done; we had soldiers on either side in trenches and the like; facing each other in the fields with desolation all round, and everyone in the grip of tension. This was the state of affairs when we went to Tashkent.

Before going to Tashkent, Prime Minister Lal Bahadur Shastri had taken this august House and the country into confidence about his way of thinking. On the political question, namely about Jammu and Kashmir, he had made a very clear statement in the House and outside that this is an integral part of India, and the sovereignty of

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Jammu and Kashmir is not negotiable. He said that this is our stand on Jammu and Kashmir. I can say without the least hesitation, and with great sense of pride, that he stuck steadfast to this position all through these talks in Tashkent, and he did not budge an inch from that stand. He had said when he would go there, if the other side said anything about Kashmir or suggested that this was the Pakistan attitude about Kashmir, he would not run away from that meeting or conference, nor would he say that he was going to shut his ears to that; but he said in his own inimitable way that when any such question was raised, he would reiterate the Indian position in unmistakable terms. This was the promise which he redeemed throughout these talks, and this is reflected in the Declaration itself. In the Declaration itself it is clearly mentioned that each side reiterated its position on the question of Jammu and Kashmir. Therefore, there is no doubt that this position was very clearly reiterated.

It is true that Pakistan did not accept our position just as we do not accept their attitude on this, and if I may say so, there was agreement to disagree. This was not left to chance or speculation but was mentioned in the Declaration itself that each side reiterated its respective stand on the question of Jammu and Kashmir.

**Shri Tyagi (Dehra Dun):** What were their views?

**Shri Swaran Singh:** On the question of restoration of peace, which was the main objective before Shri Lal Bahadur Shastri when he went there, and about which he made no secret, he very patiently, very gently, but very firmly pursued that line from the very beginning of these talks.

I was glancing through the very clear statement that he had made in the plenary session when this confer-

ence opened. As the House is no doubt aware, the conference opened at Tashkent in the presence of Mr. Kosygin, Chairman of the Council of Ministers of the USSR with his other distinguished colleagues, President Ayub Khan with his Ministers and other senior members of his delegation, and we were also present at that time. It is very important to note that in the very initial stages, Prime Minister Lal Bahadur Shastri clearly spelt out the objectives that were before him when he entered these talks and discussions.

I would like to remind the House about one or two significant passages in the opening speech of Shri Lal Bahadur Shastri. I am referring to this only to show that what he said in the initial stages he really achieved towards the end when the Tashkent Declaration was actually finalised, and some of the ideas which he had projected in the initial stages were actually embodied in one form or the other in the final Declaration itself. I shall not take long over this, and I shall read out only the most important parts of his speech.

One of the things that Shri Lal Bahadur Shastri said in his statement on January 4th, at plenary session was this:

"I know there are many unresolved differences between our two countries. Even between countries with the best of relationship there are differences and even disputes. The question which we have both to face is whether we should think of force as a method of solving them or whether we should decide and declare that force will never be used. If other countries, even those with vast resources and much deeper differences, can avoid an armed conflict and live together on the basis of peaceful coexistence, should not countries like India and Pakistan whose main problem is the economic betterment of their people give

up the idea of solving any problems by recourse to arms?"

I shall not read out the subsequent parts, though they are important, but I shall refer to one other part, which was as follows:

"The foundation of good neighbourly relationship should be, as I have said, the acceptance of the policy of peaceful coexistence. In pursuance of this, action will have to be taken on several fronts."

He even enumerated those fronts. He said:

"For instance, the atmosphere of cold war has to be removed. If through propaganda in the press or by radio, a feeling of animosity or distrust is generated and sustained between the two countries, whatever we as heads of two Governments might say, there will always exist the danger of a conflict. Our aim should be to improve the totality of the relationship between the two countries. Our trade has been shrinking; it should grow instead. Many rivers flow between India and Pakistan; instead of being a source of controversy, they could through co-operative endeavour enrich both our countries. There are many other areas of economic co-operation which given goodwill and understanding can be developed to our mutual advantage."

I am referring to this in order to show that when Shri Lal Bahadur Shastri went, the immediate objective before him was that of reversing the trend that unfortunately bedevilled the relations between India and Pakistan. Not only was he conscious that without reversing this trend, good relations and good neighbourly relations would not develop and would not be strengthened between the two countries, but he had a positive picture before him of developing and strengthening the economic relations so that the normal relations between

the two countries should develop and prosper and get strengthened.

When he said that, immediately thereafter, being a great realist, he had said:

"In saying all this, I am not trying to suggest that we could shut our eyes to the many points of difference that exist between the two countries. I do not want to enumerate them. But what I do say, however, is that all these problems must be resolved through talks and negotiations and not by resort to force. An armed conflict creates more problems than it solves. It is an impediment to understanding and agreement. On the other hand, in an atmosphere of peace, we can make real progress towards solving the differences between us."

I am sorry I quoted at length, but I could not find better words really in support of the basic philosophy behind the Tashkent agreement than the words of our late Prime Minister Shri Lal Bahadur Shastri. These words he did not utter after the finalisation of the agreement, but they were something prophetic in the opening address that he made. All the essential ingredients of the Tashkent Declaration are embodied in these sentiments which were so vividly and so touchingly expressed by Shri Lal Bahadur Shastri in his opening speech.

If this Tashkent Declaration is examined against that background, I am sure that every section of this hon. House and I hope our countrymen at large—will be convinced that Shri Lal Bahadur Shastri went to Tashkent with certain clear objectives before him; and we are very happy and very proud, in retrospect, to recall that he succeeded in a very large measure in reversing the trends that existed between the two countries and in generating an atmosphere of peace and in stabilising peace between our two countries. I am a realist enough, having been involved in these Indo-Pakistan problems ever since partition took place and Pakistan was

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created as a separate country; I myself had to deal with various problems, very painful problems, even when I was in Punjab, the huge problems that were created by migration of people, division of assets and the like and all the tensions that got built up. It is very easy for people sitting and taking a very theoretical view and trying to scrutinise each and every word and attempting to point out that an 'i' could be dotted or a 't' could be crossed, but it is easily forgotten that if the objective to be achieved is the reversal of the unfortunate trends, that has to be done on a somewhat reciprocal basis. It was also his objective, which he did not at any time hide, that 'while sticking to my basic stand, while sticking to the realisation of the basic objective, I am flexible enough to see the viewpoint of the other party also', because, he was not a person who would like to adopt an attitude where at the end he could say, 'I have turned down all the points that were suggested by the other side and so I have achieved all that I wanted to'. That was not the spirit in which he entered these discussions.

I am mentioning this because it is very easy to criticise these things. If I alone were the author of that document, if only an Indian representative had had to draft this Declaration, its language could be different, its content could perhaps be stronger. But let us always remember that this was a document which was evolved as a result of very elaborate discussion, and the attitude on our side—I will be quite frank in saying that—was not to take a rigid stand. We were fully aware—I and my colleague, Shri Chavan, who were assisting our late Prime Minister, Shri Lal Bahadur Shastri, assisted by our advisers—we were always conscious of, and kept before us, the basic objective. Sticking to our basic objective, we did not want to take such a rigid attitude that no option was left to the other side

except to say 'no'. Also, we were anxious to achieve a solution which should be broadly acceptable not only to the two Governments or the heads of government but to the people of India and to the people of Pakistan.

Therefore, I would beg of this hon. House to scrutinise this agreement against that background also. It is not a document of which I alone am the author. It is a compromise document. You may find that there are adjustments at several occasions, adjustments which we very carefully scrutinised to meet the viewpoint of the other side. Our objective was. . .

श्री रामेश्वरानन्द (करनाल) : आप कहीं भी चले जाइये, आप को पता चल जायेगा कि भारतीय जनता इस से सहमत नहीं है।

श्री स्वर्ण सिंह : यह जरा पेंचदार बात है। स्वामी जी इस को समझने की कोशिश करें।

श्री रामेश्वरानन्द : आप ने सुरक्षा परिषद् के कहने से नहीं माना और वहाँ जा कर मान लिया। इस पेंचदार बात को आप नहीं समझते।

Shri Swaran Singh: I did not yield.

अध्यक्ष महोदय: यह कोई कायदा नहीं है कि इस तरह बीच में बोला जाये। जब स्वामी जी की बारी आयें, तो वह अपनी बात कहें।

श्री रामेश्वरानन्द: इस तरह से जनता का नाम लेना उचित नहीं है।

Shri Swaran Singh: I was submitting that there are portions in this document which can be regarded as compromise proposals or proposals which are the result of a compromise between two different viewpoints. In fact, I am happy that we were able to achieve this agreement in which either side, when they could go back

to their country, could project to their own people that this is something in which there is no defeat for any party, but there is this gain because both sides have gained peace. Our efforts, on both sides, have to be directed to stabilise and strengthen that peace and to give real content to that concept of peace which is the king-pin of the Tashkent Declaration.

Having said that, I would now like to mention some of the points which have been worrying certain hon. Members of this House and even people outside. Before doing that, I would very humbly urge, and very earnestly appeal, to, all sections of the House and my countrymen at large not to view this as a party issue. This is a national issue and we have to look to the interests of the country as a whole, to the interests of the people as a whole. I would appeal to hon. Members not to make political capital of it but to view it as an issue which concerns all of us.

**Shri Maurya (Aligarh):** That is your job; making political capital is your job. Say boldly that you want partition.

**Shri Swaran Singh:** One of the points of criticism in the statements of some hon. Members, in the press and elsewhere, is about the withdrawals. On this, I would not like to say much. I would only draw attention of the House to the stand that the late Prime Minister, Shri Lal Bahadur Shastri, had taken when he was approached by the UN Secretary-General for a cease-fire and for withdrawals. In response to that, Shri Lal Bahadur Shastri in his letter to the UN Secretary-General of 14 September 1965 had stated this—a copy of this letter has already been placed on the Table of the House and Shri Lal Bahadur Shastri also made a statement here—

"Let me make it perfectly clear, Mr. Secretary-General, that when consequent upon the cease-fire

becoming effective further details are considered, we shall not agree to any disposition which will leave the door open for further infiltrations or prevent us from dealing with the infiltrations that have taken place".

This was the criterion that he had enunciated. This he had repeated in different forms in the House, in the other place and also in his statements to the press. We have to examine whether the Tashkent Declaration, judged in the light of these statements answers some of the doubts that have been raised.

May be, these doubts have been raised about the wisdom or propriety of the withdrawals of the armed forces without appreciating various aspects. In this connection, without going into details, I would mention three salient points. In the Tashkent Declaration there is the agreement signed by the two heads of government that they will not have recourse to the use of force for settlement of any dispute between the two countries. Secondly, they have agreed that there will be non-interference in the internal affairs of each other. Thirdly, that in the Jammu and Kashmir State ceasefire terms on the ceasefire line will be observed. Now, if these three conditions are faithfully carried out by each side, the basic condition that Shri Lal Bahadur Shastri had made when he wrote to the Secretary-General, and which he repeated in different forms in the House and outside, is satisfied. I claim that these three conditions fully answer any doubt that may arise in the mind of any hon. Member here.

**Shri Maurya:** What about infiltrators?

**Shri Swaran Singh:** Sending of infiltrators, armed infiltrators, as was done by Pakistan and under their inspiration and guidance, when they sent people in this manner into the

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State of Jammu and Kashmir, that was obviously use of force. What else is use of force if sending of armed infiltrators into another territory is not use of force? This is obviously use of force.

श्री हुकम चन्द कडवाय : संख्या सही है । संख्या गलत नहीं है ।

Mr. Speaker: Let him finish his speech.

Shri Swaran Singh: Observance of the cease-fire terms on the cease-fire line is another important thing. Then non-interference in internal affairs. I am conscious, I know that some of the doubts that have been raised in the minds of the hon. Members and other persons with the best of intentions—I do not say anything against any individual—may be due to some of the interpretations which have been put in an on-sided manner by commentators or sometimes even by public men, even Ministers of Pakistan, but it will be a very unsatisfactory state of affairs if we are deflected from an objective interpretation of something which is in writing, and if we get excited about the on-sided interpretation that might be put on any provision on the other side. The obvious course that is open to us at that time is to state clearly that their interpretation is incorrect, and this we have taken care to clarify on various occasions. That is why I am saying that our interpretation, which is borne out by the text and by the back-ground and by the circumstances, is quite clear and quite unambiguous that these three conditions definitely take care of infiltrators. I would like to add one thing more.

श्री हुकम चन्द कडवाय : पाकिस्तान ने क्या गारंटी दी है कि वह इनफिल्ट्रेशन नहीं करेगा ?

Shri Swaran Singh: I was saying that the three conditions that are embodied in the declaration provide fully the necessary guarantees, the

necessary agreement, and this definitely covers the infiltrators.

I would like to remind the hon. House that even Pakistan does not claim that they have the right to send infiltrators. They have never owned any responsibility for the infiltrators. We have always tried to pin down the responsibility on them. It is something which is not even claimed by them that by this agreement they have the right to send infiltrators. So, why should we say something which is not even suggested or claimed by them? It is quite obvious that non-use of force, observance of the cease-fire terms, non-interference in internal affairs, these three are very important points, and this is the real basis for our interpretation, which is fully borne out by the background and the circumstances, that infiltrators are covered.

About withdrawals, the occupation of Kargil, Haji Pir and Tithwal, as was stated by my colleague, Shri Chavan in the House and also by Shri Lal Bahadur Shastri on several occasions, was necessitated by the military situation that faced us. Here were these large number of armed infiltrators coming in. We approached Pakistan that they should own responsibility and withdraw them. They did neither of the two. We had, therefore, to defend our territory, and to prevent infiltration we moved to these places. We went to Kargil because we had to protect our lines of communication to the Ladakh area. All those actions had been taken with the object of safeguarding our integrity, safeguarding our sovereignty over these areas, and therefore, after these three conditions have been agreed upon—that cease-fire terms on the cease-fire line will be observed; non-use of force, which, I have said, covers infiltrators; and non-interference in internal affairs—our continuance in these areas was a question about which we did not take a decision lightly. We were faced with this position. Interruptions).

अध्यक्ष महोदय : यह कोई कायदा नहीं है कि इस तरह से इंटरप्ट करते आप चले जायें। आपकी भी बारी आएगी और तब आप क्रिटिसाइज कर सकते हैं।

श्री हुकम चन्द कछबाय : श्रीर बुझ रहे हैं। जो पहले से पाकिस्तानी घुसे हुए हैं क्या वे चले गये हैं ?

अध्यक्ष महोदय : आप क्या चाहते हैं कि मिनिस्टर साहब स्टेटमेंट प्रपना न करें ? यह कोई कायदा नहीं है कि आप दम्यान में बराबर बोलते चले जायें।

श्री बड़े (खारगोन) इसका कारण यह है कि .....

अध्यक्ष महोदय : कारण कुछ भी हो, जब आपकी बारी आए तब आप जो कहना चाहें कह सकते हैं।

श्री बड़े : देश की मनः स्थिति को जो देखना चाहिये।

अध्यक्ष महोदय : देश की मनः स्थिति आप नहीं बतायेंगे तो कौन बतायेगा। आप किस लिए हैं ? यह नहीं हो सकता है कि आप साथ साथ कमेंट करते चले जायें। आपका क्या मतलब है कि मिनिस्टर साहब बड़ी कहें जो आप चाहते हैं और उनका केस जो है वह हाउस के सामने आए ही नहीं ? आपकी जब बारी आए तो जितना आप क्रिटिसाइज करना चाहें कर सकते हैं।

श्री श्रीधर : मैं गम्भीर एतराज आपके ऊपर है।

अध्यक्ष महोदय : आप बैठ जाइये।

श्री श्रीधर : मैं बैठ जाता हू। लेकिन आपके ऊपर मैं गम्भीर एतराज है।

अध्यक्ष महोदय : बेशक हो, आप बैठ जाइये।

श्री राम सहाय पाण्डेय (मना) : इन्होंने कहा है कि इनको आप पर गम्भीर एतराज है .....

अध्यक्ष महोदय : वह तो हड़ना रहेगा। आप कैसे दूर कर सकेंगे ?

श्री राम सहाय पाण्डेय : इसको रिकार्ड से एक्सपोज कर देना चाहिये।

Shri Swaran Singh: I promise I will listen with the greatest respect to the very learned speeches and very forceful speeches that Shri Bade and his colleagues will make, and I would only expect that he will be good enough to show me the courtesy of at any rate being able to put across my viewpoint. I know that he does not agree, he may not agree. It will be my endeavour to persuade him to agree to this viewpoint. At the end, even two countries which had fought agreed to disagree. Let us also at least agree to disagree.

I would like to say that I will be able to give all the information which the Swamiji or any other Member may want. When in their speeches they make their statements, I shall endeavour to answer them. At this stage I would say both withdrawal and the question of infiltrators are linked with the three conditions, the three important decisions that had been agreed upon between the two Governments, and this explains the withdrawal.

We were in Haji Pir, we were in Kargil, we were in Tithwal. We were also in the Lahore and Sialkot sector, and Pakistan was in the Chamb sector; they were also in Amritsar District in the Khemkaran area and they were also in certain parts in Rajasthan. So, the question that was before my colleague Shri Chavan and myself was this. Shri Chavan gave a great deal of consideration to the military aspect, and all of us had to take a decision as to whether there will be



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justification for us to continue to stay in Haji Pir, in Tithwal and in Kargil and to face also the situation that Pakistan continues to stay in Chamb and in Khemkaran and Rajasthan, and we continue to stay in the Sialkot and Lahore sectors after these three conditions had been agreed upon. I may make it clear, and I am sure that any person who dispassionately examines the situation will agree with me, that after these three conditions are fulfilled, it does not stand to reason that this military confrontation between the two countries should continue, that our soldiers should continue to lie in the trenches and in the fields facing each other at a distance of 50 to 100 yards, with sniping going on all the time, with cease-fire violation, and killings going on, with civilians on either side in the grip of tension and the 600 million people of India and Pakistan always under this tension. I would most earnestly appeal to the hon. Members to view in that background. We were fully convinced that after these agreements we must accept this disengagement and must withdraw. It was in pursuance of this very careful examination that Shri Lal Bahadur Shastri came to the conclusion that if, notwithstanding the agreement on these three issues, we continue confrontation we would not be acting in the best interests of the people of India and Pakistan and we would also be creating the impression all over the world that, notwithstanding these reasonable arrangements, these countries were determined to carry on the policy of confrontation and tension. So, we have to view this question of withdrawals in the background of these observations that I have made.

There are other positive features of this agreement. Some people say that this might affect our military preparedness. That is a subject on which Shri Chavan with his intimate knowledge and the way he has handled our defences at a very crucial and difficult moment is more qualified to

give any further detail. He had applied his mind very carefully and he and his advisers were of the view that far from affecting our defence preparedness any lessening of tension in one area obviously adds to the defence potential. There is an arrangement here that there will be various meetings at Ministers' level and official level so that this polarisation, this unfortunate cutting of all lines of communication that has taken place as a result of the conflict and the mounting tensions—these should disappear. People at various levels and directly concerned with all aspects of governmental and public life should meet each other and try to resolve the problems that require to be solved, for the two countries have to live in good neighbourly relations. The Tashkent Declaration can broadly be divided into two parts. The first part that I have touched upon gave a great deal of attention to undoing the many complications that had arisen as result of the conflict. Diplomatic relations had virtually, though not formally, been snapped; the missions were not functioning; there was no communication between the two; overflights were not there. A number of other things had happened. There were internees and prisoners on either side. All these problems that had been thrown up as a result of the armed conflict were sought to be normalised and normal neighbourly relations between two neighbours were sought to be restored. The central philosophy was the insistence on peace. The actions that were taken really follow from that. It is not my intention to go into greater detail. I have confined myself to certain broad aspects and a broad approach and the main structure of the Tashkent Declaration. I want to make it clear that we on our side are determined to implement very faithfully and very conscientiously this agreement which was, if I may say so, the last gift of our late Prime Minister Shastri to our country. He led the country in an admirable manner when our country faced aggression and the honour and

dignity of the country was raised by the heroic manner in which we defended our country under his leadership. I am sure that the path of peace is really our normal way of thinking and it is a path which we ourselves have asked other countries to follow because we genuinely believe in the path of peace. The return to the path of peace should be a matter of satisfaction rather than a matter of criticism or concern to any section in our House.

**Shri Hari Vishnu Kamath** (Hoshangabad): Peace with honour.

**Shri Swaran Singh:** With these words, I commend my motion to the House.

**Mr. Speaker:** I shall place the motion before the House: Motion moved:

"That the Tashkent Declaration be taken into consideration".

**Shri Trivedi** wanted to raise some constitutional point.

**Shri U. M. Trivedi:** Sir, on a point of order. I do not want to offer my comments on the biased statement that had been made by the hon. Minister; I will steer clear of that. This Resolution has now been moved and is going to be discussed as an ordinary motion before this House. If it is carried by a bare majority... (*Interruptions.*)

**Mr. Speaker:** Some one on behalf of the Government may have to reply if there is a constitutional question. So, the Law Minister may be asked to come.

**The Minister of State in the Department of Parliamentary Affairs and Communications** (**Shri Jaganatha Rao**): I am here... (*Interruptions.*)

**Mr. Speaker:** It is not my job. Let them make any arrangement.

**Shri Hari Vishnu Kamath:** Let them stew in their own juice.

**Shri U. M. Trivedi:** Knowing the procedure of this House, this motion can be carried even by an absolute majority of even one. The point involved in this motion as has been con-

ceded by the Minister is that we are going to give up our hold on Kargil, Tithwal and Haji Pir areas of the State of Jammu and Kashmir. The sovereignty over this area—not that it was under our control—was our always. We have declared from housetops that the Jammu and Kashmir State is an integral part of India. It has been an integral part of India as defined in article 1 of our constitution and also as defined in Schedule I pertaining to that article. According to the political map supplied to all of us by the Surveyor General of India, the whole of Jammu and Kashmir State is shown as part of India. We have been able to recover parts of that State, and areas which were lost have been recovered by us. Now, we want to give up that territory. I am not challenging the authority of this House or the authority of the Constitution to so amend the Constitutional provisions to give up these areas if they like it. We did this on a previous occasion. We wanted to give the territory known as Berubari but we had to make an amendment of the Constitution; the 9th amendment to the Constitution had to be brought before this House and pursuant to that the schedule was amended. My point is that when any territory which belongs to the Union of India has got to be given, it can only be given in that way as has been opined by civil reference No. 1 of 1959 to the Supreme Court. It can be given if a law relating to article 368 of the Constitution is brought before the House and the amendment of the Constitution takes place. It is pursuant to that that the 9th amendment came up before the House. It has been stated unequivocally by the hon. Minister who has moved this motion that he wanted to give up possession of Kargil, Hajipir and Tithwal area. I do not want to look at it politically now because I am raising a point of order about this motion.

14 hrs.

The impropriety and the political outlook of it are not before me.

[Shri U. M. Trivedi]

Therefore what I am submitting is based upon the position, namely, if we have to give up these territories, whether this resolution is the proper mode of giving up these territories, whether this resolution is enough and whether the resolution in terms of article 368 of the Constitution is called for. I say this because the provision under article 368 is that such a resolution could only be passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting. I therefore move that this resolution is out of order.

Dr. L. M. Singhvi (Jodhpur): I am glad that this question has been raised at this stage. It is evident that article 1 of the Constitution defines the territories of India and that this article can be amended only by a constitutional amendment. The juristic conception of the Indian Union includes the territory of India as defined in article 1 read with the First Schedule.

Sir, I would like to cite article 1, sub-clause (3) in particular, which says:

"The territory of India shall comprise—

(a) the territories of the States;

(b) the Union territories specified in the First Schedule; and

(c) such other territories as may be acquired".

Now, the territories of the States include, according to entry 15 in the First Schedule of the Constitution, the Indian State of Jammu and Kashmir before the commencement of the Constitution. We have claimed time and again that the Indian State of Jammu and Kashmir which acceded to India comprises the territory of the former princely Indian State of Jammu and Kashmir. It is on this ground that we have claimed in the United Nations

under the UN resolution of 1948 that Pakistan must first vacate the territory occupied by them and belonging to the former princely State of Jammu and Kashmir which is in their illegal occupation. It is on this very ground that the Government of India alleged that the transfer of large tracts of Indian territory which formed part of the State of Jammu and Kashmir by Pakistan to China by means of an agreement was an illegality. If it is held or if the Government wishes to take the position that this was not a part of the State of Jammu and Kashmir, then the bottom goes out of the whole of the Indian argument.

But what is more important is the constitutional position which, as my hon. friend Shri Trivedi pointed out was made clear by Their Lordships of the Supreme Court in the Berubari reference. I would like to refer to two sentences from the opinion of the Supreme Court in that case. It reads:

"...it is an essential attribute to sovereignty that a sovereign state can acquire foreign territory and can, in case of necessity, cede a part of its territory in favour of a foreign state, and this can be done in exercise of its treaty-making power... This power, it may be added, is of course subject to limitations which the constitution of the state may either expressly or by necessary implication impose in that behalf; in other words, the question as to how treaties can be made by a sovereign state in regard to a cession of national territory and how treaties when made can be implemented would be governed by the provisions in the constitution of the country".

The motion, as it is before us, is only for consideration of the Tashkent declaration. The Government if it wishes to implement the operative portion of the Tashkent declaration, must therefore necessarily bring about a constitutional amendment to spell out the position and the circumst-

ances under which it is ceding this territory to Pakistan, I therefore move that at the very least either the Government must make a presidential reference to the Supreme Court in this respect or the House should be given the right to hear the Attorney-General on this very important constitutional issue which is of far-reaching significance.

श्री बभू लिवये (मुगेर) : माननीय सदस्यों ने जो धाक्षेप उठाया है उनका मैं समर्थन करता हूँ। लेकिन इस वक्त मेरा धापसे निवेदन है कि सदन के सामने प्रस्ताव केवल है "विचार करें"। कई स्थानापन्न प्रस्तावों की भी सूचना दी गई है। तो जो निरनुमोदन करने वाला प्रस्ताव है वह ती संविधान के धौर नियमों के माफिक होगा लेकिन अगर अनुमोदन करने वाला कोई प्रस्ताव सरकार या सरकारी दल का कोई सदस्य लाना चाहे, संशोधन के रूप में, तो उस वक्त मैं धापसे निवेदन करूंगा कि आपको अपना निर्णय देना होगा कि अनुमोदन करने वाला प्रस्ताव, जिसके अन्दर हमारे ही एक राज्य का इलाका, प्रदेश, बूसरों के हाथ में, विदेशी ताकत के हाथ में देने का सवाल धाता है, वह कहां तक संविधानिक है और उस स्थिति में हम धाक्षेप उठावेंगे। धाप उस पर अपना निर्णय देंगे।

**Shri Hari Vishnu Kamath:** Mr. Speaker, Sir, while I am in agreement with the basic constitutional arguments urged in favour of the ultra vires character of the operative part of the Tashkent declaration, may I invite your attention and the attention of the House to a factual position that was adumbrated by the Home Minister, who fortunately is present in the House now, in answer to a specific question put in the last session. The question was whether, to the liberated—in legal parlance 'recovered'—territories of Haji Pir, Tithwal and Kargil, the laws of the Indian union and the constitutional provisions that have been extended to Kashmir, had been applied—whether those pro-

visions have been applied to these liberated areas as well—and whether the jurisdiction of the Indian union and of the State Government is complete over those areas. The Minister categorically and specifically replied that that was the position; that the laws have been extended and the jurisdiction of the Jammu and Kashmir State and of the Indian union is complete over these areas of Haji Pir, Tithwal and Kargil.

Now, what will be the effect of the withdrawal, or the proposed withdrawal, the Indian withdrawal from these areas? Will it not mean, and would you not agree, that the withdrawal by us, withdrawal of our troops, our jurisdiction, our authority and our power—will it not be tantamount to the cession of our jurisdictions, our sovereignty, to a foreign State who will immediately occupy—they must already preparing to occupy—these areas militarily, the areas of Tithwal, Kargil and Haji Pir? That means to say, the Government has ceded, or the Government propose to cede without the approval of Parliament as required by article 3 of the Constitution, those areas which are ours, which are India's to a foreign State, that is, Pakistan. Therefore, that part is ultra vires of the Constitution.

**Shri Daji (Indore):** I beg to differ from the points of order raised by some of our hon. Members. Though the position regarding the final cession of territory is not very clear by the opinion of the Supreme Court, cited by my hon. friend Shri Trivedi and also relied upon by my hon. friend Dr. Singhvi, I would like to point out that in their overenthusiasm they are doing a disservice to the nation at the present juncture. What we are now doing is, we are not ceding our sovereignty or seceding our sovereignty over the areas of Haji Pir and the rest. That concept is absolutely absent. Let us not go a step forward and let us not beg the question and play into the hands of Pakistan.—a question which could possibly and

[Shri Daji]

plausibly be subsequently raised by Pakistan. That question of constitutional amendment can come only if the Government comes forward, as in the case of the Berubari cession, for the final cession of the territory occupied by us. What we are now doing is only to withdraw our *de facto* sovereignty and not our *de jure* sovereignty. Constitutional *de facto* control can be withdrawn. As Shri Kamath and Shri Trivedi pointed out, all these years, these territories were under the control of Pakistan and yet we claimed full sovereignty over those territories. Even now we shall continue to claim that sovereignty until final settlement is reached. Therefore, as long as the question of seceding the sovereignty does not arise, the question of constitutional amendment does not arise. (*Interruption*).

**Mr. Speaker:** Order, order.

**Shri Daji:** Let the hon. Members bear with me one a constitutional point, which I am making.

**Mr. Speaker:** That is what I am asking the Members.

**Shri Daji:** I am requesting them only through you, Sir. So, my submission is, the question of constitutional point of order should be examined dispassionately apart from our predilection on the merits of this issue. When a constitutional point of order is referred to, the lawyer may not like a particular brief, but he has to put the facts of the law and the facts of the case as dispassionately as possible. I cannot project my likes or dislikes into a constitutional argument. What I am submitting is, the Berubari case applies when we secede or cede a territory permanently, including the cession of our sovereignty. Here, we are not ceding our sovereign right over the territory. We are only coming to an arrangement which existed before a particular date. The arrangement was disturbed, because of the Pakistani aggression. Everyone agrees that before

the position was disturbed by Pakistani aggression and our counter-action, though we did not in fact physically possess that territory, the sovereign rights of ours were claimed by us and asserted by us, even without physical possession. Sovereignty can be claimed and exercised without physical possession. This distinction has to be borne in mind and if that is borne in mind, then no constitutional amendment is necessary at this moment.

एक भालनीय सवस्य : वे इसे चीन को बाया पाकिस्तान सौंप देना चाहते हैं। वे उसके हाथों में खेल रहे हैं।

**Shri Daji:** I will not tolerate this kind of aspersion. No member is allowed to cast aspersions on the opinion expressed by another member. My friend just now said that I want to hand over this *via* Pakistan to China. When constitutional points are discussed, I have got the right to express my views and I have exercised that right I resent this aspersion and it should be withdrawn. There can be no cool and calm discussion in Parliament if such aspersions are allowed to be made.

**Shri Bade:** He said that we are playing into the hands of Pakistan.

**Shri Daji:** I said it objectively.

**Mr. Speaker:** Words flung in this careless manner do not help anybody.

**Shri H. N. Mukerjee** (Calcutta Central): Sir, even though it is not for us to pull the Government's chestnuts out of the fire, I would supplement basically what Mr. Daji had tried to say. In law, the entire State of Jammu and Kashmir is part of the Indian Union, but as a matter of fact, certain areas in Jammu and Kashmir are, according to India, in the illegal occupation of Pakistan or of people acting as proxies on behalf of Pakistan. Our stand has always been to secure a settlement of this matter and to restore to ourselves effective sovereignty which is today nominal

sovereignty over certain areas of Jammu and Kashmir. Pakistan's purpose, on the other hand, has been somewhat different, with the result that last year Pakistan made an effort by armed force, by infiltration as well as by military attack, to consolidate its hold either by proxy or directly on certain parts of Jammu and Kashmir. We repelled that effort of Pakistan.

Two sovereign States—India and Pakistan—met together through their representatives and came to an understanding in relation to what ought to be done about the settlement of outstanding issues, among which necessarily is the question of Jammu and Kashmir. At that meeting, it was decided that Pakistan would not intervene in our affairs and we shall also not intervene in Pakistani affairs and all the outstanding questions would be settled by mutual discussion. We do not know what is going to be decided, but if after mutual discussion to which both countries have agreed, it is decided that certain portions of Jammu and Kashmir may have to be detached—Heaven forbid that kind of thing happening—but suppose it is decided like that, then and then alone would it be time for the government to come before this House with whatever constitutional amendment or legalistic device which might be necessary. At this moment what we are dealing with is to endorse or not to endorse the declaration which has been issued by the government of this country along with the government of Pakistan. Our government has performed a sovereign act. Whether in performing that act, it went against the wishes of the people whom we represent here—that is the question which we are discussing. As Mr. Daji pointed out, at a later stage, this legalistic matter might come up for discussion, but not at this point. We are certainly entitled at this point of time to approve or not to approve of the declaration.

**Shri Kapur Singh (Ludhiana):** Sir, the core of the question which is

being discussed on the floor of the House is the meaning and substance of the concept of sovereignty in international law. I rise to contest the point of view which has been so ably put forward by my friend, Mr. Mukerjee and my other Communist friends. They have argued that by withdrawing our military forces under the circumstances in which we are doing it, we are not ceding sovereignty and that our *de jure* claim of sovereignty still remains intact. I think that is not the correct and true position.

These are the maxims of jurisprudence of international law that sovereignty may be given up in three modes, either by express consent or by intention or by conduct. The essence of sovereignty is our power to go in and come out at our own volition without the permission of anybody. So, if somebody drives us by force out of a territory over which we have sovereignty, our sovereignty is challenged. But if we go out of that territory with the intention of letting the adversary occupy that territory and in the full knowledge that after that we shall not be able to exercise our fundamental right of going in and coming out at our own volition, it means both by intention and by conduct that we are ceding our sovereignty also. If we go on claiming our *de jure* right of sovereignty still remains intact, we are talking empty words and we are making claims which will have absolutely no validity before the jurists of international law. That is my submission.

**Shri Frank Anthony (Nominated—Anglo—Indians):** I merely want to put forward the legal perspective. If I get an opportunity to speak, I will probably support the Tashkent Declaration. But the crucial issue is this. Having resumed sovereign control of our own territory, does not voluntarily abdicating that sovereign control constitute cession? If it is taken by force, it is a different matter. But voluntarily

[Shri Frank Anthony]

abdicating our sovereignty over our own territory, even if we do that temporarily, is not that cession? That is the issue.

श्री प्रकाशबीर शास्त्री (बिजनौर) : मैं पाकिस्तान के कानून मंत्री की एक राय आपको सुनाना चाहता हूँ और वह इस दृष्टि से कि जो हमारे मन में सन्देह है उस सन्देह की पृष्ठभूमि क्या है जिस आधार पर कि मैं यह निवेदन कर रहा हूँ कि आप सरकार से ताशकन्द समझौते को इस संसद में पेश करने से पहले इस बात का स्पष्टीकरण करावें। वह वक्तव्य बहुत लम्बा इसलिए मैं उसकी केवल तीन पंक्तियाँ ही पढ़ कर सुनाता हूँ। 20 जनवरी को लाहौर में उन्होंने यह वक्तव्य दिया है और जिसे कि लाहौर रेडियो ने ब्राडकास्ट भी किया है। उन्होंने कहा है :—

“कितना मूर्खतापूर्ण व हास्यास्पद है ? क्या संसार में कोई संबैधानिक यत्न इस बात को मान सकता है कि कोई सरकार अपने ही देश के एक हिस्से को खाली कर दे ? इसलिए मैं आपको यह विश्वास दिलाता हूँ कि ताशकन्द घोषणा अन्ततः काश्मीर पर भारत के दावे के विरुद्ध जायेगी और पाकिस्तान के दावे को मजबूत करेगी।”

इसी पृष्ठभूमि में श्री लाल बहादुर शास्त्री इस सदन में और बाहर भी बार बार इस बात पर बल देते थे कि जो यह हिस्सा हमने ले लिया है वह हमारा अभिन्न भाग जो काश्मीर है उसका एक भाग है और वहाँ से हटने का कोई प्रश्न नहीं आता। इसलिए आज जब हम वहाँ से हटने को तैयार हैं और पाकिस्तानी फौजों को घाने का मौका देते हैं तो यह संसद

की भ्रवहेलना नहीं कर रहे हैं ? बल्कि संविधान की भी भ्रवहेलना इस प्रकार से कर रहे हैं।

**The Minister of Law (Shri G. S. Pathak):** Sir, I have not had the good fortune of hearing the argument of my learned friend here. But what I have been able to understand is that according to him, withdrawal means cession of the territory. Abdication is not the word for that.

**Shri Hari Vishnu Kamath:** Cession of sovereignty.

**Shri G. S. Pathak:** Cession of sovereignty. I hope I have correctly understood.

**Shri Hari Vishnu Kamath:** More or less, rather less than more.

**Shri G. S. Pathak:** This expression “more or less” has really given away the whole argument. Either it is cession or it is not cession. It cannot be more or less or both.

श्री मधु लिमये : यह जो उन्होंने “मोर और लैस” के बारे में फरमाया उससे साफ है कि इस तरह से बिना सोचे समझे और सुने अपनी राय देने जा रहे हैं वह उचित नहीं है। यहाँ पर जो जो वादविवाद हुआ है उस को पहले वह पढ़ें और फिर ठीक तरीके से जवाब दें तो उचित होगा। कामत साहब ने “मोर और लैस” तो मंत्री जी के समझने के बारे में कहा था न कि “सेशन आफ टेरिटरी” के बारे में।

**Shri Hari Vishnu Kamath:** I said that the minister has understood more or less, rather less than more. (Interruptions).

**Shri G. S. Pathak:** If it is desired by the distinguished Members here that I should study the entire discussion which has been made, I am prepared to do so and make a statement tomorrow. If you want that, I am prepared to do so. Otherwise I will proceed according to what I have

understood from the few words which I have heard today.

**Mr. Speaker:** Then, probably it would be better if he studies that and then gives us the benefit of his advice tomorrow. We will go on with the discussion on this.

**Shri U. M. Trivedi:** We can adjourn the House for half-an-hour.

**Mr. Speaker:** This motion is for consideration only. We can continue with the discussion, and as was suggested by one of the hon. Members when that question of approval or disapproval comes up then this point can be considered.

**Shri H. N. Mukerjee:** Sir, I want to say something in regard to the procedure. I am really flabbergasted. A question comes up, a point of order is brought up by the leader of one of the recognised parties in this House. There is an array of ministers on the other side, very senior ministers led by the Prime Minister herself, the Home Minister and other Ministers—Shri Chavan had left. They heard the points made. Some of us here, laymen, took part in the discussion and possibly did not make entirely irrelevant remarks. We expect of Government to have the elementary capability to have reserve of membership present in this House to answer points which are raised particularly by way of points of order. It is almost impossible for me to function in this House and take part in the discussion on a motion for consideration of a matter of international importance and of the greatest national importance at the same time, when the whole thing hangs fire, when the Damocles' sword of legality is over there and no decision is made. The decision is not made because you are not assisted by the representatives of the Government. Ineptitude, Sir, is the word. I have got a bad taste in my mouth over the food debate yesterday, and today a very important international discussion is spoilt by

the incapacity of the Government to give its opinion on a legal point. I do not blame the Law Minister. He was not here. He was not informed properly about what is on the agenda. The Law Minister is not asked to be here by his leader when this sort of a very important subject is under discussion. We are used in this House to Law Minister after Law Minister never being present when the Government's case in regard to legal points comes up. This has happened again. We are told we shall get the benefit of his advice tomorrow. I refuse to participate in the debate today if the discussion on the motion for consideration continues when this Damocles' sword of legality hangs over it. This is not a frivolous matter. We are discussing this matter with all earnestness and we want this matter to be decided. You, Sir, are there in the Chair, and you are eminently capable of giving a decision in regard to this matter. If you feel you cannot give it, then, of course, we can adjourn the House and we can have the discussion after the whole matter is decided. Until that is done, I for one would not participate in this discussion.

**Mr. Speaker:** If a decision is wanted of me, I am ready with it. I do not need the advice of any Law Minister or any Minister at all. But I thought that primarily . . .

**Shri Hari Vishnu Kamath:** You have warned them so often that they should be present here.

**Mr. Speaker:** That is a different thing altogether. We know that the Law Minister was not present when the discussion took place (*Interruption*). When Shri Jaganatha Rao said that he would reply, then hon. Members objected and wanted the Law Minister. When the Law Minister has come, objection is taken and it is said that other Ministers could have done it.



**Shri H. N. Mukerjee:** He should have considered this matter. He is a member of the Government. He has to say whether it is legal or it is not legal.

**Shri G. S. Pathak:** It was at the desire of some hon. Members here that I should deal with it tomorrow elaborately that I agreed to give my opinion tomorrow. If you want I am ready to give my opinion now (*Interruption*).

**Mr. Speaker:** I do not think there is any objection to our continuing the discussion. The motion before the House is that this be taken into consideration. We can safely go on with the debate.

**Some hon. Members:** No, no.

**Mr. Speaker:** All right. If the hon. Law Minister is prepared to give his opinion now, he may do so.

**Dr. L. M. Singhvi:** Sir, I submitted specifically that we should call the Attorney-General. This is a constitutional point and we would like to hear his opinion also.

**Mr. Speaker:** No, no. That is not for me to say. Let us hear the Law Minister now.

**Shri G. S. Pathak:** Sir, in this agreement there is a word which can be interpreted to amount to cession of the territory. I will read portions of this agreement and I will show to you, Sir, and to the distinguished members here, that there is nothing in this agreement which amounts to cession.

**Shri Hari Vishnu Kamath:** Cession of sovereignty and jurisdiction?

**Shri G. S. Pathak:** Yes, yes, cession of sovereignty. I will briefly tell what this agreement amounts to, before I read the portions of it. This agreement proceeds upon the basis that there shall be cease-fire. That is to

say, there was once a cease-fire agreement, that cease-fire was accepted by the parties concerned at the relevant time, that cease-fire continued and that cease-fire was violated by Pakistan. The agreement says, restore that cease-fire, do not shoot, agree to suspend the hostilities, agree to suspend the firing and go back to the positions which were occupied earlier. Under the previous arrangement there was a cease-fire agreement which continued and that cease-fire was violated by Pakistan. Pakistan agreed to give up the use of force and threat to use force in order to arrive at an understanding between the parties for the solution of the dispute between them. Therefore, whatever was the subject-matter of discussion still remains to be discussed. Only we go back to the cease-fire line which existed ever since January, 1949. There was a cease-fire agreement then. There was a line fixed under that cease-fire agreement. All that this agreement says is, go back to that line. This agreement further says that the dispute shall never be decided by the use of force, there shall be settlement of the dispute by peaceful means. That is what the agreement says. Where is the word, where is any word or any expression which indicates that we are ceding territory to the north of the cease-fire line? There is none. This agreement ...

**Shri U. M. Trivedi:** The difficulty arises—if I may interrupt my hon. friend for a moment—because the Government has asserted in unequivocal language that we are giving up this territory.

श्री हुकूम खान कदमाय : अध्यक्ष महोदय, समझ में नहीं आता है कि मंत्री जी क्या बोल रहे हैं ।

अध्यक्ष महोदय : मुझे सुन लेने दीजिए।

**Shri Surendranath Dwivedy (Kendrapara):** Let us adjourn the House for half-an-hour.

Shri G. S. Pathak: I shall deal with it right now.

श्री प्रकाशबीर शास्त्री : हमारी इच्छा यह है कि विधि मंत्री पहले इस सारी चर्चा को पढ़ लें और उस के बाद अपना मत बना कर उत्तर दें, तो वह ज्यादा व्यवहारिक होगा।

श्री हुसैन अहमद क़द्वबाय : जो प्रश्न किये गए हैं, मंत्री महोदय उस के विपरीत बोल रहे हैं।

हाउस को एडजर्न किया जाए एक घण्टा घंटे के लिए। उसके बाद मंत्री महोदय बोलें।

श्री अशोक लाल बेरबा : (कोटा) पेपर पढ़ कर प्रायें।

अध्यक्ष महोदय : अब यह झगड़ा नहीं है कि पेपर पढ़ कर प्रायें या नहीं। उनको इसलिए बुलाया गया है कि वे राय दें। मैंने अपनी प्रसिस्टेंस के लिए, अपनी हैल्प के लिए इसको चाहा है। लेकिन मैं अब अपना फैसला देता हूँ कि कोई भी उनकी राय हो वह दूसरा सवाल है। मॅम्बर साहिबान जानते हैं कि हमेशा से जब से यह पार्लिमेंट शुरू है और जब कभी भी यह सवाल उठा है कि कोई चीज कांस्टीट्यूशनल है या उसके बरखिलाफ़ है और बिलों में भी यह हुआ है कि हमेशा स्पीकर ने अपने जिग्मे यह नहीं लिया है कि वह फैसला दे कि प्राया कांस्टीट्यूशन के बरखिलाफ़ वह है या नहीं है। इस हाउस को हक़ हासिल है कि यह कांस्टीट्यूशनल भी पास करे और अन-कांस्टीट्यूशनल भी पास करे क्योंकि कई चीजों को कंसिडर करन के बाद ही हाउस किसी चीज को पास करता है। हाउस जो फैसला करेगा वह उसके सिर्फ़ लीगल पार्ट पर ही नहीं करेगा और कई चीजों को इसके साथ वे करेगा। जो आर्गुमेंट्स दी गई हैं इन को भी हाउस कन्सीडर करेगा। और गौर करके ही फैसला देगा कि प्राया पास करना चाहिये इस हालत में या नहीं करना चाहिये। गवर्नमेंट भी उन आर्गुमेंट्स को देख कर और इस रेजोल्यूशन

के पास होने के बाद भी कि प्राया उसको किसी बिल के लाने की जरूरत है या नहीं है। यह उसको करना होगा। अगर तर्की करेगी तो कोई प्राइमरी कोर्ट में जा सकता है और कोर्ट का फैसला ले सकता है। मैंने देखा है कि अभी कोई गया भी था और शायद उसको उसने वापिस भी ले लिया है। यह हो सकता है कि कल को कोई दूसरा चला जाए। अगर आज स्पीकर फैसला दे किसी कांस्टीट्यूशनल प्वाइंट पर और कल को कोर्ट ने उसको अपसैट कर दिया तो यह एक बड़ी धाकबड़ सी पोझिशन पैदा कर देगा, एक बड़ी धाकबड़ सी पोझिशन पैदा हो जाती है। हाउस ही फैसला दे सारे लीगल और कांस्टीट्यूशनल प्वाइंट्स पर और उसको सैट एसाइड कर दे जो सुप्रीम कोर्ट है वह, तो यह हो जाता है कि जो फैसला दिया गया है उस में उसको सैट एसाइड कर दिया गया है लेकिन अब बिल पास करते हैं तो कई कंसिडरेशन होती हैं। जब सुप्रीम कोर्ट नाकडाउन करती है किसी को तो वह एक साइड को ले कर करती है, कहती है कि इस पर यह बात है कि यह लीगल और कांस्टीट्यूशनल नहीं है और इस वास्ते वह उसको सैट एसाइड कर देती है और कह देती है कि यह अनकांस्टीट्यूशनल है, प्रस्ट्रु वायरस है या जो भी करार देना चाहती है दे देती है।

कुछ भी राय आए, सारी बहस के बाद भी मैंने यही फैसला देना होगा कि मॅम्बर साहिबान अपनी कांस्टीट्यूशनल राय जो है वह भी देते चले जायें और जो कहना चाहते हैं वह भी कहते चले जायें और बाद में हाउस के मॅम्बर साहिबान जो हैं वे इस राय को अपने सामने रखें और अपनी राय देने बकल इस बात का भी खयाल कर लें और पूरी तरह से सोच विचार करने के बाद ही जो उनकी राय हो उसको वह दें, जो चाहें फैसला दें। प्राये किन्ना नें जाना है सुप्रीम कोर्ट के पास तो वह चला जाएगा और सुप्रीम कोर्ट अपना फैसला दे देगी। स्पीकर नहीं बना

[मध्यक्ष महोदय]

कि प्राया यह जो रेजोल्यूशन इस वक्त हमारे सामने है इससे ऐसे नताइज पैदा होंगे जो कि अनकांस्टीट्यूशनल हैं। यह मेरे करने का काम नहीं है।

**Shri U. M. Trivedi:** There is a point of information which I want to give. A point of this nature arose once when the Cow Slaughter Bill was before the House. At that time the Speaker wanted the Attorney-General to give expression to his opinion on this question whether a law of this nature could be made by this House or not. So, on that occasion, the Attorney-General himself appeared before the House and expressed his opinion. Whether we followed that opinion or not is another matter. So, there is nothing to preclude the Speaker from upholding or ruling out a point of order. It is his duty to decide on the point of order one way or the other. I am not going to grumble if he refuses to decide this point of order. That is a different matter altogether. But there is nothing to preclude him from giving a decision on the question whether this point of order is valid or not. It is true that one who is affected by an enactment may go to court. But one who is affected by the passing of this Resolution will not be able to go before any court because no Bill is being passed here now and it is not a law which can be challenged before the Supreme Court or any other court. A resolution cannot be challenged before a court.

**Mr. Speaker:** If by passing a resolution any provision of the Constitution has been contravened, certainly he has a right to go to the Supreme Court. I do not know how such a distinguished lawyer says like that.

Now I will submit to the hon. Members that my position is very clear in this respect and I have said that. After hearing all the arguments that

have been advanced, or might be advanced subsequently, when I have to give my decision I have to come to this conclusion that I cannot take that decision. So, it is no use spending any more time on it. Let us proceed with the discussion. Afterwards, when the decision is to be taken by the House, we will see . . .

**Shri Hari Vishnu Kamath:** Sir, on a point of order. While I bow to your ruling, may I submit in all humility that it detracts somewhat from the provisions of rule 376 which relates to points of order? My hon. friend, Shri Trivedi, raised a point of order which relates to the Constitution. Sub-rule (1) of rule 376 says:

"A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution . . ."

Sub-rule (3) is very categorical. It says, when such a point of order is raised, what should the Speaker do? The Speaker's duty and obligation are very clear on this point. It says: "the Speaker shall decide"—so, it is mandatory—"whether the point raised is a point of order and if so give his decision thereon, which shall be final". Now, you have evaded it. I am sorry I have to use the word "evaded". You have evaded the rule and said "the Supreme Court will decide, not I".

**Mr. Speaker:** The hon. Member has quoted rule 376. It says:

"A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House . . ."

**Shri Hari Vishnu Kamath:** This is the business of the House.

**Mr. Speaker:** No.

**Shri Hari Vishnu Kamath:** What else is it?

**Mr. Speaker:** This point of order may be about some alleged infringement of some article of the Constitution. But it does not relate to "such Articles of the Constitution as regulate the business of the House".

**Shri H. N. Mukerjee:** May I ask for a clarification? I understand that the Supreme Court is there to see that nothing is done in contravention of the provisions of the Constitution and if such a matter is brought by a citizen of India before the Supreme Court, the Supreme Court will give its decision. But, as far as we here in this House are concerned, it may be that on this occasion you may decide that the matter is of such doubtful character that you cannot take the responsibility of taking a decision in regard to it. That is a different matter. But if in regard to all matters where a point of order is raised on the ground that it contravenes something in the Constitution you say "I have nothing to do with it, go to the Supreme Court if you are aggrieved", where will we be?

**Mr. Speaker:** I should remind Shri Mukerjee that during all these 18 years that has been done. If he can point out one instance where the Speaker has taken upon himself that responsibility, certainly I will welcome that and I will abide by that. It has been repeatedly held by Shri Mavalankar and Shri Ayyangar, whenever such a question was raised, that they will not take up that responsibility.

**Shri H. N. Mukerjee:** May I refer to the Beru Bari issue?

**Mr. Speaker:** That was also a Resolution.

**Shri H. N. Mukerjee:** On that occasion Shri Ayyangar, I think, decided that it was in order and the discussion proceeded. Then some chaps in West Bengal went to the High Court and got a verdict.

**Shri U. M. Trivedi rose—**

**Mr. Speaker:** I think we should leave it at that.

**Shri U. M. Trivedi:** I am sorry . . .

**Mr. Speaker:** All points have been raised and the Speaker has also given his decision. Now what is the necessity to raise it again and again and argue with me?

**Shri U. M. Trivedi:** I do not want to raise it.

**Mr. Speaker:** Then what is it that he wants?

**Shri U. M. Trivedi:** I want to point out that there is some mistake . . .

**Mr. Speaker:** If I am mistaken, I am mistaken.

**Shri U. M. Trivedi:** Rule 376 which you have read . . .

**Mr. Speaker:** I have read it and interpreted it. If my interpretation is wrong then also . . .

**Shri U. M. Trivedi:** When we have spent so much time on this, why not bear one minute with me? Article 368 says:

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting . . .".

This article says that this is the procedure for an amendment of the Constitution, that is, the procedure in

[Shri U. M. Trivedi]

the House of the People, that is, the Lok Sabha, and I have raised a point of order with reference to the procedure of the House. I will bow before your decision but I want to point out that this is with reference to that question.

Shri G. S. Pathak rose—

Mr. Speaker: He might intervene in the debate some time and explain the whole thing as he desires.

Now, this motion is before the House. There are some amendments. They will be subject to any objection that might be raised, afterwards. I am just asking whether they are being moved.

Shri Prakash Vir Shastri: Yes.

Mr. Speaker: Shri Venkatasubbaiah. . . . He is absent.

श्री सिद्धेश्वर प्रसाद (नालंदा): जी हाँ।

Shri Surendranath Dwivedi: I move.

Shri U. M. Trivedi: I move.

Mr. Speaker: 6 and 7 also?

Shri U. M. Trivedi: Yes.

Mr. Speaker: Shri Sivamurthi Swamy. . . He is absent.

Shri K. C. Pant (Naini Tal): Yes, Sir; I move.

Mr. Speaker: That is all, I suppose. All these will be treated as moved.

श्री यशपाल सिंह (कैराना): यह घाल घाफ ए सडेन घा गया है। मैं ने घाज सवेरे भेजा है।

श्री मधु लिमये : मैं ने भी दिया था।

Shri Kapur Singh: They were circulated.

श्री श्रीर्व : मेरा कहाँ चला गया वह क्या कहीं नहीं है ?

अध्यक्ष महोदय : मेरे पास जो मोशन आये हैं उन में से लिमये साहब का है, श्री यशपाल सिंह का है और श्री सिधवी.साहब का है। एक और है उस के ऊपर नाम तो श्री वी० पी० मौर्य का है लेकिन नीचे दस्तखत किसी के नहीं हैं।

श्री मौर्य : वही मेरा मोशन है।

अध्यक्ष महोदय: क्या बगैर दस्तखत के भी वह मोशन हो जायेगा ?

श्री मौर्य : मैं ने अपने हाथ से लिखा है अपना नाम।

Mr. Speaker: They will also be treated to have been moved. As regards the time limit . . . .

Some hon. Members: Seven hours.

Mr. Speaker: Yes, but there was a condition that it must be finished by 2.30 tomorrow. Therefore, I will request the House to sit up to six o'clock today and then we will make up.

Shri Hari Vishnu Kamath: Tomorrow also up to 3.30.

Shrimati Renu Chakravarty (Barrackpore): There should be no question of pushing off the Private Members' business.

Mr. Speaker: That we will see. As regards the time-limit on speeches, leaders of groups may have 20 minutes and others 10 minutes.

Shri P. K. Deo (Kalahandi): Sir, I am the only speaker from my party.

Shri Kapur Singh: Give him 30 minutes.

Mr. Speaker: I will see what can be allowed.

श्री प्रकाशबीर शास्त्री : मैं प्रस्ताव करता

हूँ :

कि मूल संकल्प के स्थान पर यह रखा जाये, अर्थात् :

“यह सभा ताशकंद घोषणा पर विचार करने के पश्चात् ताशकंद में किये गये असंवैधानिक तथा अव्यवहारिक भारत पाकिस्तान समझौते का निरन्मोदन करती है।” (1)

**Shri Sidheshwar Prasad:** I beg to move:

That for the original motion, the following be substituted, namely:—

“This House, having considered the Tashkent Declaration approves of it.” (3).

**Shri Surendranath Dwivedi:** I beg to move:

That for the original motion, the following be substituted, namely:—

“This House, having considered the Tashkent Declaration, while appreciating the efforts made by the late Prime Minister towards normalisation of relations between India and Pakistan, is of opinion that the decision embodied in the Tashkent Declaration to withdraw our armed personnel from the Kargil, Tithwal, Uri-Poonch and Haji Pir areas which are legally Indian territory is against our national interest and detrimental to our national security and directs the Government not to withdraw from these areas till such time as Pakistan agrees to a no-war pact with India.” (4).

**Shri U. M. Trivedi:** I beg to move:

(i) That for the original motion, the following be substituted, namely:—

“This House having considered the Tashkent Declaration, is of the view that—

- (a) the Declaration goes counter to the assurances given by the Government to this House that troops would not be withdrawn from Pakistan territory unless Pakistan categorically committed itself to a no-war pact;
- (b) the Declaration militates against the Constitution inasmuch as it involves withdrawal from areas which are constitutionally part of Indian territory;
- (c) the Declaration creates in the country a dangerous sense of complacency, and wishful thinking about Pak intentions, not at all warranted by Pak postures as manifested in the speeches by Pak spokesman.

This House, therefore, calls upon the Government to revoke all orders for the withdrawal of troops from Haji Pir, Kargil and Tithwal areas liberated from Pak occupation.” (5)

(ii) That for the original motion, the following be substituted, namely:

“This House, having considered the Tashkent Declaration, records its disapproval of the declaration and calls upon the Government to halt immediately the steps being taken towards withdrawal of troops from Haji Pir, Tithwal, Kargil and other liberated areas in Pak occupied Kashmir.” (6).

(iii) That for the original motion, the following be substituted, namely:

“This House, having considered the Tashkent Declaration, records that the Declaration

[Shri U. M. Trivedi]

is a gross violation of the solemn assurances given by the Government to Parliament and the people that there would be no withdrawal from the posts of Haji Pir, Tithwal and Kargil until and unless there was a matching commitment by Pakistan that it would withdraw all its infiltrators in Kashmir and that it would never again attempt to inject infiltrators into Kashmir." (7).

**Shri K. C. Pant:** I beg to move:

That for the original motion, the following be substituted, namely:—

"That this House having taken into consideration the Tashkent Declaration, approves the stand of the Government of India thereon." (9).

**Shri Yashpal Singh:** I beg to move:

That for the original motion, the following be substituted, namely:—

"This House, having considered the Tashkent Declaration, is of opinion that Indian forces should not be withdrawn from Haji Pir Pass, Kargil, Tithwal, of the State of Jammu and Kashmir which is an integral part of India". (10).

**Shri Madhu Limaye:** I beg to move:

That for the original motion, the following be substituted, namely:—

"This House, having considered the Tashkent Declaration, regrets the failure of the Government of India to offer to settle at the Tashkent Summit Conference all differences with Pakistan on the basis of a Confederation of the two States, and disapproves the Tashkent Declaration as it violates the solemn assurances about the withdrawal of

Indian Armed Forces from Haji Pir, Uri-Poonch, Tithwal and Kargil without in any way holding out the prospect of an early end to the artificial partition of India into Pakistan and Bharat." (11).

**Dr. L. M. Singhvi:** I beg to move:

That for the original motion, the following be substituted, namely:—

"This House, having considered the Tashkent Declaration, is of opinion that withdrawal of Indian Armed personnel cannot and should not be effected unless a constitutional amendment of article 1 and the First Schedule is passed." (12).

**Shri Maurya:** I beg to move:

That for the original motion, the following be substituted namely:—

"This House, having considered the Tashkent Declaration is of opinion that—

- (a) the Declaration is contrary to the assurances given by the Government;
- (b) the implementation of Declaration will put India in very critical position.

This House, therefore, calls upon the Government to suspend the implement of the Declaration." (13).

**Mr. Speaker:** These substitute motions are now before the House.

**Shri P. K. Deo:** Mr. Speaker, Sir, on the last day of the last session when the late lamented Prime Minister expressed his desire that he would be visiting Tashkent for a meeting with President Ayub at the invitation of the Soviet Premier, Mr. Kosygin, I had the privilege that day to speak on behalf of our party and, while

welcoming the Soviet Premier's effort, I wished all success to the talks.

14.45 hrs.

[MR. DEPUTY -SPEAKER in the Chair.]

Though at the initial stage a break-down of the talks was apprehended, through the untiring efforts of the Soviet Premier, Mr. Kosygin, it ended in a success. It is also due to the statesmanship of the late lamented Shri Shastri and President Ayub and our grateful thanks go to them.

बी यज्ञपाल सिंह : आत्मा से कह रहे हैं या ऊपर से ?

Shri P. K. Deo: But Shastriji is not here to receive these greetings from us. He has been sacrificed, as had been said by my leader the other day, at the altar of peace. We hope that there will be an opening of a new chapter in our neighbourly relationship with Pakistan. It is claimed that a new era of joint welfare and assured progress has dawned, but I do not think that it is a very big achievement. It is a step in the right direction. We need not gloat over the success. The test of the pudding lies in its eating. It is to be judged from the events that are to follow.

This agreement was hailed from every corner of the world except China. We know the Chinese intentions. The Chinese advocacy of war as a medium to decide all disputes and the Chinese ulterior motive of fomenting conflict between India and Pakistan is so obvious.

It is a bilateral agreement; rather, it is a treaty because it has its operative portions. As a bilateral agreement it must have some give and take. It restores the *status quo ante* regarding the disposition of our troops; it assures non-interference in each other's internal affairs, puts an end to all propoganda of mutual vilification, restores diplomatic, commercial, economic and cultural relations,

suggests repatriation of prisoners and so on. It cannot be construed to be a cent per cent victory or a cent per cent defeat to any party; rather, in other words I would say, it is a victory to both and defeat to none. I would submit to you and to this House that this document raises new hopes and expectations and it should be viewed in its proper perspective; it should be viewed in the context of Communist Chinese expansion; it should be viewed in the light of the intention of China which has posed a threat to freedom in Asia. We all know the growing appetite of China whose desire is to grab all the nations one after another after they are bled white by mutual conflict. The whole agreement has to be seen from the angle of the growing Pindi-Peking friendship.

There are the so-called defects. Let me point out the defects first. After the division of this country on the basis of religion and 18 years of bad blood, it is but natural that such a bold step will receive a mixed reception inside the territories of the two States. In Pakistan and in this country there was a mixed reception to this bold decision. We all know and I personally feel that India's independence might have been delayed by a couple of years, but no force on earth could have stopped India's nationhood while the British Empire was crumbling and small countries like Burma and Ceylon were becoming free. There was no force on earth which could have stopped this process, but this process was hastened though this country was divided and it only helped the Congress to be in the saddle of power much earlier, but it was a defeat of India's nationalism which has brought in its trail bitterness and illwill which has continued up till today. I being one of those who belong to the class who have sacrificed all or everything what our forefathers did for the unification of the country cannot reconcile to this division of India on the basis of religion.



[Shri P. K. Deo]

Sir, it has received a mixed reception. In spite of the unambiguous assurance of the Prime Minister in this House and outside that Kashmir is an integral part of India and that there would be no surrender of any part in Kashmir, we have put our seal to a document where we have to withdraw from some of our territories. The constitutional pundits quarrel over the constitutional propriety of it. I do not want to join in the wrestling bout on the constitutional platform. But I beg to submit that it is rather too premature to judge whether there has been any actual infringement of the Constitution or not at this stage. I feel strongly that the whole Agreement has to be examined in its true perspective.

When a voice is raised that under no circumstances we are to withdraw, I beg to differ from it. I feel that it is nothing but the restoration of *status quo ante*. When I hear that voice, I do not hear the voice of reason; I do not hear the voice of sanity; I hear the voice of passion; I hear the voice of arrogance; I hear the voice of stubbornness and I hear the voice of Duryodhana. What was the language of Duryodhana? When Lord Krishna went to him as a mediator and asked him to cede only five villages and said that it will be the end of all trouble, Duryodhana replied:

सूत्रिक्षणेन सूच्यरेण यावत् तिष्ठति मेदिनी ।  
तावत् भूमि न दाम्यामि बिना युद्धेन केशव ॥

Duryodhana said that under no circumstances he was going to budge an inch of land and that he was not going to cede even that amount of land which the sharpest needle could hold. And you all know the catastrophe, the battle of Mahabharata. We have learnt from the pages of Mahabharata that this whole catastrophe could have been avoided had Duryodhana listened to the words of wisdom and words of reasoning of Lord Krishna. Here the withdrawal

is not of the vanquished but of the victor with honour and dignity, truly in Indian tradition.

I quite agree that *de jure* Kashmir is a part of India. But is not so *de facto*. There has been *de facto* possession of parts of Kashmir by China and by Pakistan. So far as Pakistan is concerned, all these years we have more or less reconciled to the cease-fire line. The Agreement only restores the *status quo ante*, as I have pointed out, and reaffirms settlement of disputes by peaceful means consistent with the United Nations Charter.

We have to face the realities. What is the other alternative? The other alternative is a perpetual state of war. If Mr. Bhutto says that it is a thousand-years war, we should have been prepared to say that it is a thousand and one years war. Are we prepared to say that? Are we prepared to utilise all our resources for defence only and not for economic reconstruction? It is impossible. I could not be a party to such a decision. After all, geography has made us neighbours for all time to come, whether we like it or not. Rather, we all know that it is a bitter pill. It has been done in the interest of the country. But a bitter pill has to be swallowed sometimes to improve the health and I am sure it would improve the health if it is implemented in the proper spirit and there is the proper follow-up action.

A big question-mark is posed: What is the guarantee against future infiltration. In this regard, I beg to submit that the Secretary-General of the United Nations welcomed this Agreement. We have the blessings of the entire United Nations Assembly. Our great neighbour, the U.S.S.R., is honour-bound and if they can play their role properly, I do not see that any aggression could take place on India.

Another apprehension is: Is it not amounting to appeasement to an aggressor? Will it not demoralise our fighting forces? My answer is a big 'No'. I say that our gallant fighting forces have proved their valour and gallantry. They have proved their gallantry against heavy odds and superior arms of the opponent. Their deeds are written in letters of gold. We won many battles in the aggressor's own soil. We, more or less, brought the aggressor to its knees and we knocked at the door of Lahore. India has no territorial ambition. We taught them a lesson. In the trial of strength, we have proved our superiority. We have wiped out the scar of humiliation and defeat which had been inflicted on us during the regime of the former Defence Minister and we earned fresh laurels of victory in the crucial battles. We won the war and we must win the peace. It is not the peace of the grave. It is the peace of the brave. We are asking for that peace. Of course, the price is too high. It has to be paid. It is worth it. We want that the beginning that has been made is followed up properly. Unless there is a follow-up action, we might slide back to tension again.

The leader of our Party has tabled an amendment to the Motion of Thanks to the President's Address. It is self-explanatory. May I read it:

"That at the end of the motion, the following be added, namely,

"but regret that—...

- (d) the Address does not indicate any readiness to follow up the implementation of the Tashkent Agreement by building an economic basis for friendship between India and Pakistan by the abolition of traiffs and duties on goods crossing the frontier between the two countries and by setting up a Joint Committee to consider ways and means by which economic and other

forms of cooperation between the two countries may be furthered to the mutual benefit of both."

If there is a proper follow-up action, if our resources are to be mobilised towards economic reconstruction, I am sure the tax burden in both the countries would be minimised. By this economic cooperation, we should be able to build a common market. If the independent sovereign countries in Europe could have a European Common Market, why not India and Pakistan also allow the tariff barriers to go? We should pool our resources for our mutual benefit. We should send iron and steel and coal to Pakistan and get food, jute and cotton from there. Each one will be extending a complementary hand in the economic reconstruction of the other. I am sure once this spirit has gathered momentum, it could be extended to other fields. It may be a joint defence agreement against our common enemy, that is, Communist China.

Trust begets trust. Dr. Lohia has often laid stress on forming a confederation. I go a step further. God willing, if all goes on well, why not from the pangs of birth emerge the re-unification of these two nations? After all, we are the same people. When a new world society is gradually emerging quietly and imperceptibly in the minds and hearts of men and national barriers are withering away for a world Government, I dream of the *Akhand Bharat Varsh*. It could only be achieved through the love and friendship and never through war or hatred. This is the first step in the right direction. Once it is achieved, it will undo all the mistakes which we have committed so far.

With these words, I support the Tashkent Agreement and urge that it should be given a fair trial.

Mr. Deputy-Speaker: Mr. Mukerjee.

15 hrs.

Shri Sivamurthi Swamy (Koppal):  
I have to move my motion.

**Mr. Deputy-Speaker:** That is taken as moved. Mr. Mukerjee may begin.

**Shri H. N. Mukerjee:** A little while ago I was constrained to say that, since yesterday's discussion on Kerala, on the mounting failures of Government, specially of the Food Ministry, we have a very sour taste in our mouth and after the exhibition, a little while ago, of incompetence on the Government benches, I feel it difficult to muster sufficient enthusiasm in supporting the Government, but the Tashkent Declaration is in a very different street and the spirit of Tashkent has brought, as it were, a wave of fresh air and exhilaration into the sordid atmosphere which so often weighs us down. I feel that, in regard to the Tashkent Declaration, we can, in spite of our very serious criticisms of Government in so many other regards, offer our full support.

I have no doubt that India is in honour bound and also out of a sense of self-respect and duty, to redeem the pledge to peace and to consolidation and concord between India and Pakistan which the late Shri Lal Bahadur Shastri had given. He gave that pledge in the fabled city of Tashkent almost, as it were, with the last breath of his being, and it is upto India to honour that great pledge.

Some discordant voices, of course, have been raised which is why the Tashkent spirit, which my friend, the hon. Minister tried to explain ardently, requires to be understood and cherished.

In spite of the recent unhappy confrontation with Pakistan, the basic objectives of peace and amity between our two countries, as embodied in the Declaration of Tashkent, must, on no account, be allowed to be distorted. Nothing can be more welcome to India than what is indeed the core of that document, namely, the renunciation by both the countries of recourse to force for the settlement of our mutual disputes. Even during

August-September, 1965, this country did no more than give a fair but stern notice to Pakistan that any attempt to secure alteration of our borders by bullying methods and by recourse to force, would just not be tolerated. Even in the worst days of that encounter, India had made it clear that she craved not an inch of Pakistani soil, that she wished neither harm nor humiliation to Pakistan, that she would not, unless absolutely compelled to do so, extend the war in the direction of East Pakistan. We have, in spite of our own share of chauvinists in this country, preferred the ways of dignity and restraint, even in the face of provocation, and to us, therefore, the Taskent stress on the renunciation of force is a highly prized achievement which this House should unconditionally support.

It was no more than appropriate that Tashkent was the venue of the discussion, and that the meeting was sponsored by the Societ Union. Perhaps without the courageous initiative and the truly indefatigable labours of Mr. Kosygin, the Soviet Prime Minister, the successful outcome of the meeting would have been impossible. To him personally and to the Soviet Union, this country has the liveliest sense of gratitude. They have stood by us as principled friends in a manner that, as Lal Bahadur Shastri said in this House during the last session, this country will never be able to forget. If friendship is tested by adversity, the Soviet friendship for India has proved itself a many splendoured thing, and we got an illustration of it when, speaking in Delhi, Mr. Kosygin repeated, "India is our friend and brother".

Renunciation of force for settlement of disputes is a victory of peace of goodwill and of neighbourliness which, commonsense and decency require, should prevail in the relationship between our two countries. It was right for India also—I agree with my friend, the hon. Minister—to agree to a mutual withdrawal of armed personnel since Pakistan had consented

not only to withdraw all armed personnel but also to respect, after withdrawals, the ceasefire terms, and there was the undertaking of non-interference in each other's internal affairs. The stipulation that, in order to resolve all disputes, representatives of the two Governments would meet whenever necessary at different levels, either the topmost level or any lower level, is a further indication that we are determined on one thing. If the Tashkent Declaration has any serious content, it is this that the two countries are determined on our own and without the intervention of mischief-minded busy bodies from United Nations or elsewhere. We are determined on our own to liquidate acrimony and to live as instinct and interest dictate—we should live with good-neighbourliness and understanding.

This is entirely in keeping with the country's decision that we follow an independent policy in foreign affairs. In its worry over food and in its fear of not being in the good books of the United States of America, for example, the Government seems sometimes to forget that basic fact, but that is our national decision—a policy of peace and non-alignment—and if, heaven forbid, the Tashkent concord is disrupted or even encumbers serious difficulties in implementation, then the new imperialist power-political game, of which India has been the victim, will surely be resumed. I say this because there are certain things that, in this connection, we cannot just afford to forget.

The United Kingdom, as we have seen over and over again, seems unreconciled to Indian freedom and hopes for Pakistan, being somehow comparatively a safe and malleable customer, as capable of being used even in the way she had intended—Britain had intended—at the time of Partition. Maulana Azad has left it on record that the objective of Britain was potentially to use Pakistan as a British base against India. The

hangover of this continues in the minds of the British ruling class. That is why Britain has not become reconciled to the fact of Indian freedom and the determination of India to go ahead in her own way.

As far as the United States of America is concerned, she reckons her presence in our part of the globe as a sheer power-political necessity which, perhaps, according to the United States' calculations, Pakistan and not India will sub-serve. Of course, it was our failure to effectively combine in the days of freedom struggle, which had compelled us to pay the price in 1947, however reluctantly we had to pay the price of Partition.

The U.K. and the U.S.A., in particular, continue to try to queer the pitch for our two countries to move ahead in peace and in co-operation and to develop our economies and independent policies, untrammelled by traditional big power interests in this part of the world. The malevolent and deliberately mischievous attitude of the United Kingdom and the United States of America in matters relative to Indo-Pakistan differences is part of the price which we continue to pay for the original sin which we committed—the original sin of Partition—in 1947.

If we delve into a little history we could see how in 1953-54 the U.S.A. was unable to get India to deviate from her policy of non-alignment, but with their openly proclaimed desire of getting "Asians to fight Asians"—that was a slogan put forth by a very distinguished American President—they wanted to control the strategic areas by a kind of proxy. Expert witnesses before the United States Congressional investigations have testified how at a cost of only 10 dollars per head, a rifle could be placed in the hands of a Pakistani soldier, while the comparable cost in the case of an American soldier to be sent to that area would be over 5,000 dollars. I remember having quoted this document from out of the U.S.

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Congressional investigation proceedings, because in those days, as members of the Commonwealth Parliamentary Association or that kind of organisation we used to get these reports, and perhaps because I had quoted this out of the U.S. Congressional investigation proceedings, we no longer get such reports distributed by the agencies responsible, who used to give us in those days not only the Journal of the Commonwealth Parliamentary Association but also the Congressional investigations in the United States. I have quoted in this House, I remember very distinctly, in 1953 how they had said, or a very important military expert had said that in Pakistan and nearby areas you could put a rifle in the hands of the native soldier at a cost of 10 dollars while to send an American soldier and do the job would cost on an average 5,000 dollars each time.

**Shri Joachim Alva (Kanara):** We do not get those things now; the Congressional records are no more available to us.

**Shri H. N. Mukerjee:** India declined to offer of walking into the net which America was offering us in the military alliance, but Pakistan swallowed the bait, and the U.S.-Pak military pact was concluded in 1954; then, a virtual time-bomb was planted in our sub-continent whose explosion we saw last year.

This country has seen how all assurances regarding the non-user by Pakistan of United States military assistance against India have been a fake, and this country has seen how aid from certain Powers has been used against us as a weapon, no less a weapon of blackmail in order to cow us into submission. It is a chapter shameful for us and sordid on all accounts, which one would like to forget, but it is very difficult to do so.

It is this bad old context out of which the Tashkent Declaration helps us to steer clear. I do not know if I

can get this into the craneum of our Ministers over there who seem to function in a small way, who do not seem to understand the global significance of certain things, who do not realise how certain things happened because of certain Power-political complexes operating in our part of the world. It is out of that bad old context, the context of the US-Pak military pact which was, as I said a little earlier, a time-bomb planted in our part of the world, it is out of that bad old context, that we have to steer clear, and that is what the Tashkent Declaration declares to all the world. If we have differences, we can settle them by discussions among ourselves, not by recourse to arms, not by fighting each other, not by going on bended knees to the United Nations or to our patrons in one country or the other, but by discussions which we hold on our own, uninhibited discussion helped by friends, if friends are genuine friends, sincere well-wishers of ours, if they do not intervene in order to make us follow their way. That is the lesson of Tashkent. That is something which has got to be drilled into the minds of those who are ruling this country. This is not a matter of pragmatically and practically taking a decision, of living from hand to mouth and of merely settling some problems because they crop up just like that. It is not in that spirit that you can understand the Tashkent Declaration. If you cannot understand the basic essence of it, then it would be merely another document in the list of documents which circulate in the archives of the Foreign Ministry.

The Taskent Declaration has been welcomed all over the world. My hon. friend here said that except for China, every other country has welcomed it; and particularly countries like the German Democratic Republic; have given it a very special welcome, because the Taskent Declaration seems to give to them an instrumentality for the kind of problem which separates

the two Germany's which want to come together but on a basis which is acceptable and honourable to both.

We have also to remember that in our own country, whatever some of our friends here might say, the Tashkent Declaration has been welcomed in those border States which have had to bear the brunt of the August-September fighting. In the Punjab it has been welcomed. I have seen reports in the press—I do not know what the Jan Sangh spokesman in this House would say, but I have seen reports in the press—that the Jan Sangh in the Punjab has welcomed the Tashkent Declaration. I know that in Rajasthan it is welcomed. I know that Bengal and Assam, for Bengal particularly I can speak from personal experience, welcome it, because in East Pakistan we have got a wonderful pocket of sensibility and decency which one day would perhaps light the torch which would illumine the whole of Pakistan, and we do not want to have inimical relations developing between our two countries. And above all, Kashmir and her Government led by Mr. Sadiq have welcomed this Tashkent Declaration. Now, we should know what is what, and we should trust the people on the spot, those who fought when fighting was necessary and gave of their blood and their treasure and faced every conceivable risk; they are coming forward to support this idea. And a word of praise for Mr. Sadiq and his Government and the people of Kashmir would perhaps be very necessary; though we have repeated it ever so often, perhaps it is rightful to repeat it. They have all welcomed the idea of Tashkent because this gives us an instrumentality for solving our problems.

I know that the question is raised of Haji Pir Pass, and Tithwal and Kargil areas which we occupied for some tactical considerations, which we are now agreeing to withdraw from, and there is some objection to that. I do not understand it. If Pakistan does not mean business, if Pakistan does not

wish to observe the Tashkent Declaration—I have no such suspicion up to now—if Pakistan wants mischief, she can do it; she can continue this kind of thing; if infiltrators come, they can come in all kinds of ways, not only through the Haji Pir Pass but through many other passes as well. But here we have got a comprehensive Declaration that they are not going to have that kind of thing at all and that infiltration and that sort of thing which really amounts to intervention in our affairs by recourse to force is not going to be practised at all. That is the solemn word pledged at an international meeting in a document, attested by the Prime Minister of the Soviet Union himself, by the President of Pakistan and signed also by the Prime Minister of India. In that case I do not see why any objection can arise and any dangers of a risk accruing to India might be thought of because we are agreeing to withdraw as we should withdraw in terms of the Declaration from certain areas like Haji Pir Pass.

I would then say, as my hon. friend Shri P. K. Deo had said, that it is necessary for our Government to take further initiative in this matter and to consolidate the gains of Tashkent. It is not a matter of our having come to some kind of an agreement so that there is no fighting between our two countries; but if tension continues, if mentally we continue to be almost at war, then naturally the whole position would be vitiated and jeopardised. Therefore, it is necessary that Government take serious steps to consolidate the bonds of amity between our two countries. Such things as exchanges of students, of writers, of journalists, of teachers, of cultural delegations and that sort of thing, even parliamentary delegations, and sports teams between our two countries can now be undertaken with real gusto and with real fervour; that kind of thing should certainly be undertaken. Economically, he has suggested steps which should surely be taken. After all, the economy of these two countries is inter-dependent. The Bengali in West

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Bengal wants fish from East Bengal and the East Bengali wants all kinds of things, such as consumer goods, from West Bengal. The economy of our two countries—I need not dilate on it at this point of time—is so interdependent that whatever we can do by way of arriving at something like a customs union is most terribly important. But what I do not understand is that we have so many of these exchanges of cultural delegations and students and teachers and so on and so forth with a many other countries, but even in the best of times with Pakistan somehow this exchange has not occurred to the extent that was necessary and this is something which we fail to understand.

In Bengal we know that today in East Pakistan there is such a tremendous feeling for the Bengali language and literature, and for Rabindranath Tagore; in fact, not he alone but other writers of a lesser calibre are also cherished; their works are read with avidity in East Bengal. In Dacca, the Tagore celebrations are held on a scale which could hardly be conceived of in a distant area. In West Bengal a poet like Nazrul Islam is looked upon as a national figure. Of course, we have all known of great figures like Iqbal who wrote:

हिन्दी है हम बतन है हिन्दुस्तान हमारा ।

He could write that at one point of time; maybe later it changed over to something else. But there is something basic in us that makes us realise that while we may be two different states—we may have to continue, unfortunately, separately as two different states for a good length of time—we do belong to the same stock, we do have so many features of affinity that we can easily build upon them. We can build that confederation of minds and hearts. Confederation is talked about by some of our friends here sometimes, but I cannot understand the methodology of their projected achievement of confederation through continuation of

fighting or that kind of thing. What is necessary is a confederation of minds and hearts. That is something of a task to which the Government as a whole should lend its hand after Tashkent.

In article VIII of the Tashkent Declaration, there is a reference to one matter. The Prime Minister of India and the President of Pakistan 'also agreed that both sides will create conditions which will prevent the exodus of people.' They will 'continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations'. A little while ago I think I saw Shri Fakhruddin Ali Ahmad who belongs to Assam, who knows something about the problem of immigration. Perhaps there should be some kind of understanding between our two countries that for a certain length of time we do not push out these supposed immigrants, we follow a policy of a more generous nature and later we come to a state of things where the minorities on either side are treated so well, that there may be no further exodus and there would be no danger in regard to immigration.

I want to say this over and over again, in spite of appearing to stress one point, that Pakistan, the partition of our country, has meant something like a heartbreak for many of us. In Bengal it is so difficult to conceive of the area watered by the billowy-bosomed Padma and its myriad tributaries, which is the venue of so many of the stories of Rabindranath Tagore, for example, as not part of Bengal. The other day I looked up a verse by the Urdu poet Mir who wrote at one time:

दल बहा के जो काबा बनाया तो क्या किया ।

"What if you have built even the house of God on the ruins of the human heart?" We have got our freedom. The two countries are independent states. We surely have a great deal to be feeling exhilarated over that sort of thing. But the heart

has broken because something happened between these two countries not being able to continue in a friendly posture. I do not see why we cannot do something about it. In regard to that, I would say that even today in this country under the direction of this Government, people continue to be in jail because of a remote suspicion of their having at some time some sort of sympathy with Pakistan. Our colleague, whom we miss in this House, Shri Badrudduja is not here just as Shri Gopalan is not here—has been detained for a long time without trial. Till my dying day, I am not going to believe that Shri Badrudduja or Shri Gopalan are people who can be traitors to their country. But Shri Badrudduja was held up in jail and is not released even now. Why this kind of thing happens after Tashkent is something which I cannot understand.

**Shrimati Renu Chakravarty:** We want the Prime Minister to look into this.

**Shri Ranga (Chittoor):** He is one of our colleagues.

**Shri H. N. Mukerjee:** My submission to the Government, therefore, is that it lends reality to the spirit of Tashkent and follows up what the Tashkent Declaration calls upon us to do. We have to follow policies which would bring about reconciliation inside the country. If I was a Muslim, it was perhaps very likely, some of our kith and kin being in Pakistan, that in the days of war and fighting what was happening over there as well as here might not have evoked particularly jingoistic, chauvinistic feelings in some of us. It is important for us to realise that we are human beings first and citizens of one state or the other next. It is only perhaps in times of tension, in times of great excitement that this happens. Perhaps this is part of human nature. But we recollect ourselves; Tashkent has given us an opportunity to recollect ourselves.

There is one matter to which I wish to refer with which I shall conclude my speech, and that is in relation to China. My hon. friend, Shri Das—he is not here—referred to China. One of the points he sought to make was that China is an incorrigible enemy and, therefore, we have to get together with Pakistan and whoever else it may be and try to see that China is more or less liquidated—if we can do so.

**Shri Ranga:** No, no.

**Shri H. N. Mukerjee:** The Parliament Secretariat has supplied us with this very prettily-printed pamphlet containing the Prime Minister's broadcast to the nation. I find a very fine statement here. It is:

"We seek to maintain the friendliest relations with our neighbours and to resolve any disputes peacefully. The Tashkent Declaration is an expression of these sentiments. We shall implement it fully in letter and spirit".

A very fine statement; in letter and in spirit, we shall fulfil the Tashkent Declaration and we seek to maintain the friendliest relations with our neighbours and to resolve all disputes peacefully. The dispute with China also is a dispute with a neighbour and it has to be resolved peacefully. I know that I would be told that China is perverse. I yield to nobody in saying,—and I have openly expressed my views in this matter—that I have also found many of China's actions in relation to India to be particularly perverse, which I cannot understand. But there is no reason why we should not take the initiative in this matter; there is no reason why, if other countries are not there to help, we on our part do not keep the point that we want to settle these matters by peaceful methods alive. It is necessary for us to keep that matter alive all the time. If we are really and truly committed to peace, it implies that we have optimism for the future and the conviction that if there are clouds in



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the horizon, the clouds are sure to break.

**An hon. Member:** Why not ask Kosygin to help?

**Shri H. N. Mukerjee:** If there is no hope for the future, as some people think, then perhaps we would not mind the present going up in flames. But we have hopes for the future. We have hopes for China. Surely one-fourth of the human race lives in that country. The People's Republic of China represents a great force, whether we like it or not, and we have to come to terms with the world as it is.

Therefore, I say that in spite of the grievous provocation which we continue to receive from China—we heard a report about it this morning—I say that we should have two things in mind as our aim at the same time, our determination to defend our integrity and our determination also to pursue the paths of peace in order to have a settlement. And here is a statement of the Prime Minister which fortifies my conviction that the Government's policy in this regard is that it is serious about Tashkent and all it implies, that it wants to settle with all neighbouring countries, whichever is the country with whom we happen to have a dispute, in a peaceful manner.

Let us, therefore, not be helpless victims of whatever situation is created either by China or by the Anglo-American neo-imperialist seum who operate in the United Nations and elsewhere in various disguises in world politics today. The wages of India-Pakistan hostility may be the death of all the hopes of Indian achievement. This is a challenge to us. These hopes today have soared to heights. We do have the conviction that those hopes would be fulfilled if only the Government pursues truly and sincerely the implications of the Tashkent Declaration.

**Shri K. C. Pant:** Mr. Deputy-Speaker, I have moved the substitute motion—

“That for the original motion; the following be substituted, namely:—

“That this House having taken into consideration the Tashkent Declaration, approves the stand of the Government of India thereon”.

The two hon. Members who have spoken before me represent two extreme segments of the political life of this country. That they have, nevertheless, found it possible to support the Tashkent declaration, each perhaps for his own reasons seems to suggest that the Tashkent spirit has not left them untouched. The Tashkent declaration was not written on a clean slate. Behind it lay years of arid conflict between the two countries, and in the course of those years, many attempts were made, especially on the part of India, to find a basis whereby force would be renounced for the settlement of disputes. The most significant thing about the Tashkent agreement is that after all these years it has at last been possible to find an area of agreement which covers this essential point of renunciation of force for the settlement of disputes between the two countries. In this sense, the agreement does represent a break-through because it breaks the spiral of suspicion and tension between the two countries.

That it should have come so soon after a bloody conflict makes it all the more remarkable. This does not mean that the Tashkent agreement by itself constitutes a solution of any of the outstanding problems between India and Pakistan. It is a declaration of good intent, and its value in terms of concrete results depends upon the sincerity with which it is given effect to. As the Prime Minister has stated in her statement yesterday, “the success of the Tashkent declaration

consists in the fact that both countries are now agreed not to take recourse to force and to settle their disputes through peaceful means."

We are all aware of the events beginning with the aggression by Pakistani infiltrators on 5th August, 1965. We know that the armies of the two countries clashed, and we also know that in this clash, our armed forces gave an excellent account of themselves and, if it is not too much to say so, inflicted a resounding defeat on the Pakistan army, in spite of their superiority in equipment. But, really speaking, the main point of that conflict was that India had the will and the determination to stand up and fight when its vital interests were involved, and secondly that it had the ability to fight for those interests. This will and determination to protect its interests and the ability to protect those interests, these constitute the main lesson of the conflict that took place in the months of August and September.

If we are to follow the logic of these lessons, then our display of unity, strength and will to fight for our interests by themselves constitute an important factor in maintaining peace on the sub-continent. So long as these factors are there, we do not run any risks by an agreement of this kind.

It is important to remember that India had not entered the conflict with the aim of inflicting a total defeat on Pakistan, and so when the cease-fire came into existence, the position was that while the Pakistan army had received a somewhat severe drubbing, its back had not been broken. It is, therefore, wrong to expect the Tashkent declaration to be a catalogue of surrender terms dictated to a defeated Pakistan. In the words of our revered President, "no one would claim that the declaration is a perfect document; it has the elements of give and take, compromise and conciliation."

The House will recall that when the late Prime Minister left for Tashkent,

the two armies were facing each other across a fragile cease-fire line. As Shastriji said after the signing of the agreement, the meeting was held, I quote:

"in order to see that there is no escalation of conflict. If there had been no agreement here, tension would have become more acute, and it would have led to further conflagration".

It is gratifying that the various steps indicated in the agreement are being taken by both parties, and this has definitely led to a reduction of tension. What is more, the leaders of both countries have acclaimed the Tashkent spirit, though there are some in both who oppose it.

Another element in the background of events is the Security Council resolution which called up India and Pakistan first to cease fire and subsequently, when the cease-fire had been achieved, to withdraw the armies on both sides to positions they occupied prior to 5th August, 1965. And it must be remembered that not only the USA and the USSR, but all the members of the Security Council were a party to this resolution. The Security Council was finding it somewhat difficult to get this resolution implemented, and the danger of the conflict escalating was everpresent. It was in this situation that the USSR renewed its initiative for holding the Tashkent talks.

Why did we agree to go to Tashkent? That is a relevant question, and when we understand that question, we understand many of the implications of the agreement. Firstly we went because we had confidence in the Soviet Union. The Soviet Union had been our consistent supporter in the Security Council and outside on the Kashmir question. Even otherwise, our relations with the Soviet Union are extremely warm and friendly.

The second reason was that because the Security Council was already seized of the so-called Kashmir question, it would eventually take it up

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for discussion once again. Our experience of the Security Council meetings has been that far from resolving differences they prompt both parties to adopt extreme positions. It was, therefore, any day preferable, if we really wanted a break-through in our relations, to discuss the issue in the presence of a powerful and friendly Soviet Union which recognises the justice of our stand on Kashmir. We have to remember that at Tashkent, for the first time in history, the Soviet Union took a diplomatic initiative in resolving the outstanding differences between two neighbouring countries in Asia. The Soviet Prime Minister, Mr. Gosygin, involved his own prestige in the negotiations and played a historical role in guiding them to success.

The long-term significance of the success of the Tashkent talks lies in the Soviet Union's assertion of its presence in Asia. India should welcome this event, just as China could hardly be expected to welcome it. All along China had done its best to sabotage the Tashkent talks, and their success represents a rebuff to that country. China advocates war as a means of settling disputes, and here the dispute was solved around a conference table, at least some of the disputes, even though minor ones, and China definitely has all along shown a lively interest in fomenting trouble between India and Pakistan. In so far as the Tashkent agreement represented some step forward towards further agreement between the two countries, it was a rebuff to China. But China is an exception in this regard. International opinion at the moment is overwhelmingly in favour of restoration of normal relations between India and Pakistan.

It was my privilege to represent this country in the delegation to the United Nations last year when this whole question was considered. I had the opportunity to talk to a large number of delegates from a number of countries, and in the course of those discussions I found that,

broadly speaking, most of those countries were rather tired of the Kashmir problem. They had been hearing arguments year after year for the last 18 years, and almost every one wanted the two countries to sit down and find a way to settle their disputes peacefully as early as possible. In one respect I found a change in their attitude after the recent conflict. More and more countries seem to realise that plebiscite was no solution to the problem of Kashmir. This constituted in many cases a departure from previously held opinions. But then having accepted that plebiscite is no solution, they naturally ask as to how the differences over Kashmir were ultimately to be resolved. It can be either through military or political means. Every problem has to be solved some day and the world community certainly prefers the conference table to the sword. It has also been India's preference all along. Our attitude at the Tashkent talks could not possibly be inconsistent with this basic approach. When the Prime Minister left this country for Tashkent he held many discussions within the party and with the Opposition leaders and with others and the broad sentiment appeared to be that, short of sacrificing our vital interests, everything should be done to prevent the collapse of the Tashkent talks.

**Shri Bade:** That is not the assurance of the Opposition parties.

**Shri K. C. Pant:** I hope you heard what I said—short of sacrificing our vital interests. What are these vital interests? Broadly speaking, they relate to the states of Jammu and Kashmir and the security of our frontiers. I hardly think that Mr. Bade will disagree with that. As far as the status of Kashmir is concerned we must make it perfectly clear that we stand firmly by our previous position on Kashmir, namely, that it is an integral part of this country.....(Interruptions.) I am not yielding I do not have sufficient time. The Tashkent declaration

should not be permitted to be considered in any other light. We owe it to our armed forces and our people, particularly to the government and the people of Jammu and Kashmir that there is no ambiguity, no shadow of doubt or possibility of miscalculation on this score. The people of Jammu and Kashmir have a right to settle down to a life of normalcy and security. Knowing as we do that both the United States and Russia are keenly interested in a settlement between India and Pakistan we must be particularly careful not to give them the impression that the Tashkent declaration constitutes a willingness on our part to compromise our basic position on Kashmir. I do not here suggest that pressures are used but whether we like it or not the objective conditions in which we find ourselves leave us open to all kinds of pressures. There is on the one hand a threat from China whom we cannot fight alone at this stage. I think there is need for economic assistance at least for a few more years to come. It is better to recognise these pressure points and guard against them than ignore them and be caught by surprise. This brings me to the question of security of our frontiers.

Not even the most starry-eyed optimist would expect the government to relax its vigilance or weaken its defence preparedness because of the Tashkent declaration. There is no room for complacency. I am sure Mr. Bade will agree with me there. In the ultimate analysis the Tashkent declaration at its best can be the first step towards a new chapter of peace, harmony and co-operation between India and Pakistan; at its worst it amounts to the implementation of the first part of the Security Council resolution. Both this declaration and the Security Council resolution refer to the withdrawal of armed personnel to the 5th August line.

**Shri Bade:** Does it refer to the withdrawal of infiltrators from Kashmir?..... (Interruptions.).

**Shri K. C. Pant:** What is the significance of this date, 5th August? It is this, that infiltration started on this day. It would have been difficult for us ultimately to refuse to withdraw to the 5th August line as per the Security Council resolution not only because of world opinion but because we should not ignore that we had our own problems in Chhamb. To those who criticise our withdrawals from Haji Pir etc. I would not attempt to give an answer because the Foreign Minister has already given an interpretation of the Tashkent agreement. It covers these points and I would only say this that to the best of my knowledge our army agreed with the decision to withdraw from these posts.....

**Shri Maurya:** No; Army officials—I do not want to name them—did not agree..... (Interruptions.)

**Shri K. C. Pant:** I am sure he will get his chance to have his say and he should wait for that.

**Shri Maurya:** Say things which you feel; do not talk about the army; the army did not agree.

**Shri K. C. Pant:** The second thing is that if we had to withdraw to the 5th August line, then it is my submission that it was better to withdraw in Tashkent and in happy circumstances rather than to do it with ill-grace under pressure from the Security Council.

As to seeking guarantees against further aggression by Pakistan I believe that the only guarantee that counts is our own strength. As a sovereign country if infiltrators come into our country we shall shoot them down. That is the only answer and the only guarantee.

In conclusion may I just say that the Tashkent declaration has been held as a statesman like step throughout the world. It is something more

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for us. It is the last commitment to which our late Prime Minister pledged his country. He restored this country's confidence in its own strength and ability to defend itself. His faith was born of strength. Let us not be wanting either in that strength or in that faith. Let us not forget that the Prime Minister who signed the declaration on behalf of India was a man of acknowledged sincerity, honesty and a high sense of public duty. He was not a weakling. He led the country in war without fear and hesitation. Let us only ask ourselves: could such a man have betrayed national interest or national honour. The answer is surely, no. Let us then implement the Tashkent declaration in letter and spirit without harbouring any suspicions in the hope that it will pave the way to peace and understanding with a neighbour who will always be there.

**श्री भागवत झा आजाद (भागलपुर) :**

उपाध्यक्ष महोदय, आज जब हम ताशकन्द घोषणा पर विचार कर रहे हैं हमारे मन में स्वभावतः यह भावना आती है कि इसके बनाने वाले हमारे देश के स्वर्गीय प्रधान मंत्री लाल बहादुर शास्त्री जी हमारे बीच होते। उन्होंने इस देश को अपनी प्रतिष्ठा और अपना सम्मान देने के लिए जिस प्रकार इस देश की सेना को आक्रामक के विरुद्ध भेजा और उसमें जीत पायी उसी प्रकार अपने प्राणों की आहुति देकर उन्होंने ताशकन्द में इस देश की प्रतिष्ठा को और भी आगे बढ़ाया। उपाध्यक्ष महोदय, मैं समझता हूँ ताशकन्द घोषणा एक ऐतिहासिक घोषणा है। ऐतिहासिक घोषणा इस अर्थ में कि ताशकन्द घोषणा ने न केवल इस महाद्वीप में, न केवल एशिया में बल्कि सम्पूर्ण संसार में शान्ति को बल दिया है। ताशकन्द घोषणा ने न केवल इस बात पर जोर दिया है कि युद्ध से तमाम प्रश्नों का विधान नहीं होता बल्कि ऐसे भी प्रश्न दुनिया के दो देशों के बीच संसार में हैं जिनका हल करने के लिए आवश्यक होता

है कि ऐसी ऐसी घोषणाओं पर विचार किया जाय। उपाध्यक्ष महोदय, मुख्य सफलता इस घोषणा की क्या है? इस घोषणा की मुख्य सफलता यह है कि हमने दोनों देशों के बीच यह तय करा लिया है कि हम बल का परित्याग करेंगे। यह बात हम पर लागू नहीं होती क्योंकि हिन्दुस्तान ने कभी भी किसी समस्या का हल करने के लिए पाकिस्तान के साथ बल का प्रयोग नहीं किया लेकिन पाकिस्तान ने जितने हर समस्या के समाधान के लिए आज तक बल प्रयोग करने की कोशिश की, उसे इस बात को मानना पड़ा कि बल प्रयोग से तमाम बातें हल नहीं हो सकती और इसलिए ताशकन्द घोषणा को सब न महत्वपूर्ण सफलता हमारे स्वर्गीय प्रधान मंत्री लाल बहादुर शास्त्री की सफलता और हमारे मित्र कॉन्सिगन की सफलता इस बात में है कि उन्होंने एक ऐसे राष्ट्र को जिसने अपनी समस्याओं के समाधान के लिए बल प्रयोग को ही महत्वपूर्ण समझा था उसको इस बात पर राजी करा लिया कि बल प्रयोग से समस्याओं का समाधान नहीं होगा। इसलिए हमारी मुख्य सफलता यह है।

अगर हम इसको पिछले 18 वर्षों की पृष्ठभूमि में देखें तो इस पर कुछ प्रकाश पड़ेगा क्योंकि हमारा पिछले 18 वर्षों का इतिहास दोनों देशों के बीच में दुःख का इतिहास है, घृणा का इतिहास है, आपस में लड़ाई का इतिहास है। हमारे इस महाद्वीप को जब ब्रिटिश साम्राज्यवादी बांट कर गये तो वह काश्मीर को बम के समान, एक टाइम बम के समान बीच में छोड़ कर गये। इसका परिणाम यह हुआ कि दोनों देशों में आर्थिक प्रगति जितनी होनी चाहिए थी उतनी नहीं हो पाई। हमारे वहाँ तो आर्थिक प्रगति हुई भी लेकिन हमारे पड़ोसी पाकिस्तान में आर्थिक प्रगति के बजाय सिर्फ सबरजेट और पैटन की ही प्रगति हुई, उस के पास अमरीका के और अन्य लोगों के अस्त्र आदि आते रहे।

वहां पर इस बात की तैयारियां हैं कि बल प्रयोग के द्वारा हिन्दुस्तान से इस बात को मनवाया जाय कि काश्मीर जो भारत का अविभाज्य अंग है उसको शक्ति के द्वारा हड़प लिया जाय। यह घोषणा इसलिए महत्वपूर्ण है और इसकी मुख्य सफलता इस बात पर है कि हमने पाकिस्तान को यह बता दिया, पाकिस्तान इस बात को मानने पर मजबूर हुआ कि समस्याओं का समाधान बल प्रयोग से नहीं होता है। इसलिए इस ताशकन्द की घोषणा की मुख्य सफलता यह है कि हमने इस बात पर जोर दिया।

आज इस देश में कुछ लोग तरह तरह के प्रश्न उठा कर जनता को गुमराह करना चाहते हैं। वह कहते हैं कि आपने हाजीपीर और कारगिल आदि स्थानों से वागिस घा कर के अपने देश के साथ घोषा किया है। इस के लिए हम सदन का ध्यान अपने स्वर्गीय प्रधान मंत्री शास्त्री जी के 14 सितम्बर के उस पत्र की ओर ले जाते हैं जो उन्होंने उस समय ऊं घांट को लिखा जब कि वह हमारे देश में आये थे। जिस समय पाकिस्तान और हिन्दुस्तान के बीच युद्ध चल रहा था जिस समय हमारी सेनायें आक्रामक को भगाने पर लगी हुई थीं उस समय ऊं घांट हमारे देश में आये थे तो उस समय स्वर्गीय प्रधान मंत्री श्री लाल बहादुर शास्त्री ने स्पष्ट शब्दों में कहा था कि हमारी सेनाएं लड़ती रहेंगी जब तक पाकिस्तान इस बात को महसूस न कर ले कि बल प्रयोग के द्वारा समस्याओं का समाधान नहीं होता है। उन्होंने सिर्फ यही नहीं कहा अपितु उन्होंने यह भी कहा कि अगर दोनों देशों के बीच युद्धविराम हुआ तो युद्धविराम के बाद भी हमारी सेनायें तभी पीछे हटायी जायेंगी जब पाकिस्तान इस बात को कहे कि वह बल प्रयोग नहीं करेगा। दूसरी बात उन्होंने यह भी कही कि जब तक यह दरवाजा घुसपैठियों के आने के लिए बन्द नहीं हो जायगा तब तक हमारी सेनायें नहीं हटेंगी। स्वर्गीय प्रधान मंत्री श्री लाल बहादुर शास्त्री की यह दो शर्तें थीं जोकि उन्होंने

यूनाइटेड नेशंस को और सेक्रेटरी जनरल ऊं घांट के सामने रखीं थीं। हम ने उनको स्पष्ट रूप से बता दिया था कि हम तब तक अपनी फौजे नहीं हटायेंगे जब तक पाकिस्तान यह प्रतिज्ञा न करे कि हम बल प्रयोग नहीं करेंगे। दूसरी शर्त हमारी यह थी कि घुसपैठियों के आने के लिए दरवाजा जब तक बन्द नहीं होता तब तक हमारी सेनाएं पीछे नहीं हटेंगी। इस के दूसरी ओर उपाध्यक्ष महोदय, पाकिस्तान की क्या शर्तें थीं? पाकिस्तान ने सेक्रेटरी जनरल को लिखा था कि हम तब तक अपनी सेनाएं युद्धविराम के बाद नहीं हटायेंगे जब तक कि काश्मीर का प्रश्न हल न हो जाय या काश्मीर के प्रश्न को हल करने के लिए कोई एक ऐसी मशीनरी नहीं बना दी जाती जिससे कि इस प्रश्न को निकट भविष्य में हल करने के आसार नजर आयें। अब दोनों देशों की इस पृष्ठभूमि में ताशकन्द घोषणा को देखिये। ताशकन्द घोषणा ने उन दो बातों पर जोकि हमारे स्वर्गीय प्रधान मंत्री ने कही थीं उन दो बातों पर पहले धमक किया। (Interruption)

पाकिस्तान को मजबूर हो कर मानना पड़ा कि वे बलप्रयोग नहीं करेंगे। पाकिस्तान को यह मानना पड़ा कि वे घुसपैठियों नहीं भेजेंगे। लेकिन इस के दूसरी ओर हम देखते हैं कि जो पाकिस्तान की शर्तें थीं कि जब तक काश्मीर के प्रश्न का हल न हो या उसे हल करने के लिए कोई ऐसी मशीनरी की व्यवस्था न हो जिससे कि इस प्रश्न के निकट भविष्य में हल होने के आसार नजर आयें, उसकी कहीं कोई इस में बात नहीं है। (Interruptions) अगर माननीय सदस्य बारबार मुह खोलने के बजाय कान खोलें रहें तो फायद हो।

आज हम स्पष्ट रूप से यह देख रहे हैं कि ताशकन्द में इन दो बातों पर जिन पर कि हिन्दुस्तान ने बल दिया था और हमने सदन में यह प्रतिज्ञा की थी, इस सदन में स्वर्गीय प्रधान मंत्री ने कहा था कि जब तक यह दो शर्तें पूरी नहीं होती हैं तब तक हमारी

[श्री भागवत झा आज़ाद]

फौजें पीछे नहीं हटेंगी वह हमारी दो कतें तो पूरी हुई लेकिन पाकिस्तान की शत पूरी नहीं हुई। पाकिस्तान के राष्ट्रपति ने बार बार यह घोषणा की थी कि जब तक यह काश्मीर का प्रश्न हल नहीं होता या उसके हल के लिए कोई उपयुक्त मशीनरी स्थापित नहीं की जाती जिससे कि उसके निकट भविष्य में हल होने के आसार नष्ट आयें, जब तक उनकी यह दो बात नहीं मानी जाती तब तक वह फौजें अपनी पीछे नहीं हटायेंगे। उनकी वे बातें नहीं मानी गईं।

उपाध्यक्ष महोदय, मुझे तो यह देख कर बड़ा आश्चर्य और दुःख होता है कि इस सदन में कुछ ऐसे सदस्य मौजूद हैं जो कि समझते हैं कि उनके देश के एक अविभाज्य अंग काश्मीर को या उसके एक भाग को सौंपा गया है। मुझे इस तरह का विचार रखने वालों की बुद्धि पर तरस आता है और आश्चर्य व दुःख होता है कि ऐसे लोग भी मौजूद हैं। वास्तविकता तो यह है कि इस घोषणा ने एक बात तो यह मानी कि कहीं बल प्रयोग नहीं होगा दूसरे यह कि घुसपैठियों को यहां अन्दर नहीं आने दिया जायगा। इस सम्बन्ध में मैं ताशकन्द डिक्लेरेसन के प्रॉटिकल तीन की ओर आपका ध्यान आकृष्ट करना चाहता हूँ जिसमें यह कहा गया है कि पाकिस्तान ने यह मंजूर किया कि हम भारत के आन्तरिक मामलों में हस्तक्षेप नहीं करेंगे। ताशकन्द में हमारे स्वर्गीय प्रधान मंत्री ने, हमारे विदेश मंत्री ने और हमारे रक्षा मंत्री ने स्पष्ट शब्दों में कहा कि काश्मीर भारत का अविभाज्य अंग है। काश्मीर भारत का अविभाज्य अंग है इसको जब पाकिस्तान ने भारत के आन्तरिक मामलों में हस्तक्षेप न करने की बात को मान कर इसे स्वीकार किया कि हम इस देश में घुसपैठिये नहीं भेजेंगे। इसलिए आज यह कहना कि घुसपैठियों के आने का दरवाजा बन्द हुआ या नहीं हुआ तो मेरा

कहना है कि ताशकन्द डिक्लेरेसन के प्रॉटिकल थ्री के तहत इस बात की पूर्ति हो गई है। अब यह बात दूसरी है कि अब कोई भी राष्ट्र किसी एक घोषणा में शामिल हो कर फिर उसका उल्लंघन करने लगे। संसार में इस तरह के बहुत से उल्लंघन होते हैं। अब पाकिस्तान जिसने कि 18 वर्षों से यह भारत विरोधी नीति अपनाई हुई हो उसने अगर ताशकन्द घोषणा को माना, उसने इस बात को माना तो हम उस की ईमानदारी पर विश्वास करते हैं जिस तरह कि आप आशा करते हैं कि आपकी ईमानदारी पर और लोग भी विश्वास करें। अगर इस वक्त उसने अपने कथन पर अमल नहीं किया, घोषणा जिसे कि उसने स्वीकार किया है उसके अनुरूप उसने आचरण नहीं किया तो जैसा जवाब हमने उसे भूतकाल में दिया है वैसा ही जवाब हम उसे आगे भी देने से नहीं चूकेंगे।

उपाध्यक्ष महोदय, अब प्रश्न यह उठाया जाता है कि काश्मीर पर इसका क्या असर होगा? हमारी प्रधान मंत्री श्रीमती इंदिरा गांधी ने एक बार नहीं बार बार यह कहा कि इसका काश्मीर पर कोई असर नहीं होता है। यह इस घोषणा में है। यह उन्होंने कहा कि काश्मीर भारत का अविभाज्य अंग है और यह रहेगा। उसके बाद प्रश्न उठाया जाता है कि सुरक्षा पर उस का क्या असर होगा। यह बात स्पष्ट है कि हमारे इस पड़ोसी ने जहां उसने इस समझौते पर हस्ताक्षर किये हैं हां हमारी सीमा पर दूसरी ओर चीन है जिसकी कि माझाज्यवादी और विस्तारवादी नीति और जिसकी कि आंख हमारी दीलत पर और जिसके कि दांत हमारी सीमाओं पर है इसलिए स्पष्ट है कि हम अपने देश की सुरक्षा सम्बन्धी तैयारियों में कोई भी कमी नहीं करेंगे। हम जानते हैं कि सुरक्षा की इस तैयारी से हमारी आर्थिक प्रगति में रुकावट आयेगी लेकिन अपने देश की सार्व-

धोषिकता, अपने देश की अखंडता, अपने देश की प्रतिष्ठा और सम्मान के लिए हम सदा तैयारी करते रहेंगे। ताशकन्द योजना के अन्तर्गत हमारी सुरक्षा पर कोई असर नहीं पड़ता। इसलिए हम देखते हैं कि यह तीन, चार प्रश्न जो हमारे कुछ माननीय सदस्य यहां पर या बाहर जनता के दिमाग में देते हैं जैसे कि काश्मीर पर क्या असर पड़ेगा, सुरक्षा पर क्या असर पड़ेगा और घुसपैठियों पर क्या असर पड़ेगा यह तमाम प्रश्न बेदलील और निराधार हैं। इसलिए इन प्रश्नों को बुझाकर यह देखिये कि इस ऐतिहासिक घोषणा की वास्तविक सफलता क्या है? मैं इस को मानता हूँ कि ताशकन्द घोषणा युद्ध का आवाहन नहीं है बल्कि यह ताशकन्द घोषणा शान्ति का आवाहन है। इस पृष्ठभूमि में देखते हुए जहां देश के प्रधान मंत्री ने अपने देश की रक्षा के लिए अपनी फौजों को हुकम दिया कि तुम आक्रामक का मुकाबला करो आज उनके लिए यह कहना कि इस देश के उस महान प्रधान मंत्री ने किसी दबाव के अन्दर आकर अपने देश के किसी भाग को दिया इस से बड़ी शर्मनाक बात और कोई नहीं हो सकती है। उस महान् आदमी ने और उस महान् सेनानी ने न केवल इस महाद्वीप में, एशिया महाद्वीप में शांति के लिए अपितु सम्पूर्ण संसार में शान्ति रह सके उसके लिए उन्होंने एक सक्रिय योग प्रदान किया और उस दृष्टि से उनकी इस घोषणा का हम आदर करेंगे। जिस शान्ति को उन्होंने यह घोषणा करके बन दिया है उसको हम प्रागे बढ़ाने की चेष्टा करेंगे। यही उस दिवंगत महान् आत्मा के प्रति हम लोगों की सच्ची अर्पणा होगी। साथ ही जो हमारे देश की सुरक्षात्मक तयारियां हैं उनमें डील न आने पाये और हम उस दिशा में हिम्मत और मुस्ती के साथ प्रागे बढ़ें। हम प्रसन्न हैं कि हमारी सरकार ने प्रायम के यातायात, प्रायस की जो ट्रेड है और प्रायस के जो शूतावास आदि के सम्बन्ध हैं उन सम्बन्धों को उन्होंने ठीक कर लिया है। हम चाहते हैं

कि इस घोषणा के अन्तर्गत जो उच्चस्तरीय वार्ता होने की बात दोनों सरकार के बीच में कही गई है वह परस्पर वार्ता की जाय हम जानते हैं कि हमारे देश के सामने प्रश्न है कि संसार में शान्ति स्थापित हो, पड़ी सी राष्ट्रों के साथ हमारे मैत्रीपूर्ण सम्बन्ध हों और साथ ही हम अपने आघारभूत सिद्धान्तों पर कायम रहें। हमारे स्वर्गीय प्रधान मंत्री, पंडित जवाहरलाल नेहरू, ने पिछले वर्षों में इस देश को क्या दिया? उन्होंने हम को ये सिद्धान्त दिये कि हम संसार के तमाम प्रश्नों का शान्तिपूर्ण समाधान चाहते हैं और हम शान्तिपूर्ण सह-अस्तित्व में विश्वास करते हैं। मैं समझता हूँ कि पंडित जवाहरलाल नेहरू ने इस देश को जो आदर्श दिये, श्री लाल बहादुर शास्त्री ने ताशकन्द में इस घोषणा पर हस्ताक्षर कर के उन को मूर्त रूप दिया। इसलिए इस देश का, इस संसद् का और यहां की जनता का यह परम कर्तव्य है कि हम इस घोषणा का स्वागत करें। हम नहीं चाहते कि हम अपनी फौजों को सीमाओं पर खड़ा रखें। हम चाहते हैं कि जहां हमारे देश की सुरक्षा की पूर्ण व्यवस्था हो, वहां हमारे देश में प्रायिक प्रगति भी हो।

16.01 hrs.

[SRI SONAVANE in the Chair].

सारे संसार ने इस घोषणा का स्वागत किया है। हमारे परम मित्र, सोवियत प्रधान मंत्री, श्री कोसिगिन, के ममत्त पाकिस्तान ने कुछ प्रतिज्ञायें और वादे किये। हम उन प्रतिज्ञाओं और वादों पर विश्वास करते हैं। अगर इसके बावजूद इन प्रतिज्ञाओं और वादों पर अमल नहीं किया गया, तो निश्चय ही हमारे देश की सुरक्षा तैयारी बराबर हो रही है। निश्चय ही हम कभी उस बात से पीछे नहीं हटेंगे, जिस को करने से हमारे देश की सांख्यिकता, अखंडता, प्रतिष्ठा और सम्मान की रक्षा होगी। अन्तु,



[श्री भागवत झा आजाद]

हम चाहेंगे कि ताशकंद की ऐतिहासिक घोषणा का सम्मान किया जाये, इस का समर्थन हो और इस के अनुसार वे साहसिक कदम उठाये जायें, जिन के द्वारा इस उप-महाद्वीप में शान्ति हो।

हम प्रधान मंत्री के उस विचार का भी स्वागत करते हैं कि हम चीन के साथ भी शान्तिपूर्ण सम्बन्ध चाहते हैं। यह विचार प्रकट करने के साथ साथ उन्होंने यह भी कहा कि ऐसी कोई बात नहीं की जायेगी, जिस से हमारी प्रतिष्ठा पर आघात हो। अगर चीन कोलम्बो प्रोपोजन्स को स्वीकार करे और अपने आक्रामक रवैये को छोड़ कर शान्ति वार्ता करने के लिए तैयार हो, तो उसके साथ शान्ति की बात-चीत की जायेगी। हम चाहते हैं कि ताशकंद घोषणा के अन्य कदमों पर विचार किया जाये। साथ साथ अगर चीन भी सम्मानजनक समझौते के लिए तैयार हो, तो उस पर भी विचार किया जाये। इस बारे में हमारे प्रधान मंत्री साहसिक कदम उठाये।

इन शर्तों के साथ हम इस महान् घोषणा का, अपने स्वर्गीय प्रधान मंत्री, श्री शास्त्री, की धरोहर का स्वागत करते हैं और उसका समर्थन करते हैं।

**Shri U. M. Trivedi:** Mr. Chairman, Sir, the discussion which we are entering upon today will have a far-reaching effect on the future of our country. This morning I raised a point of order, which unfortunately the Speaker was pleased not to decide. I am not here at this stage to reiterate the same arguments, but I would like to analyse the statement that has been presented by the minister.

You know there is a saying in the world that you can wake up a sleeping man, but you cannot wake up those who are already awake. The government knows fully well what

folly it is committing and it is no use pointing out that their action is foolish or silly. On the face of it, this action is a wrong being done to this country. Nobody wants war. We in India never wanted war, but it was thrust upon us and Pakistani forces were held at leash against us for 18 years. We gave them a taste of our power. It is only when they tasted the rebuff that they went about seeking some mediator and played upon the sentiments of the world at large that there should be peace. It was the peace of the hypocrite, not the peace of an honest man. We offered them a no-war pact times without number. But Pakistan never accepted it and we had to fight. We fought and taught them a lesson. But that was not enough in the sense that a crushing defeat was not imposed upon them. They wanted it, but we refused to give it. We never wanted to go the whole hog, with the net result that they thought it better to have a cease-fire. They are used to this term 'cease-fire'. We had an experience of this cease-fire in 1947. We are again having this experience now.

On 26th October, 1947, His Highness Maharaja Hari Singh of Kashmir signed his accession and the accession was accepted by us. How is it that I find in this Year Book of the United Nations of 1948-49 of the United Nations this statement:

"At the Council's 230th meeting on 20 January a resolution was adopted..... Written proposals, submitted by the representatives of India and Pakistan, stressed the importance of a cessation of fighting and recorded agreement in principle on the desirability of a plebiscite to determine the accession of the State of Jammu and Kashmir to India or to Pakistan."

Did we enter into these negotiations with our eyes open or did we lack in foresight and lucid expression of our thoughts that this muddle has

taken place that the accession of Kashmir to India or Pakistan was a subject open for discussion? Our country has accepted the accession signed by 560 rulers in all and by the mere signature of these rulers, who were sovereign *de jure* and *de facto*, the accession was full and complete. Why the accession of Kashmir was not full and complete passes my comprehension and the country is not prepared to believe it.

In October, 1949, the Constituent Assembly of Jammu and Kashmir passed the Constitution of that State declaring that that State shall be an integral part of India. What State? The State which was the Princely State of Jammu and Kashmir, with all its boundaries as they existed on 15th August 1947. That is what article 4 of the Constitution of Jammu and Kashmir states. So there is nothing ambiguous which is left. I do not know why ridicule has been thrown against this Constitution and in his argument, one of the hon. Members said that it is foolish on the part of anyone of us to consider that that part of Jammu and Kashmir is— to quote his own language—

“अविभाज्य अंग भारतवर्ष का है।”

It is. There is no doubt in my mind that every part of Jammu and Kashmir territory is an integral part, an undivisible part of India. If that conception persists—and that is the only conception which has been repeated in this House over and over again—then even for a moment we cannot give up the territory which belongs to us, which has been recovered by us, which has been taken from the thief. I as a lawyer, Sir, have never come across a single case when stolen property recovered by the police or by our own efforts is given back in the court to the thief. That is not the law, that cannot be the law and even the ordinary law is against that. How is it that this terri-

tory belonging to us—Kargil, Tithwal and Haji Pir—recovered by us by force is being given over today? I do not for a moment say, do not give back Sialkot, do not give back Lahore. No, I will not stand in the way of your doing that for the sake of treaty, good conscience, justice and equity. We are bound to, when we come to terms, give back Sialkot and Lahore and get back Chamb and Khemkaran. But, Sir, it cannot enter in my mind for a moment, it cannot fall from my mouth even for once that Haji Pir, Kargil and Tithwal can be given back. They cannot be given back.

Why has Government firked in doing the right thing? They should have come before this House. They have got an absolute majority. Just as they passed a law for giving away Berubari, just as they passed an Act under article 368, they could have moved a resolution this House. Let it be decided whether or not the country will tolerate this decision to give away this territory of Haji Pir, Tithwal and Kargil to Pakistan.

Sir, arguments have been advanced. When the point of order was raised, my hon. friends from the Communist Party, very enlightened and intelligent people, committed this mistake of not supporting the point of order, because everything that comes from Russia is good for them, everything that comes from America or Great Britain is bad for them and everything that comes from India is foolish. I should say Sir, that that attitude must be given up. We are here to take a detached view. We are sitting in this House after having taken the oath under the Constitution. It is our duty to interpret it, interpret it rightly, fairly, squarely and justly. If we interpret it in that way, is there any other meaning possible for the language used here in this Constitution? If that is the position, how is it that we are giving up his territory, and what are the circumstances under which we are giving up this territory?

[Shri U. M. Trivedi]

Let us see this whole Tashkent show. We remember, on 20th September, before the cease-fire the hon. Prime Minister, the late lamented Lal Bahadur Shastri, told us that he one and only reason which made him ultimately agree to this cease-fire was this, that he had a letter from Soviet Russia, from the Prime Minister of Russia. He had a telegram from him.

**Shri K. C. Sharma (Sardhana):** It is doubtful.

**Shri U. M. Trivedi:** It is not doubtful coming from me, it is doubtful coming from you.

The question is this. When the hon. Prime Minister, Lal Bahadur Shastri, went to Tashkent, he was accompanied by our Minister of External Affairs and our Defence Minister. They are wise men in their own way, but it requires a great deal of firmness in the mind of a man to stand up to goondaism. What was actually happening was, President Ayub Khan was talking one thing and Bhutto on the other hand was talking another thing. We were badly let down by the foolish, incompetent propaganda that was carried out and the incompetent publicity that our country received in Britain and America. It appeared, on the face of it, that they had given up giving proper aid to us.

The only friend that we could point out was this friend who had the occasion of vetoing certain decisions in the UNO. To that friend we looked and to that friend we went. Every day from the 4th onwards, news was coming into India day in and day out, morning and evening, in the radio to which we listened, disclosing this state of affairs that there was no possibility of coming to an agreement because Kashmir was not to be discussed. This pivot of Kashmir was there which prevented the talks from coming to a successful end. This went on till the morning of the 10th.

What happened on the 10th, I do not know and nobody has told this House as to what happened on the 10th, that suddenly news is flashed out in the evening saying that we are all happy that the agreement has been signed. The hon. Minister of External Affairs, Shri Swaran Singh, was pleased to say that this was drafted on the 9th night and morning of the 10th. If that was so, why was it that in the news that was flashed out from Tashkent in the morning of the 10th it negated any idea about the Tashkent agreement?

Sir, what was the pressure that was being brought on him. We were not there. We do not know what pressure was brought upon our late Prime Minister. He was not a man who would easily yield to pressure. He was a firm man, a man with his own ideas, although a mild man, a docile gentleman but a man with a will. To bring him down they had to carry on propaganda not for one day, two days, three days, four days or five days but for days together, and ultimately the pressure was felt. What was that pressure. It was poured into his ears that we had no rifend left, our only friend was Russia and therefore he should not discard the advice given by Russia. That was poured into his ears.

**An hon. Member:** By whom?

**Shri U. M. Trivedi:** Whosoever was there. I was not there. Who poured that into his ears you have to judge for yourself. When that was poured into his ears, naturally, at the last moment....

**An hon. Member:** You should make it clear.

**Shri U. M. Trivedi:** The hon. Member can clear it when I have finished. When the whole question was being put under that pressure and that kind of advice which was available to him from those who were present at the

last moment, the man felt it. This morning, Sir, making a statement in the House about the sad demise of the late Prime Minister, the Minister of External Affairs was pleased to say that after he had signed it they saw that he was relaxed. I do not know what he means by the word 'relaxed', when he says that the man with a will even in the worst calamity felt relaxed and wanted to show that he was relaxed. The question is whether he was mentally worried, whether that mental worry was weighing upon his mind. One who had asserted in this House over and over again, before the Members of the Opposition whenever they had an opportunity of meeting him, that he will not give up on this point and there was no getting out of Haji Pir, Kargil and Tithwal, he felt relaxed after this agreement. I remember an occasion when my hon. friend, Shri Bagri, asked him how it was, that if he does not give up on this question he agreed to the cease-fire he said: यह तो चाई एक तिकड़म है।

These are the words which he repeated and we were satisfied that there is our Prime Minister who is not willing to give up any territory. From that gentleman it was least expected that he would give up. Therefore, whatever be the denial, I am not prepared to believe for a moment that pressure was not put upon him to agree to this.

The question asked by the people is this. Are we going to rest on the belief that by virtue of this Tashkent Agreement we will have peace? Are we day-dreaming? For 18 years we have experience of Pakistan.

बी बड़े : वस पंथ की गारंटी भी नहीं दी।

Shri U. M. Trivedi: Leaving aside *ghus paith*, how long are we going to suffer from the hatred that has been put up against us? Was it well received in Pakistan? Was this Treaty of

Tashkent well-received in Pakistan? It was not. Was the arch—I do not want to use the word criminal—was the arch offender, in this case, Shri Bhutto, satisfied? No, he was not satisfied.

An hon. Member: Just as you are not satisfied.

Shri U. M. Trivedi: Yes, you are right, perfectly right. I am not satisfied and the country is not satisfied. It is only people like you, who have nothing to gain or lose, that will be satisfied with this agreement.

Shri Sheo Narain (Bansi): We are not going to join the Bagri school.

Shri U. M. Trivedi: All right. The question is this. On that day, when all of you clapped—it was reported in the press; I did not see it because I was not present here—I do not know whether you also clapped your hands.

Mr. Chairman: The hon. Member should address the Chair.

Shri U. M. Trivedi: I am sorry. It so happens that the Minister is sitting opposite to me. I would be pleased if my friend, Shri Swaran Singh, tells us that he also did clap. This was what was reported in the press. I can only repeat what I read, because I was not present here then.

The enmity, hatred, aversion to India's progress, which is deep-rooted in Pakistan is still there. It has not gone away. There is only one method of dealing with it—either engendering love or engendering fear. As it is not possible to engender love, we have to engender fear. We have miserably failed in achieving that particular aspect of creating fear in the mind of Pakistan. We have not been successful there. I do not say that we have to fight. I do not want to fight for the sake of fight because I know the horrors of war. Each one of us understands the horrors of war. Nobody is preaching war and I am not a war-monger. But as a practical man in life I know that there are only

[Shri U. M. Trivedi]

two ways in which we can deal with a person or country. Therefore, when Shastriji went from here he said "there will not be one Tashkent but many Tashkents". But one Tashkent took away the life of that great man.

**Mr. Chairman:** The hon. Member's time is up. He has already taken 20 minutes.

**Shri U. M. Trivedi:** I will take two more minutes.

At one time the London Times wrote "the load-stone of every aspect of Pakistan's foreign policy is bad relations with India". Has that load-stone changed? I ask for an assertion from our Minister of External Affairs "has that load-stone changed"? I will be very happy, nobody will be happier than myself, if it is so. I do not want war, I repeat. The demonstrations that have been held by the Jan Sangh are demonstrations not to bring about war or demand war from you. They are only to strengthen your hands. They are only to give expression to the feeling on the part of the public at large that the giving up of Kargil, Tithwal and Haji Pir is not liked by the people.

Therefore, I say that if with all the prudence that you can show, with all the logic that the Government can show, with all the courage that you have in your hands you come to the conclusion that you want to give up Kargil, Tithwal and Haji Pir, then bring a Bill before this House, have it debated in this sovereign Parliament so that the determination and will of Parliament is ascertained and get it passed by the majority that is required under article 368 if you want to give up that territory. In that case, I will be satisfied. That is all what I want, nothing more. I do not approve of the method by which you want to hand over a portion of our territory. As such, the Tashkent agreement is not approved of by me,

by the country and shall not be approved of for all times to come.

**Shri Krishna Menon (Bombay City North):** Mr. Chairman, when on the Republic Day our Prime Minister told this nation and the world regarding the declaration at Tashkent that it would be implemented in full, in spirit and in letter, she was not only, in my view, declaring and reiterating an important piece of Government policy but reflecting the sentiments of the overwhelming majority of our people. That, however, casts upon us certain responsibilities. When we say that the declaration should be implemented in letter and in spirit, it is important that we should try to think in our own-minds both the genesis of this declaration, its implications and also what part peoples played in this. I intend no lack of enthusiasm about this declaration when I say that in all international agreements, on the one hand a romantic approach and on the other a cynical approach is shown; that is, to say, expectations are aroused, as was the case in Bandung. But, then, there are ups and downs in all international relations, I have often heard it said that this is a declaration of intent. I would like to say with great respect to our Prime Minister that I hope she discourages this attitude towards it. This is not a declaration of intent, but a declaration of a solemn resolve to pursue the path of peace, even with our bitterest enemies or those who mistakenly think that this country may submit to force of arms of their own or other peoples'.

This declaration has to be understood also in the context of not only our world relations but world relations in respect of this continent. As has been stated repeatedly, our relations with Pakistan and Pakistan's relations with us are a hang-over from the days of the empire. I do not want to go into the question of how it came about, but there is no

doubt that even after the empire had folded down and even when we resisted its attempt to come by the back door, we have always had them around us. There have been a large number of talks with Pakistan, sometimes rounds of talks with the British or the Americans breathing down our shoulders. In the Tashkent Declaration, while I myself do not subscribe to the view that any particular country has either an excess or a monopoly of diplomatic skill, a departure is made in the sense that on the Asian continent there are other forces operating, that we function as two independent countries without the impact and the inhibition of past weight upon us. So, in this sense, it was a new departure, which draws a new outline of the political geography of Eurasia.

It is for the first time to my knowledge that conversation between Pakistan and India had been really two-party meetings. The Tashkent Conference was not a three-party conference, as some people seem to think, but a two-party conference. The intentions of the Soviet Union, to my limited experience in negotiations with them, have always been that when there are two parties who want to come to an agreement, introducing a mediator does not always achieve the results. We had the same trouble in regard to Korea to convert them to this view and I think events have proved that probably they were right. Two parties that cannot see eye to eye with each other should be brought face to face to resolve their differences. So, Tashkent was more a forum, an area where we were the guests of the Soviet Government. That is why I say there was a two-party conference rather than a three-party conference.

There was no formula, no civil servants running around and whispering into our ears what we should say. There was no formula of any kind. So far as this Parliament's and the nation's criticism is concerned, all I have is this document. I do not have to ask Shri Chavan what some-

one said to someone else because at all international conferences so much would be said that is pleasant or unpleasant. We are only concerned about the results and those results are this extension of dimensions of international politics in this way which would have an effect not only on our country and on Afro-Asia but also on the new face of Latin America, where so many conflicts of this kind are taking place, and Vietnam or anywhere else. Ultimately the solution has to be found by keeping the older imperial powers out of interfering with them and seeing some fish in troubled waters that they can take away. This is one of the aspects which many people may regard as remote but no development of any country takes place except in the context of its international effects.

If there was anybody who thought that at Tashkent would emerge a master agenda or a complete solution of our problems, they were really thinking romantically. At one time the newspapers talked of a master agenda and I felt rather depressed because the moment you get on to the master agenda you only magnify all the difficulties that you have. The only thing we could have done was nibbling at things and removing whatever was there.

What was the purpose of this conference? The purpose was to create a climate of rapprochement, that is to say, a disengagement of some kind. We cannot look at this problem without looking at the fact that after the escalation of war efforts by our neighbour and after the conflict on a large scale—whether war was declared or not, there was conflict on a large scale—before and after Tashkent after the United Nation's resolution of 23rd September, we had a situation where—the Defence Minister alone can tell you—considerable elements of our fighting forces, our armour, our equipment and a considerable amount of our national energies were pitted one against the other. We were on each other's territory and let it be

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said that the United Nations resolution did not bring cease-fire; it was cease-fire of a solution but the fire never ceased. There were thousands of violations, not few but several thousand violations, of the cease-fire agreement and it is up to any government to find out how do we disengage ourselves from this position. It was cease-fire without an armistice in sight; it was cease-fire without withdrawals and the only solution that was provided was that of sending of United Nations observers, whom we had for the last 19 years observing one side or the other, sometimes observing neither. Therefore there was no prospect of a disengagement in the immediate present and the disengagement that was to be brought about on the long cease-fire line was something which we required and they required if for nothing else to save the enormous amount of expenditure from day to day. Each day must cost crores of rupees to occupy somebody else's country. Therefore disengagement was necessary.

What I have said should not be taken in the way of thinking that this was a counsel—I would not call, defeat—of making the best of a bad job. That was not the position. After all wars and after all conflicts of any kind, this problem of disengagement is one of the most difficult which the Western nations have not been able to solve with all their armies of occupation all over the place with all the consequences that follow. As an exercise of disengagement, if nothing else, it has been rapid, conclusive and, if reports are right, in three or four days' time we shall get back to as-you-were in that way.

Then come the other aspects of it. As I said in the beginning, speaking for myself, I looked upon this Tashkent exercise even before they went there as merely an attempt to restore normality. We had broken diplomatic relations not officially but for all practical purposes. Now, we have come to their restoration under the Geneva Convention of 1961 which

means that they cannot go and beat our people nor can we do the same. That is to say, a degree of civilised relationship will come about between the two countries. I do not subscribe to the view that because we have said we forswear peace, peace will be forsworn because that is part of the United Nations Charter, that is part of the general teleological doctrine of turning swords into plough shears. And nobody has turned them so far. But each time we repeat the sentiments, we add something to its promotion. So, the agreement to forswear force, to forswear use of force as such, and whatever our rights are, these are not to be accomplished by taking more initiative.

So far as we are concerned, we are committed not to fire bullets. That is to say, we will not take the initiative in war. Again, without any disrespect to the present performance, I would like to say that this is merely a reiteration, a development, an enlargement of the policies that we have either followed or we tried to follow all along. In this connection, it is also significant to quote the speech of the Prime Minister. It goes on to say:

“ . . . We have followed a policy of peace and friendship with all nations. Yet we reserve to us the right of fundamental opinion. The principles which have guided our foreign policy are in keeping with the best traditions of our country and are wholly consistent with our national interest. The fundamental principles laid down by my father to which he dedicated his life will continue to guide us . . . ”

Now, that, I think, is what is basically to be considered. That is to say, there is no departure—I do not mean departure in the method—there is no basic departure from our aims and our objectives and our posture in international relations. People would say, I think, rightly, that it was quite unnecessary for India to declare that she will not use force, that she will not take the initiative in the use of

force. But it so happens, Mr. Chairman, in this world that however true something may be, in certain contexts it has to be repeated. And so we restore normalcy. Where it is diplomatic relations, they are being progressively restored. Where it is disengagement of troops, it is being done and it would be possible to cut down military expenditure on both sides and, I think, it would be very difficult in the present context for military alliances—we have none—to operate because people would be too shame-faced to do it in the face of Tashkent Declaration. So, even as a protective measure, it has considerable value.

We have also been able to, according to the Declaration, effect the restoration of personnel, not only the war prisoners but also those others whom we had interned. There are people who have relations on both sides, Hindus and Muslims by faith, whom we have interned and whom they have interned. They will be restored to their homes. There will also be restoration of ships and properties and all that which will promote economic relations. It is only truism to say that these two countries even during war times achieved this—what Governments don't do, the smugglers do; what good men don't do, the bad men do. That is how it is. Therefore, by taking this by the horns and by seeking to restore economic relations, as much as we can restore, we have also made a great advance in this direction. So, there is the restoration of normalcy creating those conditions which, I suppose, is what people mean by declaration of intent—I think it is a dangerous phrase to use because it looks as, "Yes, we intend to do so." But that will be a bad attitude to adopt for a country like ours in the face of the world because it would mean we were talking of peace with the tongue in our cheek. We always say, we have peaceful relations with Pakistan. There is no episode in our history for the last 17-18 years where at any time we have taken initiative in regard to force. On the long frontiers

of land that lie between ourselves and Pakistan, we have not taken initiative in regard to force. The position remains exactly as before.

What about the Tashkent Agreement with reference to Kashmir? I think the best thing for me would be if the friends opposite don't mind, to intervene on the debate that has been raised this morning. I think, we should understand the constitutional aspect of this not only for constitutional purposes but also for political purposes because if we raise dust on this, it will go against us. It is said that because we withdrew from Kargil or from Haji Pir or from Tithwal, thereby we had committed some constitutional impropriety. If I may say with great respect, is it not saying that it is only upto Haji Pir that India extends? But our position has always been that the cease-fire line between India and Pakistan is not an international frontier and so, whether we were five miles or 10 miles forward, it does not matter. Our position is that Haji Pir is in Indian territory. When we cross the cease-fire line, it does not mean that we are leaving the country. The country is ours. Therefore, if people say that because of withdrawal from Haji Pir or whichever place you like to take, we have surrendered our sovereignty, it is total misunderstanding not only of international law but also a disservice to political common-sense.

The United Nations is committed to us in regard to the recognition of the entire territory of Jammu & Kashmir and let there be no mistake about it. There are some people who whisper that the Soviet Union will do this or will do that. That is only a kind of inverted submission to imperialism. Neither the Soviet Union nor the Soviet Union's ancestors can prevent us from asserting our sovereignty. There is no reason to think that the Soviet Union is going to press anybody. Their policy on Kashmir remains unchanged, that is to say, they



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respect the position that the entire territory of Jammu & Kashmir, i.e., the land, the lakes and mountains which were under the suzerainty of the Maharaja of Jammu & Kashmir is part of the Indian territory. I think it is a mistake to think that, because in the last eighteen years, some villages have been taken or some small areas have been taken, the position will change. There must be a distinction in our minds between administrative control and *de facto* occupation. Sovereignty is *de jure*. Sovereignty is the right of the people over a territory in law. Therefore, there has been no abrogation of sovereignty and speaking for myself, so long as there is life in this nation, will be no abrogation of our sovereignty to Pakistan or any other country.

Reference has been made to Berubari. That is entirely a different question. There the issue was not surrendering an Indian territory. There were grave doubts as to whose territory it belonged to. There were all sorts of negotiations of various kinds. As a measure of abundant caution, at that time the Government of the day, after a series of discussions, decided to refer the matter to the Supreme Court because they did not want that, after handing over the territory, the Parliament should pass a censure or create difficulties which would make Pakistan say, "they have given to us, but they have actually not". As a measure of abundant caution, the matter was referred to the Supreme Court and the Supreme Court said, "you can give any territory you like but you pass a Bill through Parliament". Where the sovereignty is doubtful you take the precaution of regularising matters. So no question of constitutional impropriety arises. But a certain amount of political—I would not call it impropriety—something arises in this. If we keep on saying that because Pakistan is occupying the territory, it is theirs, then we

are saying that all the areas which are under occupation by Pakistan in the last eighteen years, belong to Pakistan. We cannot subscribe to the theory that because aggression lives long, it makes the party sovereign; because aggression lives long, it makes an empire; an empire is permanent aggression and so, if Pakistan lives there, it is Pakistan empire and the only way to deal with the empire is to break it. Therefore, our position has always been this—not only ours but the position conceded by the United Nations when they told us that these are called northern areas; Pakistanis were there at the time of ceasefire....

**Shri Bade:** That was not the question raised in the point of order. The question is: when we have occupied it, how can we give it up.

**Shri Krishna Menon:** I am not, not, usually, a person who yields.

**Mr. Deputy-Speaker:** He is not yielding.

**Shri Bade:** He has not taken the monopoly for political commonsense.

**Shri Krishna menon:** So far as occupation is concerned, our Army has moved to Lahore sector. Does it mean that Lahore becomes part of India? Because troops moved and physical occupation takes place, you do not concede sovereignty. I will give you international instances. For example, take the whole of South West Africa. Over South West Africa, the Government of the Union of South Africa has been the Government ever since 1921; that is to say, they took over the mandated territories in 1919, and in 1921, they gave citizenship to the people of South West Africa. But the League of Nations protested. Even today, we hold the view that South West Africa is not South African territory. Every trust territory in the world is administered and fully administered as an integral part

of the metropolitan country; but the fact of administration does not confer sovereignty. In fact, all trust is based upon the idea that the administering people have no sovereignty.

Therefore, I say that it is not in our interest to raise this kind of thing; doubts may be raised either about the political or military or strategic or tactical or moral or other wisdom about withdrawing from these places, but you cannot question its constitutional propriety. Constitutionally we have surrendered nothing. I think that it is a mistake for us to say to the world that because we are withdrawing from a particular place it would go to somebody else, for, by that logic all those areas which are now called Azad Kashmir, the northern areas, as I said, of Gilgit etc. would thereby by efflux of time come under the sovereignty of Pakistan.

So, I would only express the fact that our people are happy that there has been a disengagement in regard to this conflict. Of course, there are many obstacles in the way. Particularly, for example, some people have asked 'Are the Pakistani people in favour of it?'. How do we know? The Pakistan Government is not like ours. Therefore, we can only say what the Government says. And besides, this is good international practice to take the Government as representing the people Constitutionally, the system is such that we have no method of ratification of treaties, but our Government is a popular government, and if it acts against the interests of the people, the only way is to throw out the Government; but this Government is not going to be thrown out; and therefore they speak in the name of Parliament and they speak in the name of the people, and then an agreement is reached; they had the interests of the country in mind and the negotiators went with the goodwill of this House and there has been no change in regard to that.

The cease-fire line between Pakistan and India in Kashmir is not an international boundary, never was and it

will never be. If anybody tries to make it an international boundary, then the question of constitutional propriety arises; then the other side of the cease-fire line would become another nation. I say, speaking for myself that neither this Parliament nor its successor Parliaments to come will ever agree to the surrender of sovereignty so far as that is concerned. In practical terms, it means that even at some future time, maybe, ten or fifteen or twenty or even fifty years later, whenever they want, when democratic processes operate, when industrial development takes place and those areas which are now colonially occupied by Pakistan desire to come over to us, the question of international propriety would arise; and there, we cannot surrender on this question. And there has been no surrender at all.

Therefore, I would conclude by saying that so far as the Tashkent Declaration is concerned, the things remain as they were in 1949 with all the assurances given to us by the United Nations, including the one given at that time that it was our responsibility to maintain law and order, including our right to keep garrisons in Gilgit; all those assurances are not changed. Besides, in the Tashkent Declaration itself, there is also a reference to a chapter in the UN Charter. If that is so, then the future relations must be governed by these positions and by the general concept of international law.

It is wholly important that in negotiations and talks that take place, both the Parliament and the people and the Government should be extremely vigilant in the sense that we do not slip into something or the other, and if there would be further prolonged discussions in the UN on these matters—because that is the only place where they go—we do not shift from our position.

The only way of resolving the problem of Kashmir is for Pakistan to vacate the aggression and that vaca-

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tion of aggression is facilitated by this. For, on the one hand, we have told them that aggression does not pay, and on the other hand, we have been prepared to adopt peaceful methods, and, therefore, even the vacation of aggression may be possible because of that. That in my submission is the significance and the lesson of the Declaration of Tashkent.

**Mr. Chairman:** Acharya Kripalani.

**Shri J. B. Kripalani (Amroha):** I had requested that I may be called tomorrow.

**Shri Surendranath Dwivedy:** Mr. Chairman, I have listened very patiently to the speech made by the External Affairs Minister while moving this motion. I have also gone carefully through the voluminous papers circulated to us on this matter. But I do not find a single explanation either in the speech or in the papers showing how this Tashkent Declaration is different from what the Security Council had offered to us in its resolution of September 20. What was there unacceptable in the terms of the Security Council Resolution although we were prepared to go out of our way to accept this Tashkent Declaration? How is it different? The only difference seems to be that whereas the Security Council Resolution had stated that the withdrawals would take place within three months, here in the Tashkent Declaration we are staggered to find that within six weeks of the signing of the declaration we should withdraw from these areas.

It has often been contended that this Tashkent Declaration is a new charter for peaceful relationship. I would support it if it is a charter actually opening the way for establishment of peaceful relationship between India and Pakistan. Nobody in this House has ever advocated that we should always go to war, that war is the only method through which such problems could be solved. Rather we

want to develop friendly relationship with our neighbours, specially Pakistan, Burma, Ceylon, Nepal and other countries. But what is this declaration? After all, if we had accepted the UN Charter, it is an established authority; all nations are represented on the UN. However slender and powerless it may be, it has some authority. But here it is a declaration.

16.54 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

It is neither a treaty nor a pact. If there are differences in interpretation, I do not know who is going to decide which side is right? In view of this, this declaration is nothing but a promise by both countries under certain circumstances. Let us not be emotional. I would have liked Shri Swaran Singh not to refer to the late Prime Minister and tell the House that this is his last gift. If you want to introduce such considerations into this matter, what about the lives of thousands of jawans who had died on the war front? Are they of no value in this land? So do not talk about the death of Shastriji or others. Rather, I will not be wrong if I say that Shri Swaran Singh and Shri Chavan are not right when they say that after signing the declaration Shri Lal Bahadur Shastri felt relaxed. If he felt relaxed, is it not a fact that at 10.30 that night he telephoned to his house and wanted specifically to know what was the reaction of the people to the signing of the declaration? It was because he was worried.

**An hon. Member:** Not at all.

**Shri Surendranath Dwivedy:** He had given this promise to this House, not only to this House, but to the public in his speeches outside, that whatever happened we were not going to withdraw, from our own areas, specially Haji Pir, Tithwal and Kargil. He had told us when we met him, "The entire world may go against me

but we are not going to withdraw from our own areas." We had the opportunity to meet him on the 1st of January before he left for Tashkent. He told us that the Security Council resolution, to which Russia was a party, had asked us to withdraw from these areas, that Russia was our only friend and that if Russia in this conference asked us to withdraw from these areas, he would feel embarrassed. That embarrassment had caused him ultimately,—you may call it pressure or not—the threat that Russia would withdraw its support, the threat that from America, Britain and other western countries we are not going to get any economic or any other aid, caused him ultimately to sign this declaration, and not considerations of our national security and our national interests. I maintain this. If I for a moment can believe that this declaration has been signed in the best interests of our nation, for preserving the national security of our country, for contributing peace to the world, I will be the first man to support a declaration like this, but nothing like that. I have no time to quote the speeches made by authoritative persons, Ayub Khan, Bhutto, interpreting it in a manner different from what has been painted before us by these documents. Bhutto is not prepared to admit even this much, that this is a turning point in the history of Indo-Pak relations. He has stated:

"The Tashkent declaration was not an end in itself and could not itself represent the turning point in Pakistan's relations with India."

It may be argued that, after all, Bhutto is not Pakistan. If Bhutto is not Pakistan, then Swaran Singh is not India. There is no difference between Bhutto and Swaran Singh. We must take them as one and the same. We must not choose between them.

Therefore, what I say is that this declaration is nothing but a scrap of paper which has no validity. If this House rejects it, it does not necessarily mean that cease-fire ceases to exist, it

does not necessarily mean that we go to war immediately or start hostilities; it only means that we are not going to withdraw from positions which will ultimately put us into greater difficulties. It would have been proper for them, for Shri Lal Bahadur Shastri, in view of the promise and the pledge that he had given to the people and the House, to say there that they could not agree to this without putting this matter to Parliament. They have a majority, and they could get it passed, but it would have been proper for them to say that since Parliament was committed to a position, they would not agree to this, they would not do this unless it was discussed and ratified in Parliament. From that point of view, it is a breach of trust, and I do not think anybody in this country is hereafter going to believe the words of this Government. After the way they have treated this problem, an international problem which affects our countrymen, affects the world, affects all of us.

Many things have been said about the points in the declaration. I am not going to quote and repeat what Shri Swaran Singh has said about promise given to this House by Shri Lal Bahadur Shastri. I am not going to quote his letter of 14th September to the Secretary General of the Security Council. But let us examine the conception of Shri Lal Bahadur Shastri and the Government of India regarding restoration of normalisation of relationship between India and Pakistan. In concrete terms, this has been stated by Shri Lal Bahadur Shastri in this House on 5th November, 1965. He has spelt it out only once. Whatever he might have had in his mind, he made this question very clear in his speech of November 5. These will be the conditions for restoring normalisation of relationship between India and Pakistan. He has stated:

"If Pakistan wants an end to the present tense situation, let it first honour and respect the Cease-fire Agreement. Let it put an end to

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the daily violations of the cease-fire. Let it then withdraw its armed personnel from our territory and we shall also withdraw our troops from the areas under our occupation in Pakistan."

—not in Tithwal and Haji Pir.

"More important than any of these things, let Pakistan stop the various things which it is doing apparently in preparation for a fresh trial of strength. Let it stop the recruitment of irregular forces in Pakistan-occupied Kashmir. Let it put a stop to the digging of trenches and putting up of military structures which is going on at so many places just across the present cease-fire line.

Let it give up its attempts to acquire arms and ammunition. Let it release the goods, the cargo and the vessels it has seized. Let it also give up its collusion with China which is based only on a common hatred of India and is aimed at weakening and disintegrating this country. Let Pakistan, to put it briefly, first restore normal relations before we can discuss how to establish better relations."

17 hrs.

These are the conditions; they are the pledges given to this House. On this we have extended him support on this basis he went to Tashkent. We wished him God speed and said that let him achieve peace on these conditions. That is why we lent our support. It is not to come with something else and to tell us to accept something else. Can Mr. Swaran Singh say that these conditions had been fulfilled in the Tashkent declaration? Is there

any word mentioned in it about the Chinese? Is there any word where it has been stated that Pakistan is going to abrogate its pact with China by which it has ceded 2700 square miles of Indian territory? Rather Mr. Ayub Khan has stressed on the 14th January that the relationship with China and all the other countries would remain the same as it was before. He has asserted it. Therefore, there is nothing to show that these conditions have in any way been fulfilled. Mr. Swaran Singh has taken the trouble to explain to us chapters I, II and III which are really important so far as this declaration is concerned; they are the issues of the entire document. Here what is it that is new except saying that there was a categorical reaffirmation of the UN Charter? Was the UN Charter not existing before the Pakistani attack? Is it not a fact that in spite of UN charter over the last seventeen years Pakistan has attacked us three times? How can you completely forget these things? What has Mr. Ayub Khan to say? Ayub Khan has made no secret of his intentions. He is honest in that respect. We are again running after a mirage; we are building our own image. We do not know what the other party is thinking. Is the Secretary General of the Security Council to come and explain that Pakistan is wrong and India is right? So far as interpretation is concerned, who would be the interpreter? Russia? Have we accepted this? It has played its part very successfully so far as its diplomatic and political influence is concerned in the world and in Asia in particular. That is a different thing altogether. Now, what has Mr. Ayub Khan to say? He has explained it quite lucidly. He has made no secret of his intentions. He did not sign a no-war pact. Mr. Lal Bahadur Shastri gave us a promise: my first condition will be signing of a no-war pact. It is explained to the House that this signing is also a sort of a no-war pact. If it is a kind of a no-war pact, if Pakistan was agreeable to that con-

dition, why Pakistan, why Ayub Khan refused to sign a no-war pact and readily signed this declaration?

He has stated:

"The Indian Prime Minister wanted us to sign a no-war pact with India. We made it clear to him that Pakistan could not enter into any such agreement until the issue of Kashmir was settled in a just and honourable manner."

About the United Nations Charter, he has stated:

"The responsibility means that nations should not resort to the use of force so long as avenues of peace remained open. We also told him that peace could be maintained only if the issue of Kashmir was settled in a reasonable manner. We stuck to this stand that the real issue was Kashmir and that peace could not be established between the two countries until the issue of Kashmir was settled."

That was very clear so far as this question is concerned.

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Surendranath Dwivedy:** How many minutes have I taken, Sir?

**Mr. Deputy-Speaker:** 20 minutes.

**Shri Surendranath Dwivedy:** I would like to have 10 minutes more. I am putting forward a different view altogether. All speeches are being made in support of the declaration. So, you must permit me some more time.

Therefore, my point is, affirmation of the United Nations charter means nothing so far as Pakistan and this country are concerned. Secondly, it is quite clear that, charter or no charter, Kashmir is the crux of the problem. Unless the Kashmir problem is solved, nothing is going to bring

about the peaceful relationship between India and Pakistan. In regard to the discussion of this problem, we say we did not discuss Kashmir. Even today, we stated our position. I want Shri Swaran Singh to explain to us. In Paragraph 1 of this document, there is the mention of Kashmir. It has been stated: "It was against this background." What is this background? If the background is not that we shall negotiate about Kashmir, what is this background mentioned here?

Then, much is made about non-interference. I would like to make two points about this non-interference in internal affairs. I think we are again committing a mistake, because, already the Foreign Minister of Pakistan has clearly stated that "the article referring to non-interference in each other's internal affairs did not apply to Kashmir because it was a disputed territory and was not an internal affairs of India." So, where is the question of guarantee that they will never cross the cease-fire line? Where is the guarantee? The only guarantee that has been achieved is, although our Foreign Minister earlier in this House stated that we would support Paktoon movement, now after signing this declaration we will not be able to extend our sympathy and support to the movement for Paktoonistan or East Bengal. The only thing that we have is that Pakistan will be free to send its men into Kashmir, which is a disputed territory according to Pakistan, and continue infiltration in that area.

The third thing that has been made out very much is the withdrawal of the armed personnel. Now, in this matter, we must again be very clear in our minds. It has been repeatedly asked in this House, what about infiltrators: and Shri Swaran Singh has failed to give any satisfactory reply. Has Pakistan given any undertaking whatsoever, that it will not be a party to any infiltration into Kashmir? No; nowhere has it given. Rather, the

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Pakistan Foreign Secretary, Mr. Aziz Ahmed, has said that the "term 'armed personnel' did not include the so-called freedom fighters of Kashmir." It is very clear. (*Interruption*). We are only expressing a hope; this hope has been belied so many times. This document remains beautifully vague so far as the commitment of Pakistan for sending infiltrators into India is concerned. Therefore, it is very clear.

I will again point out to the hon. Minister one thing. Here is the mention of phased withdrawal. The commanders of both the countries have met and they have decided to withdraw all armed personnel. I could have understood if in that phased withdrawal there was any mention that there will also be a phased withdrawal of all infiltrators. But there is nothing like that. The only thing that has been stated is this: part I of the agreement deals with the procedure concerning the immediate disengagement of troops; then he document deals with the reduction of tension; and then it relates to procedures concerning the withdrawal of troops from the occupied areas. There is no mention that the infiltrators are going to be withdrawn from Kashmir. Therefore, from this, it will be clearly seen that what has been claimed by our own representatives and our own Government is completely wrong from the facts that we have before us.

Then, I will again put it to him: we are withdrawing to August 5 position. I want to mention a point specifically. We had occupied Kargil because it threatened our lifeline; but we withdrew from that position because the United Nations gave us some guarantee! There is no guarantee; nobody has given us any guarantee. That cannot be considered to be the August 5 position. How is it that we have also agreed to withdrawal from Kargil?

Well, this agreement has been reached. We have bitter experiences of these agreements and pacts. There have been several pacts: the Liaquat

Ali Pact, the Noon Pact, and lastly the Kutch Pact. Was not the Kutch Pact made for friendship and peace? All these things are said to us.

But what was the result? The consequence was greater military conflict. Let us not live in an image of our own and forget the realities of the situation. Our security is threatened. China, as we were told this morning by the Defence Minister, is already planning a major attack on the country. One does not know what is going to happen within three or four months, if Pakistan and China combine.

In view of this situation, it cannot be said that really by this declaration, we have achieved something which will contribute to peaceful relationship with Pakistan and maintenance of peace in our country, so that the economic progress of India goes on unhampered. It is perfectly right to withdraw from Lahore and Sialkot when they accepted withdrawal from Chhamb. But so far as other places are concerned, we should have waited because Kashmir is still threatened and it is still a problem to be decided. So long as the international frontier between Jammu and Kashmir and Pakistan is not decided, we should not have agreed to withdraw from those positions—that would have been the perfect thing to do.

We are prepared to extend our hand of cooperation. We want that peace should be maintained. We have always lauded the efforts of the late Prime Minister to bring about peace. But let Russia, America and all those friends who hailed the Tashkent Declaration as a great charter come forward and give an assurance that Pakistan is going to conclude a treaty of friendship and no war with India. Then we will have no occasion to go to war with Pakistan and we will live in peace. We are prepared to make as much sacrifice as is necessary to have peace in this world. But this declaration has taken us back to a position where we were

not on August 5th, but in July, 1951 when the cease-fire line was drawn. This is the tragedy of the situation. Whatever Shri Lal Bahadur Shastri achieved, he actually gave it with his death and India remains where it was before Shri Lal Bahadur Shastri assumed Prime Ministership of this country.

Therefore, I beg of the House: Let us not be carried away by emotions. Let us see whether this declaration is really subserving the best interests of the country and contributing to the security of the nation. From that point of view, let us here decide that we are not going to withdraw from these vantage positions, so long as this main problem—the real problem according to Ayub Khan—has not been settled.

**Shrimati Renuka Ray (Malda):** Sir, the last action of the late Prime Minister, Shri Lal Bahadur Shastri, was in the quest of peace. It was an endeavour to change the climate, so that peace and friendly relations would come in the end. The last speaker has been quoting from many speeches of the late Prime Minister. But I do not understand why he does not realise that it is in pursuance of what the late Prime Minister said himself that he came to this agreement in Tashkent. The Tashkent Declaration does not mean that enduring peace has been established, but it does mean that an atmosphere has been created, through which it is possible to come to solution which will ultimately lead to enduring peace.

What is the background against which the Tashkent meeting took place? It was after a conflict in which we were able to defend our land with ability, after which it was proved beyond any shadow of doubt that India and her army was able to cope with the invader, that the prestige that she had lost on a former occasion when she was unexpectedly invaded by China was restored. After this, naturally—it is known through-

out the world that in modern warfare whether it is those who succeed in winning the war or those who lose it, ultimately both the nations and all such nations lose—what the war was costing us financially, whether it was India or Pakistan, was something which was destroying the economic life of the entire sub-continent. These are some of the factors against which we have to consider the Tashkent Declaration.

Sir, before I discuss clause (2) about which so much has been said, let us for a moment consider the consequences of this Tashkent agreement towards peace which will follow and which are written into it. The first one is the establishment of friendly relations. This was exactly what Shri Lal Bahadur Shastri had wanted. The second thing was that we should have mutual economic and trade relations. Can anybody in this House object that when two nations live in such close proximity together, nations which were one not so long ago, they should have mutual economic and trade relations. It cripples both unless economic relations can be so founded that they are able to operate together on matters that effect the entire sub-continent.

Then, Sir, there is the question of minorities in both the countries. There is no doubt that if there are good relations between India and Pakistan, the minorities in both the countries will benefit thereby. As for the minorities from Pakistan who have come to India day after day, night after night, through all these years since partition—we have them in the eastern region—at least for them we can hope for something better. I do agree with my friends who say that the past record of Pakistan has not been good. The Government and the country are well aware of the past record of Pakistan. But always we must hope for better things in the future, and this Tashkent agreement is something which has been arrived at with the hope



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of achieving better things and better conditions in this sub-continent through which these two countries, which are under-developed and which need to go ahead from so many angles, will be able to march forward. It is with that hope that this Tashkent agreement was arrived at. To these matters, I am sure, there can be nobody in this House or in this country who can object.

Then I come to clause (2) which is really the clause on which all the opposition has been voiced in this House. This opposition is due I think to not having a proper understanding of the clause. The clause says that India and Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25th February to the positions they held prior to 5th August 1965 and both sides shall observe the cease-fire terms and the cease-fire line. As the Law Minister pointed out, the cease-fire line that had obtained before the present conflict was recognized without any question of submitting to concessions regarding sovereignty. Shri Krishna Menon has also very ably put forward arguments on this matter. I do not want to repeat what has already been said. But I do want to point out to those who have opposed this Resolution that they have not laid proper emphasis, or not properly interpreted, the significance of the 5th of August. What has happened on the 5th of August? On that day, armed personnel in disguise from Pakistan invaded our territory. So, under this agreement all the armed personnel, whether in disguise or not, who have entered our territory have to withdraw.

Then, coming to the point raised about our withdrawal from Kargil, Titwal and Haji Pir, they are no doubt our own areas. Shri Krishna Menon has also emphasised it. So also the land that has passed over to

China is our own area. Therefore, the point is that if we in pursuance of peace agree to withdraw to the original cease-fire line, it does not mean for one single moment that it weakens our position in respect of our sovereignty over that area, which has been taken away from us by force. So, I do not agree with those who oppose this agreement on that score. I do, however, feel that it is very important for the Government to ensure that the mechanism of withdrawal functions in such a way that it is simultaneous; that is to say, the infiltrators or the armed personnel in disguise in Kashmir are turned out along with our receding from certain positions which we have held after the conflict which was not of our seeking. I am sure, Government would apply their mind to this aspect, but we cannot expect the Government or the defence forces to inform us what precautions they have taken.

As the time at my disposal is so short, I cannot deal with some other problems which I wanted to refer. But I will certainly refer to one thing. One of the clauses of the agreement says that both countries will do their best to discourage propaganda against each other and will encourage propaganda which promotes the development of friendly relations. So far as India is concerned, we are agreeable to it. I am quite sure that this House will be endorsing this declaration and as such it is up to us to see to it that on our side we do not violate this provision. But I do not know what Pakistan will do. Though it is beyond our control, it is to be hoped that Pakistan, which has learnt a bitter lesson after its attempted invasion of India will also realise that peace is as important to Pakistan and its people as it is to India and its people. The people of India and Pakistan are of the same race. Many of us speak the same language. If we can create an atmosphere in which we can live in peace and amity and our countries march ahead towards the road of progress I am sure that the Tashkent

Declaration through which we reached such an agreement will also be the fore-runner of many such agreements the world over, in the pursuit of peace.

**Shri A. C. Guha** (Barasat): Mr. Deputy-Speaker, Sir, it will be difficult to discuss the Tashkent agreement without referring to the tragic death of the Prime Minister for whom within a very short time the whole nation developed great devotion, regard, respect and even love. But it will not be proper for us to discuss this document with that emotional aspect even out of our reverence for his memory. We should discuss this document on its own merits and not out of any sentimental approach due to the tragic death of the signatory of this document, on behalf of India.

I do not think it is the claim of the Government that this document or this agreement has solved all problems with Pakistan; perhaps, it has not solved any problem except the problem of confrontation and a sort of diplomatic and communicational impasse in the relations between India and Pakistan. It has only paved the way of solving the problems and that is a great achievement.

Shri Dwivedy had been repeatedly asking, what is the guarantee that Pakistan will not violate these conditions. Nowhere in the world in any peace treaty can there be any sure guarantee that terms of the peace treaty will be respected by the other party. In the First World War Germany was miserably defeated, even then within two decades she started another world war. So, there is no guarantee that Pakistan will not violate these conditions or the terms of this agreement. I can say even, from the record of performance of Pakistan regarding the other agreements, particularly the Nehru-Liaquat Ali Agreement, that there may be a suspicion that Pakistan will not observe the conditions of this agreement in the proper spirit; but there are certain considerations from which

we may expect that Pakistan may be in a better mood. Pakistan has exhausted all the means to get her ways particularly regarding Kashmir and to spite India. Thrice she attacked India. She wooed NATO, SEATO and other military alliances; but her military friends could not help her either in the battlefield or in the discussion chamber of the Security Council. Then, at the same time, while she was aligning with the USA and the UK, she was also toying with China, and this was a dangerous thing she entertained simply because she expected that China would help her in her fight against India. There also she has been disappointed. China was not of much help to her in the last skirmishes between India and Pakistan.

Those who have been opposing this agreement, I do not know what they want. Do they want this sort of stalemate in the relation of India and Pakistan to continue? The Tashkent Agreement has done nothing more than what was put in the Security Council's Resolution of 22nd September. I wonder why the Security Council or the important members of the UNO—the USA and the UK—did not pursue the question of the implementation of the terms of the Security Council's resolution. It may be they did not want it. That resolution says many things and the cease-fire was only the first step. Then, withdrawal of forces, restoring normal conditions, peaceful relations—all these things—were to follow; but, during the following few months the Security Council did not take up the issue at all, rather, I should say, they allowed things to drift. On our side, we have just now been told, we lodged complaints of about 1,700 violations of the cease-fire and Pakistan also might have lodged more or less a similar number of violations against us. While the Security Council was sleeping over this document and did not try to come to the logical conclusion of their resolution, if somebody else took it up, we should, not only from our own national point of view

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but even as belonging to the comity of nations, be grateful to the USSR for taking up this arduous task of bringing two countries, India and Pakistan, together.

In the event of failure of coming to any agreement, as has been done by the Tashkent declaration, what is the alternative? I do not know if my friends sitting on that side want that the war prisoners should continue to be detained in the two countries. I do not know if they want that several lakhs of residents who have been evicted from their home-lands, from both countries, will continue to live in camps in a miserable state of life. I do not know if they want that no normal communication, no diplomatic relations, no trade and commerce should be re-established between the two countries.

In this connection, I would like this House to realise that India and Pakistan are not simply two neighbours. China is also a neighbour of India; Burma is also a neighbour of India; Afghanistan is also a neighbour of India and Ceylon is also a neighbour of India. But Pakistan is not merely a neighbour of India. It is a portion of our own country. Here, I would like to refer to the Resolution passed by the All India Congress Committee in July, 1947 while endorsing the proposal of the British Cabinet regarding the partition of India. The Resolution says:

"...the long course of India's history and tradition bear witness to this essential unity. Geography and the mountains and the seas fashioned India as she is and no human agency can change that shape or come in the way of her final destiny. Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we have learnt to cherish will remain in our minds and hearts. The AICC earnestly trusts that when pre-

sent passions have subsided, India's problems will be viewed in their proper perspective and the false doctrine of two nations in India will be discredited and discarded by all."

Today it may sound somewhat a forgotten and forlorn hope but those who participated in the deliberations and in the passing of this Resolution do still entertain that some day there may be some good relations established between India and Pakistan. That is the thing which is essential for the prosperity and peace of the two countries.

I do not like to refer to economic matters so much. But still it has to be considered by how much our exchequer has been affected because of Indo-Pakistan conflict. I think the Finance Minister or the Defence Minister may be in a position to give a correct figure. But the general view is that it is about Rs. 500 crores. Can we afford to continue this sort of expenditure? It is no use being guided simply by enthusiasm. We have to realise the realities. We have to proceed on the basis of the realities. It is not possible for India or even for Pakistan to have a long-drawn-out war or even an atmosphere of confrontation and tension continuing even after the signing of this document.

Apart from the relaxation of this confrontation and tension, one great achievement of this document is that a cleavage is likely to be created or, perhaps, has been created in the Pakistan-China axis. That is not only a good thing for India but, I think, that is a boon for the whole world. China is gradually being isolated and this isolation of China from Pakistan is definitely a good thing for the entire international politics and also for India.

Shri S. N. Dwivedy was referring to some preparations made by China or a major attack on India. Does he think that if there is a major attack apprehended from China, can we afford to have also inimical relations or this

sort of hostile relations with Pakistan? Will it strengthen our hands to fight China? No. Even for fighting China, we require some good relations with Pakistan and from this document we expect that some good relations will be established; because Pakistan has now realised—we expect that she has now realised it—that she has failed to achieve what she wants, even though she has now exhausted all her resources by her three attacks on India and through her diplomatic channels, through the U.S.A., the U.K. and the SEATO and the NATO and also through friendships and alliance with China. Now, she may feel that it is not possible to get what she wants about Kashmir by all these tactics. That is why we expect that she may now be in a better mood. Further, we should realise the bonds between India and Pakistan. There are many split families on this side as well as on the other side. What are the positions so long? Any letter from Calcutta to Dacca will have to be surreptitiously sent via London or Rangoon or Washington. Similarly, any letter from a friend or relative from Delhi to Lahore will have to be sent surreptitiously in another cover through some other foreign metropolitan towns. Is this the relation which we can afford to continue to have with Pakistan?

From all these points of view, I think this is the right sort of agreement that has been arrived at. Some points have been mentioned about the strategic positions, that we are going to surrender. Pakistan also will surrender some of the strategic points. Maybe, our surrender is somewhat more than what Pakistan will surrender. But I hope the Indian Army, which has shown its mettle and courage in this conflict of six weeks, will be able to defend India in any future conflict also. Pakistan has come to realise that it is not possible to make India yield by threat of war. The Indian Army has been strong enough and will, in future also, be strong enough to defend our borders.

**Shri Tridib Kumar Chaudhuri** (Behrampur): Mr. Deputy-Speaker, in this House today on the discussion on Tashkent Declaration, we have heard sharply divided opinions expressed. Speaking for myself and my group, we accord to this Tashkent Declaration our support and welcome it with reservations.

I welcome it primarily for the reason that any lessening of tensions on our borders give the common people of the country an opportunity to concentrate on their economic problems. We know to what acute pass our economic situation has come after discussing the Kerala food situation only yesterday. The common people are clearly at a disadvantage when the country is surcharged with chauvinistic emotions, nationalistic emotions, and any tension between India and Pakistan inevitably takes on a communal and chauvinistic character not only on the other side of the border but also in this country.

The second reason for which I accord welcome to the Tashkent Declaration is that this is the first major diplomatic watershed in Asian affairs. This is the first time that two major Asian nations have come to an agreement about their own disputes without interference from western imperialist powers. We have to take a calculated risk and find out how far this Declaration accord takes us towards the solution of our outstanding disputes peacefully.

The third reason for which I accord welcome to this Tashkent Declaration lies in the fact that this Declaration, as we find from newspaper reports, is being opposed only by extremely communal and chauvinist elements on the other side of the border and maybe, by some on this side of the border also. That means by and large that the people in both the countries feel that a way has been opened for the development of peaceful relations between the common peoples of

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the two countries, while the communal reactionaries in both countries would oppose it. I am all for peace between the two peoples and two communities.

But having said that, and having accorded my support, I feel I would be failing in my duty if I do not mention some of the serious reservations that I have about this accord. Here, in the paper that was circulated by the Ministry of External Affairs and also from the speeches made from the other side in support of the Tashkent accord, we find that an attempt has been made to identify the Tashkent Declaration about the so-called renunciation of force with some kind of no-war-declaration. In order to understand the real value of this so-called renunciation of force in the settlement of disputes by Pakistan, we have to look to what the Pakistan authorities, not merely communal opposition parties but the spokesmen of the Pakistan Government, and President Ayub, particularly and Mr. Bhutto, the Foreign Minister of Pakistan, have been saying about this accord.

I am quoting from a speech of Mr. Bhutto, which he made only a few days back. The report is as follows:

"Referring to the provisions of the Tashkent Declaration for renunciation of force under the UN Charter Mr. Bhutto said that article 51 recognised the ultimate right of a nation to wage struggle for freedom, and added 'It is precisely in this context that in the Tashkent Declaration we have reaffirmed our obligations under the Charter. The fact that we were unable to arrive immediately at a settlement at Tashkent . . .'

—he was referring to the settlement on Kashmir—

"...does not detract one iota

from our resolve to seek a just settlement under this very declaration or even outside its framework.'".

So, let not our Government lull themselves with the idea that they have achieved some kind of a no-war-pact with Pakistan in terms of this declaration. If we are to believe Mr. Bhutto, and Mr. Bhutto speaks not only for himself but also for his Government, he says very categorically that the Pakistan Government does not feel itself obliged to seek a peaceful solution of the Kashmir dispute with the framework of this declaration if they get what they want within the framework of the Tashkent accord, well and good; if not, they will go outside it, and if necessary, they will go to war. President Ayub made it very clear in his opening speech at Tashkent when he said:

"A no-war agreement between nations can work only if it is adopted after taking concrete steps for resolving disputes which divide them."

After the Tashkent Declaration, he said in Pakistan in a broadcast to his own people that 'the Prime Minister of India wanted us to sign a no-war declaration, but we did not deliberately sign a no-war declaration'. That means, he has reserved his right to resort to war, resort to arms, when they feel that the time appropriate for that has come.

In assessing the value of any international accord or agreement, we should not be guided by wishful thinking or led away by the fact, in this case, that the Soviet Union has supported this accord. Not only the Soviet Union, but apparently at least the US and even Great Britain and other countries have lent their support to this accord. They have however had nothing to say as yet about the interpretation that is being put officially by Pakistan on this accord which leaves the door clearly open for resort to arms to Pakistan when it considers the time appropriate to

do so. That is why I would urge upon Government the necessary of interpreting this accord not according to their own wishful thinking, nor on the basis of the starry-eyed idealism of some of our friends here, but to be very realistic in assessing what we have achieved by this Declaration.

So far as the question of infiltrators is concerned, there also we find the position highly unsatisfactory. Within a few hours of the signing of the declaration, the Pakistan Foreign Secretary said that the clause about non-interference in each other's internal affairs does not apply to Kashmir. That means that Pakistan feels even after signing this declaration it would be free to interfere in Kashmir.

**Shri Bade:** They have said that 'armed personnel' does not include infiltrators.

**Shri Tridib Kumar Chaudhuri:** Yes.

But so far as this problem is concerned, we need not depend upon the good offices of Pakistan. If there are infiltrators, we can deal with them as best as we can and shoot them down.

So far as non-interference is concerned, I find the clause as interpreted or understood by official spokesmen of Pakistan to be absolutely unsatisfactory. In this background, let us not put very high hopes on this declaration but take it at face value for what it is worth. It has already led to a certain visible lessening of tension, and we welcome that, but at the same time, we must also tell the Government to take the House and the country into their confidence and to tell us frankly what is really in the back of their minds. Immediately after the signing of the Tashkent declaration, there were talks about division of Kashmir. No Member has referred to that fact, but it is on record, it has been reported by newspapers, that one member of the new Government, a Cabinet Minister,

and if I may say so, a very senior member of this Government and of the previous governments...

**Shri Bade:** Minister and Deputy Minister, both.

**Shri Tridib Kumar Chaudhuri:** The Deputy does not add to his strength.

Shri Jagjivan Ram has made a speech in which he has advocated the partition of Kashmir along the cease-fire line. I would not personally mind if on the basis of that there is a final solution, once for all, of this question, which has vitiated not only the relations between the two countries, but also, due to historical reasons, the relations between different sections of our people, between different communities, internally also. But the Government must say openly whether the views that were expressed by Shri Jagjivan Ram represent the views of the Government, or whether the Government is thinking in terms of finding a solution, a peaceful solution of the Kashmir question, in terms of a partition. Otherwise, the misgivings that have been raised in the minds of the people will not be set at rest, and continual agitation will go on not only about withdrawal from Haji Pir and Tithwal, but the very intentions of the Governments and the *bona fides* of the Government would come to be questioned.

**An Hon. Member:** The Government should categorically deny it.

**Shri Bakar Ali Mirsa (Warrangal):** I rise to support and approve the Tashkent agreement.

There has been a lot of criticism from the Opposition benches about this agreement. Shri Trivedi especially pointed out that after 18 years of disharmony, of hatred campaign and all that, it is not possible overnight to change the atmosphere. We have to keep that in mind while we are judging the agreement, because with that campaign of hatred prevailing in both the countries it was very difficult to come to any agreement at all. Yet, in

[Shri Bakar Ali Mirza]

spite of these conditions, this agreement has come into being.

There has been criticism, but one has suggested what they would have liked instead. Is there any other form of agreement they propose, or do they want the war to continue till there is abject surrender of Pakistan? Let them be quite clear in their minds, because today war is a discarded theory, war does not solve any problems.

In the West you see Gt. Britain with all its political maturity searching for a negotiating table on Rhodesia; in the East in Viet Nam, you see the USA with all its armed might and influence, in the world, also, searching for a negotiating table to come to some kind of negotiation. Here two countries which have been carrying on a campaign of hatred for the last 18 years sit together and after a week of serious effort, have come to some agreement which is honourable to both sides. Here we come and pick holes. It is very easy to pick holes in any agreement. Thirdly they have been quoting from what Mr. Bhutto said here or what Mr. Ayub said there. We have also to recognise, as there is opposition in this country to the handling over of Kargil, Hajipir pass, etc., there is also opposition in Pakistan to the Tashkent agreement, in fact much more than in India because Pakistan has lost a great deal more. In fact the whole of her political philosophy has been absolutely shattered by this agreement. They recognise the principle of co-existence. After all co-existence means non-interference in each other's affairs. Pakistan has recognised the principle of Co-existence. Pakistan also indirectly agreed to a no-war pact which Pandit Nehru has been trying for the last sixteen years of his life?

**Shri Bade:** Why not directly?

**Shri Bakar Ali Mirza:** You must remember the parties that you are dealing with. You have to remember also the basis, the conditions in

the country, in Pakistan. Pakistan has been raised to a pitch and the whole foreign policy of Pakistan was based on the hatred of India. To turn it suddenly into love, affection, brotherhood overnight is not practical politics. Therefore, whatever Bhutto says in Pakistan may be largely for their domestic consumption. We have to make allowance for that. Take even England after the Versailles Treaty. There was a hue and cry for hanging Kaiser, and the Government in public speeches said: we will hang Kaiser. But Kaiser was not hanged.... (Interruptions.) Similarly, you have to make some concessions to the public feeling that is around you. What is it that we have gained by this agreement? First, Kashmir plebiscite has been put in cold storage. Whatever Ayub may say, according to the agreement Kashmir is recognised to be an integral territory of India. They may hold a different view but they are not putting forward plebiscite as they did a few years ago in the United Nations, Security Council and so on. Foreign intervention by these infiltrators has also been eliminated. The use of force has been ruled out for settling disputes. It is not an ordinary matter for after all we have to remember that there was a territorial dispute between Mexico and the United States; after a hundred years it was settled only the other day. So, once you have peaceful negotiations of a dispute, then there is time to think, to revise and so on. Most important of all, it has given a chance for national integration and unity among both the communities of the country. This is very important. I say this because in this country there has been talk about Pakistani spies; there have been communal feelings and communal forces in Kashmir and so on. But when the opportunity came, when there was the conflict between Pakistan and India, what was it that made the whole country united and rise like one man? Suddenly it did not spring from somewhere. It must have been existing

there or it must have been created by some force which had not been recognised. Sir, I personally feel that it is the martyrdom of Mahatma Gandhi that established the unity of India.

18 hrs.

Also, when we are examining the agreement, we have also to take into consideration the author of that agreement. You cannot dissociate this. An agreement signed by me has not the same value as an agreement signed by you. There is a difference. The signatory also is an important part of an agreement. Shastriji during his last days tried his utmost, and in the brief period that he was leading our caravan, we were made to feel in the march the echo of the footsteps of Gandhiji, the long-forgotten one. I personally believe that just as the martyrdom of Gandhiji brought about unity in this country, similarly, the martyrdom and the sacrifice of Shastriji might one day unite the two

parts of the country which, by our sins, we had agreed to partition.

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Bakar Ali Mirza:** Still there is up.

**Mr. Deputy-Speaker:** Now it is 6 O'clock, and the hon. Member's time is also up.

**Shri Bakar Ali Mirza:** I can speak tomorrow, Sir.

**Mr. Deputy-Speaker:** All right, he may continue his speech tomorrow.

18.02 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, February, 17, 1965/Magha 28, 1887 (Saka).*