

{Mr. Speaker.}

State is carried on in accordance with the provisions of this Constitution"

The State does not mean the Government only. The definition of the State includes the Government, but primarily it is the people there. The Government may come and go, but if the people have a sense of insecurity and law and order is not maintained—I am not judging the truth, but the allegations are there and there are difficulties—it is certainly open to the Union Government—it is not merely open, but it is the duty of the Union Government—to watch the situation from time to time and ultimately it takes resort to the provisions of article 356 and advises the President to take over the administration. Thereafter Parliament has a right to discuss whether it is true or not. But is not open to the Prime Minister to watch the situation in advance and say "this is not right"? The adjournment motion of Shri Dange reads as if it is open to the Prime Minister to watch the situation and even advise the Government there, but it is not open to him to say it at all in spite of many representations. He speaks not only for the Government, but for the people also. Under those circumstances, I do not think that an adjournment motion is the proper procedure to discuss this matter. Instead of taking a drastic action straightaway by advising the President to take over the administration, he advises from time to time as to what ought to be done, having regard to the facts that have come up before him.

Article 256 has been referred to by Mr. Dange. It says:

"The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to giving of such directions to a State as

may appear to the Government of India to be necessary for that purpose"

Not only can he give directions to the State, but if the people come and complain, he can give an assurance. As Dr. Menon said, there has been a sense of relief after what the Prime Minister has said.

Therefore, it is too much to go into this matter by an adjournment motion. I am not allowing it. So far as Dr. Menon's adjournment motion is concerned—it is not mere law and order, etc.—I would not like this forum to be used for bringing up these matters from time to time and then have a delicate decision as to whether it is on the margin of law and order or not. The Constitution has advisedly given the responsibility to the Council of Ministers here and the President. Normally these matters need not be brought up here. That is why I am not allowing that adjournment motion even.

So far as the suggestion is concerned, it is a serious matter and both the hon. Prime Minister and the leader of the communist party say we may have a discussion. I am not prepared to commit myself as to how it can be done now, nor is the Speaker expected to give advice in advance; he only criticises after it is placed before him. But if a proper and suitable procedure is adopted and brought before me, I will consider it on its merits. The adjournment motions are disallowed.

#### INCIDENTS ON THE INDO-PAKISTAN BORDER

Mr. Speaker: There are three adjournment motions by Mr. Goray, Mr. Hem Barua, Mr. T. K. Chaudhuri and Shri Vajpayee regarding the firing operations by Pakistan on the eastern border.

Shri Goray (Poona): I have also stated the reasons.

Mr. Speaker: Yes. I shall read them:

"(1) Persistent efforts by Pakistan to violate the frontier between Assam and East Bengal;

(2) holding up goods in transit worth lacs of rupees to Tripura and other places in Assam;

(3) forcibly entering villages in Assam;

(4) massing of crack troops on the above-mentioned border."

Shri Hem Barua's adjournment motion reads:

"The serious situation and the threat to life and property due to heavy and continuous firing resorted to by Pakistan across the Tripura and Assam-East Pakistan border till the 9th of August which has brought normal life to a standstill in the border."

Shri T. K. Chaudhuri's motion reads:

continuous firing by the Pakistan forces along the Bhangar-Karimganj Road on that border resulting in the death of border-force personnel and death and wounding of civilians on the frightened evacuation of the threatened territory by the civilian population."

Shri Vajpayee's motion reads:

"To discuss the grave situation arising out of the Government's failure to take effective counter-measures against the unabated acts of aggression being committed by Pakistan on the Eastern Indo-Pakistan border."

Shri Hem Barua (Gauhati): The area of operation in the eastern frontier has extended in recent times after the Parliament's last session.

During the last session of the Parliament, there was reference to as many as 27 incidents of Pakistani firing across the Assam-Pakistan border and there were serious allegations also about our incapacity to protect the border from these Pakistani attacks. Then there were allegations of how certain parts of our Indian territory were occupied by Pakistani nationals. There were as many as 27 incidents and then there were cease-fire agreements. These agreements were deliberately violated and when I said that this may be a second front on Kashmir, it was accepted with a grain of salt. But later events have proved that the area of operation is confined not only to the Cachar-East Pakistan border, but the Pakistan troops have gone as far as Dawki in the Khasi-Jaintia hills. Dawki is only 50 miles from Shillong, the capital of Assam. There is firing and people are forced to take shelter in woods and forests.

After that recently the Tripura border has been sealed and there is no transit of goods and passengers. Goods and passenger transit is stopped. Because of the sealing of the border, the economy of Tripura is on the verge of a collapse.

At the same time Pakistan has claimed Lakhimpur, a place in Tripura, as belonging to it. It originally belonged to India.

Recently, the Deputy Minister of External Affairs visited Assam and she gave an assurance that Cachar border would be protected. Then the Defence Minister also paid a hurried visit to Shillong, the capital of Assam, and, I believe, he discussed matters with the Army officials. There was an impression that the defence lines of this frontier are going to be protected. But somehow or other the area of operation is widening as time is passing.

Now, for this I want a thorough discussion because in spite of the fact that Mr. Noon has written a letter to

[Shri Hem Barua.]

our Prime Minister from London that a peaceful solution has to be found, these people are violating all agreements and are encroaching on our territory. That is why I want this matter to be discussed.

**Shri Tridib Kumar Chaudhuri:** May I make a submission?

**Raja Mahendra Pratap:** On a point of order, Sir.

**Mr. Speaker:** What is the point of order?

**Raja Mahendra Pratap:** The point of order is that I have a new interpretation on this subject.

**Mr. Speaker:** No, no. There is no point of order.

**Raja Mahendra Pratap:** You must hear what I say.

**Mr. Speaker:** No, I am not going to hear. There is no point of order.

**Shri Tridib Kumar Chaudhuri:** Mr. Speaker, Sir, before the hon. Minister makes his statement, there are two or three things which I want to bring to the notice of the House. Firstly, it has been reported all over the country in the Press that one big village, Takergram, in the Cachar-Karimganj area has been occupied by Pakistan's military forces. Then they were driven out and the latest information is that they are preparing to re-occupy that post. Ordinarily, our borders, both on the Assam-East Pakistan side and also on the West Bengal-East Pakistan side are manned by Police Force units and not by Army or Defence force units. As a result of this, whenever such emergencies arise either our forces have to flee away, retire or withdraw in self-defence or to leave the border unmanned, whatever statement the hon. Minister might make, we want to know specifically the action the Defence Department has taken and what arrangements it has made on

our side of the border to protect our borders, i.e., whether there are any military or army units to protect our border. That is the first question that I want to raise.

Secondly, whether these things are going to be discussed with the Pakistan Government on other than Secretarial level, i.e., on the highest Governmental level and international level, because these things are continuing for more than a year. Whatever may be the policy of our Government in its relations with the Pakistan Government, but so far as the people on our side of the border are concerned, their lives and properties are absolutely insecure. They should, therefore, be afforded proper protection.

**Shri Vajpayee (Balrampur):** May I submit, Sir....

**Raja Mahendra Pratap** rose—

**Mr. Speaker:** I have heard him already.

**Shri Tyagi:** On a point of order, Sir, I submit that for the last 20 or 30 years the convention with regard to the moving of adjournment motions has been of not allowing each hon. Member making a statement which is full of arguments etc. Uptill now the convention was that the object or reasons etc. were submitted along with the motion for adjournment. They were read by the hon. Speaker if he chose to read them and the Government then replied as to whether they would accept it or not. If the Government had any objection, sometimes the hon. Mover was asked to explain as to how he justifies the putting up of that motion. Now what is happening is that every hon. Mover of the Adjournment Motion is making a fullfledged speech putting forward his arguments and asking questions of the Government. I propose that it may be clarified for future guidance.

**Raja Mahendra Pratap:** Sir, just hear me. I have got a new interpretation to make. There is no harm if the House knows it.

My interpretation is that when in a family two men are quarrelling and they are not on speaking terms for some time then they try to excite one another and try to make friends again. I mean to say that in Pakistan, specially in East Pakistan.....

**Mr. Speaker:** Order, order

**Raja Mahendra Pratap:** Please hear my latest information

**Mr. Speaker:** Hon. Member will kindly hear me. He will have a number of opportunities during the course of the year or he can create an opportunity by himself drawing the attention of the House to a particular matter and have a discussion. He need not intervene in any one of those matters whether it is right or wrong.

So far as Shri Tyagi's point of order is concerned, four hon. Members have come out with adjournment motions relating to the same matter, no doubt giving particular details. I have to decide whether it is a matter of recent occurrence or it is a matter of public importance and the policy of the Government. On each one of those things I have to be satisfied. It is not as if there is a hard and fast rule. If hon. Member, Shri Chaudhuri wants only information, I need not allow an adjournment motion. If he is satisfied, even if the subject matter may be such as to permit the Adjournment Motion being allowed, by some information from the Treasury Benches, I need not allow the Adjournment Motion and take away the time of the House which ought to be used for some other purpose. The hon. Member need not be impatient with respect to this matter.

People must know what exactly we are doing, what is passing in the mind of the Government and how we are dealing with the matter here. All

this is the business of the Parliament. People are anxious that something ought to be done so that there is sense of security in that area. We are entitled to frame rules and regulations and use them in the best interests of the community and the security of the State.

**Shri Vajpayee:** It has been reported in the Press that Pakistan has concentrated Pathan troops on the border while on our side the situation is handled by the local officers, who lack initiative. I want to know as to how long we are going to satisfy ourselves by sending mere paper protests, which will produce no effect on Pakistan.

**Shri Dasaratha Deb (Tripura):** Sir, I have to submit one point. I just came from the spot where the incident took place, i.e., in Lakhimpur and Tripura area.

Recently, in the last week of July, so far as the information I gathered is that some of the Pakistan troops—have operated in the Lakhimpur village which originally belonged to Tripura State, i.e., within the Indian Union. They have threatened this village and the villagers vacated that place in the last week of July and the Pakistanies occupied that village. Then the villagers came to the Tripura Administration and sought their help. Some armed constables, a few in number, were sent there to defend local people, and our people reoccupied the village with the help of police and a temporary police camp was posted there.

Then, on the 6th August, some Pakistani military personnel operated in those places and they fired also. In that incident the casualties were one dead, four persons including the Officer Commanding were arrested and put in Pakistan prisons and two seriously injured.

It is not an isolated incident, but on the same night there was a plane attack from the Pakistan side. The incident took place on the same night as in Lakhimpur and in some

[Shri Dasaratha Deb].

other places like Belonia and Khowai. It is also reported, not only reported but people have claimed to have also seen with their own eyes, that in the Tripura border area Pakistan troops have started digging trenches and all these preparations are going on. This has created great tension in the minds of the people of Tripura and there is a sense of insecurity.

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I want to know what steps Government have taken to defend our people there. As a result of the sealing of the border by Pakistan Communication between India and Tripura has been cut off and the prices of essential commodities are shooting up. We are naturally anxious to know what steps Government are contemplating to take to see that prices do not rise beyond the reach of the people and they may be kept at least at their present level. In these circumstances, I want that the matter should be discussed, so that the people of the area may know where they stand.

**Raja Mahendra Pratap:** Ninety per cent of the East Bengal people want reunion with Bengal; they want one Bengal.

**Shri Geray:** I do not propose to make a long speech. What I wanted to point out by moving this adjournment motion was that unless we take adequate measures to meet the situation the morale of the people not only of this area, but of the whole country, is likely to be shaken.

For the last one year or so, we have been hearing in this House that there have been consistent attempts on the part of Pakistan to violate the border. On the floor of the House many times the question has been asked as to whether it was a sort of diversionary move on the part of Pakistan or whether it was only some sort of disobedience on the part of local police or military. We were told that there was nothing to worry about. As was pointed out

by my hon. friend Shri Tridib Kumar Chaudhuri, these incidents are assuming larger and larger dimensions. They have not only violated the border, but have gone and occupied a village and sealed the border to make it impossible for goods to be moved from India to Tripura. If all these things go unnoticed, I feel it will have a very adverse effect on the morale of the people there and throughout the country. It is quite possible that people will think that in spite of the fact that we are very strong we are somehow finding it impossible to react to the situation immediately and effectively. I therefore feel that this question should be taken up in the House and the Government should satisfy not only the Opposition here but their own Members and the country at large that they are in a position to deal with the situation, that they are in a position to tell Pakistan straightway that this sort of violation will not be tolerated and that they are capable of creating conditions in which people of Assam can live with confidence and in peace.

**Shri Jawaharlal Nehru:** Mr. Speaker, Sir, I can very well understand and appreciate the great concern and anxiety on the part of Members of this House, of all parties, and indeed the country, at the news that they read almost every morning in the newspapers about the trouble in the East Pakistan-India border, on the Assam side or Tripura side.

There were two questions put to me. One was: are there any defence units? Defence units are there, not sitting at the border. Usually we do not like our defence forces sitting on the border. Government does not normally disclose where the defence units are kept. But they are available when necessity arises.

The other question was at what level are discussions going to take place. We have found that frequent discussions at lower levels like Commissioners have not yielded any ade-

quate results. It was, therefore, decided that they should be held at Secretaries' level and I think that the 23rd August has been fixed for this meeting. Presumably that meeting will take place. For my part, I have stated that they can take place at any level. I am prepared to discuss these matters myself, if occasion arises.

The hon. Member said something about Pathan troops being concentrated on the other side of the border. I know nothing about it and I do not personally think that there is any major danger of real fighting on a big scale. Naturally we should always be prepared for any contingency. I do not think it makes much difference whether the troops on the other side are Pathan troops or they are called by some other name. The hon. Member asked, what is the good of making paper protests? Well I quite appreciate a certain amount of annoyance at this repeated answer that is given on our behalf that we have sent strong protests at something that is happening. Nevertheless, that is the only way that countries deal with each other. The other way is sending an army. But we try in a more civilised way, but the civilised way is certainly backed by other measures on the border, not measures in the sense of armies invading, but protection of the border. It has always been done. That part of the story of course is not usually publicised in the Press. It is the other side that is publicised. We do not mind it. We do not want to publicise the action we take, but they are adequate enough.

Now I should just like to say briefly what the position at the present moment is. One might say that there are three areas of conflict, broadly speaking, at the Eastern border. One is the Surma sector. This extends to about twelve miles. On the night of the 6th and 7th August firing began from the Pakistan side over a fairly extended border. Ultimately it spread to twelve miles

more or less across the Surma river. Our forces on this side—police forces chiefly—fired back. Now four or five days there has been a continuation of this intermittent firing over this twelve mile stretch of Surma river from both sides. Neither side has come to actual contact with the other, they are on either side of the river. I do not know, and I cannot say, what the casualties on the Pakistan side have been. The casualties on our side have been an old lady who was struck by a stray shot which entered her house across the border and three persons wounded. That is so far as the Surma sector is concerned.

It has been irritating and annoying that this kind of thing should have been happening. I do not know and I cannot answer the question as to whether the local border police or troops or the local authorities are responsible or higher authorities. I cannot say that. But whoever may have started it, the ultimate responsibility obviously rests on the higher authorities. This kind of thing, sitting on either side of the river and firing, sometimes in the air and sometimes at objectives, does seem so amazingly infantile. Obviously this kind of thing does not frighten anybody. Individually a man may be frightened. It does not frighten Government on either side. It does not solve any problem. This is with regard to the Surma sector, where for the last four or five days there has been continuous and intermittent firing on a twelve mile stretch across the river, normally not hitting anybody, but once it hit a lady who died and somewhat slightly wounded three persons. On the other side I do not know whether there were any casualties.

The second area of conflict is a place . . .

**Shri Hem Barua:** May I know one thing, whether Government tried to assess the loss of property on our side in the Surma sector? Is it a fact that some people on our side of

[Shri Hem Barua]

the border have evacuated from an area called Bhangra Bazaar?

**Shri Jawaharlal Nehru:** I cannot give an estimate of the damage caused. Obviously, damage is caused; and the real damage is that people's business is suspended, people go away, shut up shops and all that.

The second area is a little below this twelve-mile Surma sector, in the loop where the Kushiara river joins the Surma river, at a place called Tookagram, also called Haripur, in this loop near the junction of the Surma and the Kushiara. Again, the same day, or the same night, that is on the 6th-7th August night, the Pakistan police suddenly entered this village, which is in a loop and which is accessible rather easily by them—much more difficult by us across the river—although it is undoubtedly our territory. Sometimes they are disputed territories. Most of this trouble is happening over disputed territories. But this particular place is undoubtedly our territory, but across the river and it is a little difficult for us to reach while it is easy for Pakistan to walk in. So the Pakistan police that night came in and occupied it. Later there was firing from our side and the Pakistan police retired from the greater part of the village, but still continued on a certain northern fringe of it—that is our latest information—while firing continues, mostly from our side on them, across the river. Then there is what has happened at Lakhimpur or Lakshmipur or Lakshmipur—you can pronounce it as you like—village on the Tripura border. This also occurred on the same night, that is 6th—7th August. So hon. Members will see that there was some kind of a concerted move on the night of the 6th-7th August. There was a police picket of ours there and, as far as my information goes, at the dead of night they were surprised—small picket, they were surprised—and those fired at by the Pakistan police suddenly,

came over. One was killed and two were injured, as far as we know, and four were captured by the Pakistan police. And this village was occupied—and it is still occupied by them. This village is in that small area which the Demarcation Commission—that is both parties in the Demarcation Commission, our representatives and the Pakistan representatives—have decided should go to Pakistan when demarcation takes place. They are deciding various bits; some should finally go there, some in the occupation of Pakistan should come to us. It had been settled between us before demarcation began that actual transfers of territory as a result of demarcation should take place together, not in bits. Therefore, although it had been decided that this place should go to Pakistan and we had accepted that, it was still in our possession awaiting the final mutual transfer on both sides. But in violation of that agreement that there should be a transfer together, Pakistan attacked this at dead of night and took possession of that little village there—although finally it would have gone to them, because it has been agreed that it should go.

Lastly, there is the question of the closure of the Tripura-East Pakistan border which East Pakistan has done.

**Shri Hem Barua:** On a point of information, Sir.

**Shri Jawaharlal Nehru:** Let me finish.

**Mr. Speaker:** Order, order. What is the hurry and impatience?

**Shri Jawaharlal Nehru:** There is the closure of the border which took place, I think, on the 4th August and which, naturally, is causing a great deal of inconvenience and loss to the people in Tripura, to the business people and to the others in Tripura. Because, that was by agreement, again, with the Pakistan Government; that is the way goods have been sent.

Again, that has been in violation of that agreement. This is the present position in all these places.

Now, it is all very well for hon. Members to say or to suggest that there should be a kind of major use of the army in these matters. (*An Hon. Member*: That is not our suggestion). We are not averse to using the army. But we do not want to use it unless the real occasion for the use of the army arises; we do not want to use it in minor matters. In so far as border protection is concerned, at the present moment, except for one small undisputed area, very small area across the river, which Pakistan has taken over, that Haripur area, Tookagram and Lakshmipur which ultimately, it has been decided, should go to Pakistan, which they have taken over, although they have taken it over improperly, there is no other area which is in their possession. And there is on the rest frequent firing across the Surma river over a stretch of miles which does some damage, presumably on both sides. That is the position. We are quite alive to this fact. But we do not wish—and we are certainly going to protect our border from any kind of incursion—but we do not wish to function in an excited or in an alarmed way and take steps which may lead to bigger-scale hostilities and make a solution of these relatively minor problems more difficult.

Now, day before yesterday, that is on the 9th of August, I received a letter from the Prime Minister of Pakistan. Presumably it was written in London where he was and where, indeed, he is. He was to have come back; he was expected back yesterday, I think. But I found from the newspapers that he is still there and has extended his stay there. Anyhow, this letter came day before yesterday and I sent a reply to it yesterday. The letter accused our Government, or our local authorities, of attacking their border, of firing across their border and of taking possession of some of

their territory, and referred to this closure of the Tripura border by them and suggested that this was a kind of retaliation to what has been done on our side and that they would open the border if this attack on them was removed and did not take place. Well, that version of theirs is not correct so far as I am concerned, and I have told him so in my reply that "you have written this letter from London, and as far as I can make out, the people who have advised you about the facts have not advised your correctly". And I referred him to the facts of the case as they were as contained in our papers. Now, I have written to him, as I said, and I expect a reply from him, maybe in a day or two, perhaps not in a day or two because he is in London, but in two or three days. That is the present position.

Now, as this matter is of such considerable interest to this House, and quite rightly, I propose to keep the House informed from time to time, if necessary every two or three days, and I shall seek your permission to make a statement as to the position. So I hardly think a discussion on the motion for adjournment will be particularly helpful.

*Shri Hem Barua*: What has happened to Lakhimpur? We agreed with Pakistan on the demarcation of our frontier. Because there were certain ambiguities in it, they have in a concealed way, not an organised way, cut out a certain part of our territory, claiming it as their own. They have done so in the case of Lakhimpur before a final settlement was arrived at by mutual discussion. What have we done? We have lost Lakhimpur in spite of the discussion that was going on.

*Shri Jawaharlal Nehru*: I thought I have explained that, Sir. This particular area in Lakhimpur that they are keeping now has been agreed jointly previously by us and by the delimitation authorities to be given to Pakistan. But it was further agreed that



[Shri Jawaharlal Nehru]

these transfers should not take place till the mutual transfer from both sides would start.

**Shri Hem Barua:** That is what I am saying.

**Shri Jawaharlal Nehru:** I know. We have told them that it is wrong to take unilateral action and occupy it till that mutual transfer takes place on both sides.

**Shri Hem Barua:** Have we drawn the attention of the Pakistan Prime Minister, who is in London now, to this point particularly?

**Mr. Speaker:** It is no doubt a serious matter to be looked into. There were skirmishes on the eastern border for a long time. But they seem to have assumed a high and serious proportion. But the hon Prime Minister has explained to us in a detailed manner the steps that have been taken by them. It is not as if they are looking it from a distance. If necessary, they will rush to the scene and see that the whole thing is settled. The matter seems to relate to a border dispute and not to any aggression from one side to the other. The Prime Minister has stated that the dispute would be settled at a high level and, if necessary, he would himself take part in that. Before that he wants the Secretaries from both sides to consider this matter. He has also promised that he will keep the House informed from time to time of the developments in the matter. So, if there is any further serious development, all those matters will be brought to our notice and we will certainly have an opportunity to discuss the matter, if necessary. At this stage there is no need for any discussion. All that can be said has been said, suggestions have been received and all that is possible is being done and the House will be kept informed. Under these circumstances, I do not think I am called upon to give my consent to any of these adjournment motions.

**Shrimati Benu Chakravartty:** I have received a communication from you that you have disallowed the motion on the strike at Tatas. But I had also given an adjournment motion regarding the calling in of troops, which is a separate motion. That is a point that should be discussed. It has been already stated that the Prime Minister thinks that it is not necessary to use our troops against Pakistan. But is it necessary to use it to suppress strikes?

**Mr. Speaker:** What happens is this. Just before I enter into the House, two or three minutes before that, hon. Members bring all these adjournment motions to me. I do not know if even God himself can dispose of these adjournment motions successfully within such a short time. Now, *prima facie*, I say that these adjournment motions need not be allowed. But if any hon. Member has any submission to make, I will certainly consider them.

**Shrimati Benu Chakravartty:** May I point out .

**Mr. Speaker:** Not now. I will go to my chamber, where I will be available. If necessary, I will bring it up tomorrow. But let it not encourage all members whose adjournment motions have been dismissed or rejected to come to me and seek some remedy. That can be done only in exceptional cases.

13.24 hrs.

#### DEATH OF SHRI RAIZADA HANS RAJ

**Mr. Speaker:** I have to inform the House of the sad demise of Raizada Hans Raj, who passed away at Dalhousie on the 18th May, 1958; at the age of 85.

Raizada Hans Raj was a well-known and respected member of the former Central Assembly in the years 1923, 1929, 1935 and 1945.