

REPORT OF RAILWAY CONVENTION COMMITTEE

Shri Jaganatha Rao (Koraput): I beg to present the Report of the Railway Convention Committee, 1960.

12.16 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

AGREEMENT ON INDO-PAKISTAN RAIL-LINK

Shri N. R. Muniswamy (Vellore): Under Rule 197, I beg to call the attention of the Minister of Railways to the following matter of urgent public importance and I request that he may make a statement thereon:—

“The agreement on Indo-Pakistan rail-link recently signed at Rawalpindi.”

The Minister of Railways (Shri Jagjivan Ram): Sir, it was stated on 19th April, 1960 that discussions were held between Indian and Pakistani delegations in April 1960, concerning the grant of transit facilities for the movement of civilian traffic from one country to the other through the other country but were adjourned to enable each side to collect further information for consideration at a subsequent meeting. The two delegations from India and Pakistan held further discussions on the subject in Rawalpindi on 16th to 18th November, 1960, and their agreed conclusions are under consideration by the Government of India. The details will be made known when the agreements are concluded.

Shri Braj Raj Singh (Ferozabad): Since my name is also there in the list, may I put one question? May I know whether the Government are prepared to confirm or deny the press reports which have appeared about the signing of the agreement in Rawalpindi or at least about the agreement which has been reached there? The hon. Minister has stated that the terms are under study.

Shri Jagjivan Ram: No detailed communique has been issued by the two delegations. The two delegations issued a brief communique that agreements have been reached and they are subject to the approval of the two Governments. Until the two Governments have examined and agreed to this arrangement, it is premature to divulge them.

Shri Vajpayee (Balrampur): May I know how any agreement can be reached without the details being discussed? It has been stated by the Minister that an agreement has been signed and he says that the details are to be discussed later on. Are we to understand that Government have formulated their policy without discussing the details?

Shri Jagjivan Ram: I am afraid the hon. Member has not followed what I have said. The two delegations have discussed the details and we are examining the arrangement that they have arrived at. They have arrived at that arrangement after every detail has been discussed.

Shri Tyagi (Dehra Dun): May I know...

Mr. Speaker: I am not going to allow a discussion on this.

Shri Mahanty (Dhenkanal): Since my name is also there, I may be permitted to put a question.

Shri Tyagi: Will this agreement be of the nature of a treaty having a permanent character? Will it have permanent effect or is it going to be signed for a fixed period, after which both the parties will have the right either to continue or not to continue it?

Shri Jagjivan Ram: Certainly, the arrangement will be for a period. It cannot be permanent for all time to come.

Shri Tyagi: Shall I take it that it will not have the force of a treaty?

Shri Jagjivan Ram: Yes, that is so.

Shri Mahanty: What I venture to submit to the House is that newspaper reports emanating from New Delhi have stated that an agreement has been reached by the Indian Delegation with the Pakistan Delegation, and this delegation was sponsored by no other authority than the Government of India. Now once it has been signed, we know something has been decided upon.

Mr. Speaker: Order, order. What is the question? He is not saying anything different. The hon. Minister says that the delegations have arrived at a particular arrangement and they are being discussed by the Ministry here. What is the contradiction?

Shri Mahanty: The question which I beg to submit, and it is for you to consider, is whether this Parliament has no right to know even the rudiments of those agreements which are being discussed.

Mr. Speaker: So far as these matters or conventions are concerned, we are working according to the practice of the House of Commons in Great Britain. The same matter was raised some time back when the hon. Prime Minister referred to a treaty. Under our Constitution and according to our conventions the Government are entitled to enter into a treaty. But if it involves any expenditure, certainly they have to come before this House. In particular matters it is for the Government to bring the treaty before the House after they have signed it or, if they so desire, before signing it. It is absolutely left to them. Before entering into a treaty, it is not the practice in the House of Commons, nor here, to place that matter before the House. At the stage of consideration, whether they enter into a treaty or not, whether the details are approved or not, that is not placed before the House. That is the practice that we have been following. It may be different in other countries. Now, we will follow that convention which has been followed all along.

Shri Vajpayee: It is not a treaty. It is an agreement between this Government and that Government. Why should they be so shy and so secretive about it?

Mr. Speaker: I am sure that when the agreement is signed a copy of the agreement will be placed on the Table of the House.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): May I point out, first of all, that to dignify this rather minor arrangement as a treaty is rather, I think, exaggerating its importance. It might have important implications but the arrangement is a minor one. A treaty is a big thing between two countries, and we enter into that about trade and others every day with some country or other. Obviously, all this will have to be placed before the House and before the general public. The only point has been that while the so-called negotiators have come to an agreement, not only about the main principle but even about details, Government have to examine them, and as soon as they have finished their examination they will place them before the House.

Shri Vajpayee: May I submit that it is the Government which appointed the negotiators?

Shri Jawaharlal Nehru: Of course.

Shri Vajpayee: And the negotiators have agreed to certain details and they are again being examined by the Government. We cannot understand the situation.

Shri Jawaharlal Nehru: That is perfectly correct and that always happens. The negotiators, of course, worked along the general brief or direction of the Government. Nevertheless, when the full picture is brought down Government must look into the picture—details, first principles and everything—as a whole, and, if you like, it is a second and more detailed view, taking the full picture into consideration, which is necessary.

It may be that some mistakes might have been committed. Although the negotiators are appointed by the Government and although they report to Government, still it is necessary to see that no error has crept in or no wrong principle has been conceded. This is the normal practice.

Shri Braj Raj Singh: May we have an assurance from Government that it will not be like the corridor which was demanded by the old Muslim League when Shri Jinnah was alive?

Shri Jawaharlal Nehru: I am surprised at the hon. Member's mentioning the corridor. It shows that his apprehensions relate to something which is entirely unrelated to what is being done. It is a very normal thing between two or three countries to be done. It is giving no right to anybody. It is to facilitate our traffic arrangements and their traffic arrangements. In a normal arrangement it is presumed that both parties profit by it. Otherwise why should this be done? We profit by it and they profit by it in the sense of the convenience of people. It is a matter which, whenever either party wants to revise it, it can revise.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Mr. Speaker, Sir, I want to seek a clarification. I would like to have some information. Hitherto our practice has been to admit no questions on a calling attention notice. There has been a ruling to that effect from the Chair. Your predecessor at one time had given a definite ruling. Therefore I want to know if there has been a change.

Shri Jawaharlal Nehru: May I also beg to be enlightened about the present position because we have to deal with these matters and they lead often to a long debate in the House?

Mr. Speaker: What happens is that now-a-days a number of short notice questions and calling attention notices are given. Normally, I do not allow short notice questions at all unless the hon. Ministers agree. So far as calling

attention notices are concerned, according to the importance of the matter, if it agitates the minds of the people, I bring it up. It has always been the practice to allow one or two questions if the Speaker so thinks. I consider that this is an important question and therefore I have allowed some questions. Some hon. Members have got a doubt whether, in view of the tension between Pakistan and ourselves with respect to other matters, this will create some kind of a right or, though it may not be a right, that it may be abused and so on. Therefore I cannot prevent a proper discussion of these matters. Whenever I feel it is in public interest these interests have to be safeguarded. It is not as if there is a rule that I ought not to allow nor is it as if hon. Members can claim it as a right that they should be allowed to ask questions.

12.23 hrs.

STATEMENT RE: INCIDENTS IN
CONGO

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, three or four days ago the attention of the House was attracted to certain events that happened in Leopoldville in the Congo because of which some Indian officers were beaten and suffered injury. I promised then to place before the House such other facts or information as I could collect. I am not naturally at this stage dealing with the entire very complicated question of the Congo but rather with these incidents.

Certain authorities in the Congo—it is rather difficult always to refer to these authorities as to which are formal or informal, or legal or ultra-legal—decided to take steps to have one of the Ghana diplomats to leave the Congo. This gentleman, that is, the Ghana diplomat, did not agree with this order that he had received, or it may be that he was in communication with his Government. Anyhow, he did not carry out that order