

13335 Resolution re: VAISAKHA 2, 1882 (SAKA) Resolution re: 13336
Establishment *Withdrawal*
of various *of Kashmir*
Defence *Case from*
Councils *U.N.O.*

taken place in the last ten years; changes have taken place during the last two years, during the last three years or one year or whatever it may be, according to the necessities.

The main point is the responsibility of Government to Parliament. So long as Government is responsible to Parliament, these functional organisations cannot be criticised, suggestions can be made about them in the light of experience which might come to the knowledge of Members or any lapses or any prospects of better functioning that Members may see by their own knowledge or their own experience.

I yield to none in my regard for Shri U. C. Patnaik for the persistence with which he has put forward this idea and also for the occasion that he has given to Parliament to discuss these matters which are somewhat different from the other matters we are nowadays discussing in connection with Defence.

So, I am glad to have this opportunity of talking about this. I want to assure the House that the Defence Organisation and its functional bodies are satisfactory in character. They provide for team spirit. They do not take away from the responsibility of the Service Chief and Chief officers.

The idea that the access to the Defence Minister should be not only of the Chiefs of Staff but that of the PSO's can only be a matter of normal adjustment depending on how things work out, because, after all, the Chiefs are Chiefs of the Services, and in the kind of hier-archial structure, discipline has to be maintained. But I have found no difficulty in their access to me or my access to them. In a democratic Government, especially in a parliamentary system of government, it is largely a matter of how things work out. And the working out, in my experience and in the experience of my predecessors, has

been satisfactory. It enables development; it is flexible in its way, and as I said, in essence, it is what obtains in U.K. also.

Government wish to oppose this resolution.

15 hrs.

Mr. Deputy-Speaker: There was an amendment to this Resolution moved by Shri Shree Narayan Das. He is also absent. So, I shall have to put the amendment first and then the Resolution. (*Interruptions*).

Because the amendment has been moved I have to put it to the House. That cannot be withdrawn when the Member is absent.

I will put the amendment. The question is:

For the original Resolution, substitute—

“This House is of opinion that a Committee be appointed to consider the necessity, desirability and feasibility of establishing Army, Navy, Air Force and Production Councils together with an overall Defence Council to co-ordinate their activities.”

The motion was negatived.

Mr. Deputy-Speaker: Now the question is:

“This House is of opinion that Army, Navy, Air Force and Production Councils be established together with an overall Defence Council to co-ordinate and control their activities.”

The motion was negatived.

RESOLUTION RE: WITHDRAWAL OF KASHMIR CASE FROM U.N.O.

Mr. Deputy-Speaker: Now, we take up the next Resolution. Shri Tariq.

Shri A. M. Tariq (Jammu and Kashmir): Mr. Deputy-Speaker, I beg to move:

“This House is of opinion that on account of the failure of the

[Shri A. M. Tariq]

United Nations Organisation to call upon Pakistan to vacate aggression in Kashmir, the Government should withdraw its complaint from the United Nations Organisation as a measure of protest."

श्री अ० मु० तारिक : जनाब डिप्टी स्पीकर, यह जो रेजोल्यूशन मैं ने अभी इस ऐवान में पढ़ा है मैं उस की अहमियत से बखूबी वाकिफ हूँ और इस रेजोल्यूशन की अहमियत इस से भी बढ़ती है कि यह खुद एक काश्मीर के रहने वाले काश्मीरी ने पेश किया है

एक माननीय सदस्य : आप अंग्रेजी में बोलिये ।

श्री अ० मु० तारिक : मैं चाहूंगा कि बराय मेहरबानी हाउस में खामोशी रहे ताकि मैं आप के सामने अपनी बात ठीक से रख सकूँ ।

जहां तक अकवाम मुत्तहिदा का ताल्लुक है मैं उन लोगों में से हूँ जिस ने कि हमेशा इस जमात की हिमायत की है और यह कि मुस्तकबिल में भी आयन्दा आने वाले जमाने में भी अकवाम मुत्तहिदा की मैं बहैसियत एक हिन्दु तानी के हमेशा हिमायत करता रहूंगा । मैं यह समझता हूँ कि अकवाम मुत्तहिदा एक ऐसी जमात है जिस के कि जिम्मे यह फर्ज है कि वह दुनिया के मुल्कों के पेचीदा मसायल को हल करने में मदद दे लेकिन मिस्टर डिप्टी स्पीकर, मुझे इन्तिहाई अफसोस के साथ यह कहना पड़ता है कि जहां तक अकवाम मुत्तहिदा के इस काम का ताल्लुक है इस में कोई शक नहीं है कि कई बातों में अकवाम मुत्तहिदा ने इन चीजों को सुलझाने में काफी काम किया । सिर्फ काम को सुलझाना ही जरूरी नहीं है जरूरत इस बात की है कि हिन्दुस्तान ही नहीं बल्कि दुनिया के लोगों को अकवाम मुत्तहिदा में और अकवाम मुत्तहिदा में जो बड़ी बड़ी ताकतों के नुमायंदे

हैं उन पर हम को ऐतमाद होना चाहिये । सब से बड़ा काम जो अकवाम मुत्तहिदा का है वह यह है कि लोगों के दिलों में अकवाम मुत्तहिदा के लिये ऐतमाद कायम किया जाय और पैदा किया जाय ।

जहां तक इस रेजोल्यूशन का ताल्लुक है जनाबवाला आप और दुनिया के लोग इस से वाकिफ हैं कि आजादी से पहले काश्मीर हिन्दुस्तान का हिस्सा था । सिर्फ आजादी से पहले ही नहीं तवारीख गवाह है कि सदियों से हिन्दुस्तान और काश्मीर एक ही नकशे पर रहे हैं । एक ही जमीन के टुकड़े रहे हैं और काश्मीर और हिन्दुस्तान कभी अलग नहीं हो सकते ।

जनाबवाला काश्मीर में एक तहरीक चली थी नेशनलिज्म की और वह तहरीक वहां के लोगों में यह चीज पैदा करने के वास्ते चली थी कि काश्मीर काश्मीरियों का है बिल्कुल उसी तरीके से जिस तरीके से कि गुजरात गुजरातियों का है लेकिन इसके बावजूद चढ़े वह गुजराती हो या काश्मीरी बुनियादी तौर पर हम सब हिन्दुस्तानी हैं । हमने नेशनलिज्म का नारा लगाया । हमने नेशनल कांग्रेस के झंडे के नीचे आजादी की एक जंग लड़ी । यह एक हकीकत है कि काश्मीर की आबादी की अक्सरियत मुसलमानों की है और काश्मीर की उस वक्त जो हुकूमत थी वह एक गैर मुस्लिम के हाथ में थी लेकिन तवारीख इस बात की गवाह है कि हिन्दुस्तान की सब से बड़ी जमात कांग्रेस ने और आल इंडिया स्टेट्स पीपुल्स कांग्रेस ने जिसके कि नेता आज यहां मौजूद हैं, हमेशा काश्मीर के लोगों का साथ दिया यह देखे बगैर कि काश्मीर की अक्सरियत किन की है और काश्मीर का राजा कौन है । काश्मीर का मसला मजहबों का मसला नहीं है । यह मसला है सियासी इक्तसादी और इसी तरीके से हमको इसे तय करना होगा । आजादी से पहले मुस्लिम लीग के नेता मिस्टर जिन्ना काश्मीर

आये। उन्होंने बहुत कोशिश की इस बात की कि काश्मीर के मुसलमानों को इस जाल में लाया जाय, फिरका परस्ती के जाल में लाया जाय और हालांकि काश्मीर एक सरहद्दी जगह थी तवारीख इस बात की गवाह है कि जहां मिस्टर जिन्ना को फौज, पुलिस और मजिस्ट्रेट की हिमायत में निकलना पड़ा और वह इसलिए कि काश्मीर के लोग मजहब के नाम पर कितने बीज का मसला करना नहीं चाहते थे। उसके बाद जनाबवाला तवारीख इस बात की भी गवाह है कि काश्मीर के लोगों ने एक तहरीक चलाई "काश्मीर छोड़ दो" और वह तहरीक शक्सी राज के खिलाफ थी और एक राजा के खिलाफ थी और उस तहरीक में हिन्दुस्तान की जमातों ने हमारा साथ दिया। खुद हिन्दुस्तान के सबसे बड़े आदमी, महात्मा गांधी, वहां गए, कश्मीरियों का साथ देने के लिए। यह वह वक्त था जब एक तरफ तो हिन्दुस्तान की किस्मत का फैसला किया जा रहा था और दूसरी तरफ हिन्दुस्तान के जो उस वक्त वाइसराय थे, लार्ड माउंट बैटन, उनके इशारे से काश्मीर में पंडित जवाहरलाल नेहरू को गिरफ्तार किया जाता है, सिर्फ इसलिए कि उस वक्त कांग्रेस के प्रेसिडेंट पंडित जवाहर लाल नेहरू वहां के लोगों को हिमायत करने जाते हैं। यह वह तहरीक थी जिसकी तमाम लोगों ने, सिखों ने, हिन्दुओं ने, मुसलमानों ने, हिमायत की, लेकिन दूसरी तरफ मुस्लिम लोग और मिस्टर जिन्ना थे। मिस्टर जिन्ना के ये अल्फाज आज भी कश्मीरियों के सीनों में व दिलो-दिमाग में दर्द पैदा करते हैं कि यह तहरीक गुंडों की तहरीक है। मैं यह कहना चाहता हूँ कि हिन्दुस्तान का और काश्मीर का एक ताल्लुक रहा है, सियासी भी और समाज भी। इसके बाद जब हिन्दुस्तान तकसोम होता है, तो बावजूद इसके कि हमने प्रॉटेस्ट किया कि रियासत काश्मीर का फैसला रियासत के लोग करेंगे, चन्द राजे महाराजे नहीं करेंगे, मुझे इत्तहाई अफसोस है कि चन्द लोगों ने जो इस वक्त हम में हैं, हमारी बात

नहीं मानीं क्योंकि वह उस वक्त हमारे मुखालिफ थे। उस वक्त की सरकार ने भी यह बात नहीं मानी। लेकिन फैसला हुआ और हिन्दुस्तान और पाकिस्तान बन गया हिन्दुस्तान के लोगों के मशवरे के खिलाफ।

उसके बाद जब कि काश्मीर के नेता जेजों में हो थे काश्मीर पर हमला होता है, पाकिस्तान की तरफ से, कबायली हमला करते हैं। और जब लोगों का कत्लेआम होता है तो इस बात का कोई लिहाज नहीं किया जाता कि मकतल हिन्दू या मुसलमान है। काश्मीर के अमन को तहेतेग किया जाता है जनाबवाला मेरे पास सबूत हैं इन चीजों के, इन्वेजन आफ काश्मीर, और दी बर्निंग आफ बारामूला। इन चीजों की इतला दुनिया के लोगों को है कि वहां उस वक्त सिर्फ मंदिरों को ही नहीं ढाया गया, बल्कि गिरजों को भी मिसमार किया गया और गिरजों में पादरियों और ननों पर गोलियां चलायीं गयीं। मुसलमान औरतों के कान काटे गए क्योंकि उनमें जेवरात थे। यह तारीखी हकीकत है। हमें शिकायत इसलिए है कि हम पर बगैर किसी शराहत के, बगैर किसी इशियाल के और बगैर किसी वजह के यह हमला किया गया, और हमले का मुकाबला हमारी फौज ने जिस बहादुरी से किया वह एक हकीकत है। अगर उस वक्त हिन्दुस्तान के सब से बड़े आदमी, महात्मा गांधी और हमारे वजीर आजम मिस्टर जवाहरलाल नेहरू हिन्दुस्तानी फौज के हाथ न रोकते तो यकीनन आज हमारी हद कोहिला नहीं बल्कि राबलपिंडी होती। लेकिन सिर्फ इसलिए कि हम दुनिया में अमन चाहते हैं, हम दुनिया में अमन कायम करना चाहते हैं, हम दुनिया की कोई जमीन तलवार के बलबूते पर नहीं लेना चाहते, हमने अकवाम मुत्तहिदा की इस बात को माना और सीज-फायर लाइन पर इकरार किया। इसके बावजूद हमने एक शिकायत पेश की अकवाम मुत्तहिदा में। वह शिकायत बिल्कुल मुस्तसिर थी, बिल्कुल सादे अल्फाज में थी और वह

[श्री अ० मु० तारिक]

थी कि हुज़ूर, अकवाम मुत्तहिदा के नुमायन्दो, हम कश्मीरियों पर जो हिन्दुस्तान के बाशिन्दे हैं एक हमसाया मुल्क की तरफ से जो हमला हुआ है, उस हमलाआवर को वहाँ से निकालिए और कश्मीर के उस हिस्से को जो कि गैर मुल्की कब्जे में है कश्मीर की हुकूमत के हवाले कीजिए। हमारी इस शिकायतको उस वक्त मरहूम श्री गोपालास्वामी आर्यंगर ने पेश किया था। जिस वक्त ५ फरवरी को उन्होंने यह शिकायत पेश की उस वक्त उन्होंने सिर्फ यह गुजारिश की कि मुझे उस मसले पर जो बरतानवी नुमायंदे नोयल बेकर ने पेश किया है बोलने की इजाजत दी जाए। जनाब वाला, शुरू से ही अकवाम मुत्तहिदा में बरतानवी नुमायन्दे और अमरीकी नुमायन्दे ने कश्मीर के मसले की मुखालिफत की। अकवाम मुत्तहिदा में इन दोनों ताकतों का दोनों ताकतों का मकसद सिर्फ हिन्दुस्तान की आजादी से इन्तिकाम लेना था। बहरहाल में आगे चलकर इन तमाम मुआमलात को आपके सामने रखूंगा। लेकिन मैं बुनियादी तौर पर उस नीयत का, जो अकवाम मुत्तहिदा की बड़ी बड़ी ताकतों ने हिन्दुस्तान के मसले की तरफ रखी है, परदा फास करना चाहता हूँ।

उपाध्यक्ष महोदय : एक मिनट के लिए मेम्बर साहब मुझे माफ करेंगे। मुझे यह सुनकर खतरा पैदा हो रहा है कि वह आगे चल कर कुछ चीजें और पेश करेंगे। तो मैं उनकी तबज्जह दिलाना चाहता हूँ कि इस में वक्त सिर्फ डेढ़ घंटा ही है। इसमें से मैं मेम्बर साहब को ज्यादा से ज्यादा २० मिनट दे सकूंगा।

श्री अन्सार हरवानी (फतेहपुर) : इसका वक्त अगर दो घंटा कर दिया जाए तो बहुत मुनासिब होगा।

उपाध्यक्ष महोदय : दो घंटे भी हो जाएं तो आप देखें कि मेरे पास १२ नाम तो आ

चुके हैं, और इनके अलावा १२ और खड़े होंगे। अगर आप चाहते हैं कि इस रिजोल्यूशन पर आज ही बहस खत्म हो जाए, तब तो यह पांच बजे से आगे नहीं जा सकता। दो घंटे भी पांच बजे तक खत्म हो जायेंगे। लेकिन अगर आप इसका अगले सेशन में ले जाना चाहते हैं तो आपकी मर्जी।

श्री अ० मु० तारिक : मैं यह नहीं चाहता। मैं अब तक कितना वक्त ले चुका हूँ ?

उपाध्यक्ष महोदय : आप करीब आठ मिनट ले चुके हैं।

श्री अ० मु० तारिक : मैं १५ मिनट में खत्म कर दूंगा।

उपाध्यक्ष महोदय : १५ नहीं दस मिनट में खत्म कीजिए। अच्छा बोलिए, १५ मिनट ही ले लीजिये।

श्री अ० मु० तारिक : मैं भूल गया कि मैं कहां बोल रहा था। उस वक्त श्री गोपालास्वामी आर्यंगर ने जब इजाजत चाही थी तो इस बात का तमस्वर उड़ाया गया, जिससे साफ जाहिर है कि उस वक्त अकवाम मुत्तहिदा की बड़ी बड़ी ताकतें सिर्फ पावर पालिटिक्स की वजह से कश्मीर के मसले की मुखालिफत करती थीं। वह कश्मीर के हमले की बुनियादी की तरफ नहीं जाना चाहते थे। बल्कि उनके सामने यह तस्वीर थी कि हमला किसने किया है और किस पर किया है। उस वक्त जब मैं अकवाम मुत्तहिदा में एक मुद्दे की हैसियत से गया था इन्साफ के लिए, तो मुझे उम्मीद थी कि अकवाम मुत्तहिदा में मेरे साथ इन्साफ होगा, लेकिन मेरे साथ इन्साफ नहीं हुआ। जनाब वाला, आज से बहुत वर्ष पहले मैंने एक मिसाल सुनी थी कि चचा चोर भतीजे काजी। लेकिन अकवाम मुत्तहिदा में जाकर मुझ को मालूम हुआ कि भतीजे काजी और चचा चोर। जनाब वाला इस वक्त मेरे

सामने अकवाम मुत्तहिदा की जो शकल है वह यह है जिसको त्यागी साहब बखूबी समझेंगे ।

वही कातिल, वही शाहिद वही मुन्सिफ ठहरे, अकरबा मेरे करें कल का दावा किस पर । आज जो मेरे सामने अकवाम मुत्तहिदा की शकल है उसमें मुझको यह नहीं दिखता कि मेरे ऊपर हमला पाकिस्तान ने किया या अमरीका के हथियार ने । इस साजिश के पीछे सिर्फ पाकिस्तान ही नहीं है बल्कि इसके पीछे इंगलैंड और अमरीका का दिमाग भी है ।

जनाब वाला, जब हमारी शिकायत अकवाम मुत्तहिदा में जाती है तो उसकी पहली बैठक में पाकिस्तान के नुमायन्दे सर जफरुल्लाँ इससे भी इन्कार करते हैं कि हमने हमला किया । उन्होंने कसमें खायीं कि हमारा इस हसले से कोई ताल्लुक नहीं है । जनाब वाला, कसमों के बारे में आज से बहुत साल पहले शेक्सपियर कह गया है :

They swear, priests and cowards.

लेकिन मुझे मालूम नहीं था कि जिन्ना साहब प्रीस्ट भी हैं और कावर्ड भी । इसके बावजूद भी जब पहली बार यूनाइटेड नेशन्स का कमीशन हिन्दुस्तान में आया तो इस बात का ऐतराफ किया जाता है कि हम हमले में शामिल हैं, हमारी फौजें कश्मीर में हैं । उसी वक्त मिस्टर जिन्ना ने हमारे वजीर आजम को एक खत लिखा था और उसमें गुजारिश की है कि वह लाहौर आ जाएं तो हम इस हमले को रोकें । हमले से शुरू में उन्होंने इन्कार किया था ।

उपाध्यक्ष महोदय : मैं आपको यह राय दूंगा कि हमारे उनसे चाहे जो भी इख्तिलाफ हों, मगर एक ऐसे आदमी के खिलाफ जो कि मर चुका है ऐसे अल्फाज इस्तेमाल नहीं करने चाहिए । यह मुनासिब नहीं मालूम होता । इस वक्त जो इसके मैरिट हैं उन पर आप बोलें लेकिन किसी मुल्क के नुमायन्दे के लिए ऐसे अल्फाज का इस्तेमाल न करें ।

Shri Mahanty (Dhenkanal): We cannot follow a single word of what the hon. Member says. Let him speak in English, Sir, or in Hindi.

Mr. Deputy-Speaker: I cannot compel him to speak in English; that is for him to choose.

श्री अ० नु० तारिक : मैं इस बात का ऐतराफ करता हूँ कि किसी मुर्दे की बुराई नहीं करनी चाहिए, लेकिन तारीख तो तारीख है, उसको शराफत से नहीं धोया जा सकता । बावजूद इसके मुझे आपकी बात का ऐतराफ है ।

लेकिन पिछले चन्द सालों में जो हमने अकवाम मुत्तहिदा का हाल देखा है उसको देखने के बाद हमको यकीन नहीं कि हमको इन्साफ मिलेगा । हमको ऐतमाद दिलाया गया अकवाम मुत्तहिदा की तरफ से कि कश्मीर की मौजूदा सरहदों पर कोई गड़बड़ नहीं होगी लेकिन मैं आपके जरिए और इस एवान के मेम्बरान के जरिए हिन्दुस्तान के लोगों की तवज्जह इस तरफ दिलाना चाहता हूँ कि जो मंगला डैम बनाया जा रहा है वह हिन्दुस्तान की आजादी पर एक हमला है । मंगला डैम के बारे में हम लोगों ने, हिन्दुस्तान के लोगों ने, और पाकिस्तान में जो कश्मीरी हैं उन्होंने अहतजाज किया, उस अहतजाज का जवाब पाकिस्तान ने उन लोगों के सीनों को गोलियों से छलनी करके दिया । लेकिन अकवाम मुत्तहिदा ने क्या किया ? आज हमारी सरहदों पर, हिन्दुस्तान और पाकिस्तान दोनों तरफ अकवाम मुत्तहिदा के आबजरवर हैं । लेकिन पिछले दो साल में सन् १९५८ और १९५९ में तकरीबन डेढ़ सौ मर्तबा हमारी सरहदों पर हमले हुए । अकवाम-मुत्तहिदा ने सिवाये इस के कि हमारे प्रोटेक्ट कागज़ी शकल में ले कर उन को अकवाम-मुत्तहिदा तक पहुंचाया और कुछ किया नहीं । हमारी रियासत में ५२ केस हुए बम फेंकने के, जिन में पाकिस्तान के उस वक्त के वजीर आजम भी शामिल थे । उन के मुताल्लिक भी

[श्री अ मु ताकि]

अकवामे-मुतहिदा ने कुछ नहीं किया। हम जानते हैं कि इन तमाम चीजों में अकवामे-मुतहिदा का हाथ है, अकवामे-मुतहिदा में उन ताकतों का हाथ है, जो अकवामे-मुखहिदा को बदनाम करने के बायस हैं और आज जिम्मेदार हैं इस बात की कि हम हिन्दुस्तान के लोगों का, मुझ काश्मीरी का अकवामे-मुतहिदा पर कोई इतमाद नहीं रहा है। जनाबे वाला, यही नहीं, अकवामे-मुतहिदा के मेम्बर मुल्कों की आंखों के सामने, उन की इमदाद से और उन के रैसे से चितराल और गिलगित में जो हो रहा है, उस की तरफ भी आप तवज्जह दें। गिलगित में जो हवाई ऋड्डे बनाए जा रहे हैं, वहां जो बड़े बड़ी सड़कें बनाई जा रही हैं, ये कौन बना रहे है? अकवामे-मुतहिदा के मेम्बर बना रहे हैं। चितराल में जो सड़कें बन रही हैं, वहां जो हवाई ऋड्डे बन रहे हैं, ये कौन बना रहा है? अकवामे-मुतहिदा के मेम्बर बना रहे हैं। मांगला डैम के लिए लाखों पाउंड सिने ने मंजूरा किए हैं? अकवामे-मुतहिदा के एक जॉन्-इज्जत मेम्बर हकूमते बरतानिया ने। इस के बावजूद हम को यह यकीन दिलाया जाता है कि अकवामे-मुतहिदा हमारा फ्रेंसला करेगा और हमारे साथ ईसाफ करेगा। महुकूमते हिन्दुस्तान से और हुकूमते हिन्दुस्तान के नुमायंदे, श्री कृष्ण मेनन से, जिन्होंने अकवामे-मुतहिदा में इस केस की वकालत की है, और जो यहां तशरीफ-फर्मा हैं साफ लफ्जों में यह पूछना चाहता हूं कि इस बारे में हुकूमते हिन्दुस्तान की पालिसी क्या है। मांगला डैम बनेगा, तो क्या हमारी इजाजत से बनेगा, या इस तरह कि जिस तरह हम बहुत सी चीजों पर आंखें बन्द रखते हैं, फिर प्रॉटेस्ट करते हैं, वात्रेला करते हैं। चितराल और गिलगित के बारे में मैं हुकूमत की सही पालिसी जानना चाहता हूं। इस के अलावा मैं हुकूमत से पूरी जमानत इस बात की चाहता हूं कि काश्मीर का कोई हिस्सा तक्सीम नहीं होगा, काश्मीर हिन्दुस्तान का है, काश्मीर हिन्दुस्तान में रहेगा। मैं आप की

तवज्जह मि० किंगजले मार्टिन के चन्द अल्फ्रज की तरफ दिलाना चाहता हूं, जो कि उन्होंने न्यू स्टेट्स में १६ अप्रैल को लिखे हैं। उन की मुलाकात फ्रॉल्ड मार्शल अय्यूबखां से हुई रावलपिंडी में। उस मुलाकात के बाद उन्होंने उस से जो इम्प्रेशन लिया है, वह उन्होंने इस तरह जाहिर किया है —

“He seemed ready to discuss any proposal provided it gave Pakistan control of the Chenab waters in Kashmir and did not leave the Moslem inhabitants of the valley solely under Indian rule.”

मैं अर्ज करना चाहता हूं कि मजहब के नाम पर जो हमारी तक्सीम की जाती है, मैं उस के खिलाफ हूं। जनाबे वाला, मैं मुसलमान हूं। मुझे इस पर फखर है। यह कोई गुनाह की बात नहीं है। मैं हिन्दुस्तानी मुसलमान हूं। मुझे इस बात पर धमंड है। हिन्दुस्तान में रह कर मेरा मजहब पाकिस्तान से ज्यादा महफूज है। मुझे इस बात पर नाज है। मैं मुसलमान हूं और खान अब्दुल गफ्फर खां भी मुसलमान हैं। अंग्रेज के जमाने में जितना ताइद अब्दुल गफ्फर खां पर न हुआ, उस से दुगना पाकिस्तान में हुआ। सिर्फ मुसलमान होना ही मेरे लिए जरूरी नहीं है। मैं हिन्दुस्तान में इस लिए रहता हूं कि मुझे हिन्दुस्तान की तरक्की से मुहब्बत है। मुझे हिन्दुस्तान की दीलत और हिन्दुस्तान की ऊंची इमारतों से मुहब्बत नहीं है। बल्कि बहैसियत एक मुसलमान के मैं इस बात का एतान करना चाहता हूं कि मैं हिन्दुस्तान में इस लिए हूं कि मुझे हिन्दुस्तान में नानक की वाहदत, गीतम क. महुब. और चिश्ती की हकीकत मिलती है। मैं ने अपने आप को हिन्दुस्तान के हवाले इस लिए नहीं किया है कि यहां पर जरो-जवाहिरात हैं, बल्कि इस लिए कि हिन्दुस्तान की बुनियादी संकुलरिज्म पर है, हिन्दुस्तान तरक्की की तरफ जाता है। सिर्फ मजहब की ना पर रिश्ते नहीं जोड़े जाते हैं।

रिश्ते जोड़े जाते हैं तरक्की की तरफ, इल्म की तरफ और इक्तसादी खुशहाली की तरफ। मैं पाकिस्तान के मौजूदा हालात से वाकिफ हूँ। मुझे मालूम है कि पाकिस्तान में हर सुबह व शाम जो हुकूमत बदलती है, उसे पाकिस्तान के लोगों ने नहीं बदला, बल्कि समुन्दर पार की कुछ हुकूमतों के इशारे पर वे बदलती रही हैं और हिन्दुस्तान की हुकूमत जो आज भी कायम है और बहुत असें तक रहेगी, सिर्फ़ इस लिए है कि यह हिन्दुस्तान के लोगों के हाथ में है।

इन तमाम शिकायात के बाद मैं यह समझता हूँ कि अकवामे-मुत्तहिदा में इस मसले को हल किया जा सकता है बशर्ते कि अकवामे-मुत्तहिदा के लोग, अकवामे-मुत्तहिदा के नुमायंदे इन बातों का फ़ैसला करे और वे हमारे मसले को इस तरह समझने की कोशिश करें कि हम इन्साफ़ चाहते हैं। अकवामे-मुत्तहिदा में हमारे नुमायंदों का मज़ाक उड़ाया जाता है। यह ठीक है कि कुछ ज़ातों से इख़्तिलाफ़ है, लेकिन यह एक हकीकत है कि जिस तरह से नि० कृष्ण मेनन ने काश्मीर के मसले को पहली बार अकवामे-मुत्तहिदा में रखा, उस से अकवामे-मुत्तहिदा के लोगों को यह मानना पड़ा कि काश्मीर के मसले की वह शकल नहीं है, जिस को वह समझते थे और काश्मीर के मसले की नौएयत दूसरी है, काश्मीर का मसला इन्साफ़ का मसला है। काश्मीर के मसले पर उन को फिर से सोचना पड़ा। इस के बावजूद हमारे नुमायंदे के खिलाफ़ जिस जिस तरह से, जिन जिन तरीकों से ओब्रेशन से प्रापेगंडा किया गया, उस के बारे में जो बड़े बड़े मज़ामीन निकाले गए, जो बहुत ऊंचे ऊंचे आर्टिकल छापे गए—जिन में से एक का उतवान तो यह है कि “वर्ल्डज़ मोस्ट हेटिड डिप्लोमैट—मि० कृष्णा मेनन”—उन से सब वाकिफ़ हैं। उन का फ़ाल्ट सिर्फ़ इतना ही था कि उन्होंने काश्मीर के मसले की असली और सही तस्वीर एक हिन्दुस्तानी की दृष्टियत से अकवामे-मुत्तहिदा

के सामने रखी। इस से जाहिर होता है कि उन मुल्कों का इन्साफ़ का नज़रिया क्या है, जिन से कि हम इन्साफ़ चाहते हैं। तो ऐसे मुल्कों से हमें इन्साफ़ की तवक्को नहीं है। मैं हिन्दुस्तान की हुकूमत से और उस नुमायंदे से, जो कि हुकूमत की तरफ़ से बोलना चाहते हैं, इस बात का फिर एक बार आदा कर्लुगाकि अगर अकवामे-मुत्तहिदा से हम को इन्साफ़ की तवक्को नहीं है, तो फिर हमारे पास इस के अलावा कोई और रास्ता नहीं है कि हम इस कम्प्लेंट को अकवामे-मुत्तहिदा से वापस लायें।

इन चन्द अल्फ़ाज़ के साथ मैं इस रेज़ोल्यूशन की हिमायत करता हूँ।

Shri A. M. Tariq (Jammu and Kashmir): Mr. Deputy-Speaker, I beg to move:

“This House is of opinion that on account of the failure of the United Nations Organisation to call upon Pakistan to vacate aggression in Kashmir, the Government should withdraw its complaint from the United Nations Organisation as a measure of.....”

[شری ع - م - طارق - جناب]

تپتی اسے کر - یہ جو ریزولوشن میں نے ابھی اس ایوان میں پڑھا ہے میں اس کی اہمیت سے بخوشی واقف ہوں اور اس ریزولوشن کی اہمیت اس سے بھی بڑھتی ہے کہ یہ خود ایک کشمیر کے وعدے والے کشمیری نے پڑھیں کہا ہے

ایک مانڈیہ سدسٹہ - آپ انگریزی

میں بولئے -

شری ع - م - طارق - میں
چاہونکا کہ برائے مہربانی ہاؤس میں
خاموشی رہے تاکہ میں آپ کے سامنے
اپنی بات تھپک سے رکھ سکوں -

جہاں تک اقوام متحدہ کا تعلق
ہے میں ان لوگوں میں سے ہوں
جس نے کہ ہمیشہ اس بات کی
حمایت کی ہے اور یہ کہ مستقبل
میں بھی آئندہ آنے والے زمانے میں
بھی اقوام متحدہ کی میں بحیثیت
ایک ہندوستانی کے ہمیشہ حمایت
کرتا رہونگا - میں یہ سمجھتا ہوں
کہ اقوام متحدہ ایک ایسی جماعت
ہے جس کے کہ ذمہ یہ فرض ہے کہ
وہ دنیا کے ملکوں کے پیچیدہ مسائل
کو حل کرنے میں مدد دے لیکن
مسٹر قیٹی اسپیکر مجھے انتہائی
افسوس کے ساتھ یہ کہنا پڑتا ہے کہ
جہاں تک اقوام متحدہ کے اس کام
کا تعلق ہے اس میں کوئی شک
نہیں ہے کہ کئی باتوں میں اقوام
متحدہ نے ان چیزوں کو سلجھانے
میں کافی کام کیا - صرف کام کر
سلجھانا ہی ضروری نہیں ہے ضرورت
اس بات کی ہے کہ ہندوستان ہی
نہیں بلکہ دنیا کے لوگوں کو اقوام
متحدہ میں اور اقوام متحدہ میں
جو بڑی بڑی طاقتوں کے نمائندہ
ہوں ان پر ہم کو اعتماد ہونا
چاہیئے - سب سے بڑا کام جو
اقوام متحدہ کا ہے وہ یہ کہ لوگوں کے

دلوں میں اقوام متحدہ کے لئے اعتماد
قائم کیا جائے اور پیدا کیا جائے -

جہاں تک اس ویزولوشن کا تعلق
ہے جناب والا - آپ اور دنیا کے لوگ
اس سے واقف ہیں کہ آزادی سے پہلے
کشمیر ہندوستان کا حصہ تھا - صرف
آزادی سے پہلے ہی نہیں تواریخ گواہ
ہے کہ صدیوں سے ہندوستان اور کشمیر
ایک ہی نقشہ پر رہے ہیں - ایک
ہی زمین کے ٹکڑے رہے ہیں اور
کشمیر اور ہندوستان کبھی الگ نہیں
ہو سکتے -

جناب والا - کشمیر میں ایک
تحریک چلی تھی نیشنلزم کی اور
وہ تحریک وہاں کے لوگوں میں یہ
چیز پیدا کرنے کے واسطے چلی تھی
کہ کشمیر کشمیریوں کا ہے بالکل اس
طریقے سے جس طریقے سے کہ گجرات
گجراتیوں کا ہے لیکن اس کے باوجود
چاہے وہ گجراتی ہو یا کشمیری
بلہادی طور پر ہم سب ہندوستانی
ہیں - ہم نے نیشنلزم کا نعرا لگایا -
ہم نے نیشنل کانفرنس کے جھنڈے کے
نہچے آزادی کی جگہ لڑی - یہ
ایک حقیقت ہے کہ کشمیر کی آبادی
کی اکثریت مسلمانوں کی ہے اور
کشمیر کی اس وقت جو حکومت
تھی وہ ایک غیر مسلم کے ہاتھ میں
تھی لیکن تواریخ اس بات کی گواہ
ہے کہ ہندوستان کی سب سے بڑی

جماعت کانگریس نے آل انڈیا اسٹمس پوہلس کانفرنس نے جس کے کہ نوٹا آج یہاں موجود ہیں ہمیشہ کشمیر کے لوگوں کا ساتھ دیا ہے یہ دیکھتے بغیر کہ کشمیر کی اکثریت کن کی کی ہے اور کشمیر کا راجہ کون ہے - کشمیر کا مسئلہ مذہبوں کا مسئلہ نہیں ہے - یہ مسئلہ ہے سہاسی اقتصادی اور اسی طریقے سے ہم کو اسے طے کرنا ہوگا - آزادی سے پہلے مسلم لیگ کے نیتا مسٹر جناح کشمیر آئے - انہوں نے بہت کوشش کی اس بات کی کہ کشمیر کے مسلمانوں کو اس جال میں لایا جائے فرقہ پرستی کے جال میں لایا جائے اور حالانکہ کشمیر ایک سرحدی جگہ تھی تواریخ اس بات کی گواہ ہے کہ جہاں مسٹر جناح کو فوج - پولیس اور مجلس شوریٰ کی حمایت میں نکلتا پڑا اور وہ اس لئے کہ کشمیر کے لوگ مذہب کے نام پر کسی چیز کا فیصلہ کرنا نہیں چاہتے تھے - اس کے بعد جناب والا تواریخ اس بات کی بھی گواہ ہے کہ کشمیر کے لوگوں نے ایک تحریک چلائی (کشمیر چھوڑ دو) اور وہ تحریک شخصی راج کے خلاف تھی اور اس تحریک میں ہندوستان کی جماعتوں نے ہمارا ساتھ دیا - خود ہندوستان کے سب سے بڑے آدمی مہاتما گاندھی وہاں گئے کشمیریوں کا ساتھ دینے - یہ وہ وقت تھا جب ایک طرف تو ہندوستان

کی قسمت کا فیصلہ کیا جا رہا تھا اور دوسری طرف ہندوستان کے جو اس وقت وائسرائے تھے لارڈ ماؤنٹ بیٹن - ان کے اشارے سے کشمیر میں پنڈت جواہر لال نہرو کو گرفتار کیا جاتا ہے - صرف اس لئے کہ اس وقت کانگریس کے پریسڈنٹ پنڈت جواہر لال نہرو وطن کے لوگوں کی حمایت کرنے جاتے ہیں - یہ وہ تحریک تھی جس کی تمام لوگوں نے - سکھوں نے - ہندوؤں نے - مسلمانوں نے حمایت کی - لیکن دوسری طرف مسلم لیگ اور مسٹر جناح تھے - مسٹر جناح کے یہ الفاظ آج بھی کشمیریوں کے سینوں میں دل و دماغ میں درد پیدا کرتے ہیں کہ یہ تحریک فلتوں کی تحریک ہے - میں یہ کہنا چاہتا ہوں کہ ہندوستان کا اور کشمیر کا ایک تعلق رہا ہے - سہاسی بھی اور سعاجی بھی - اس کے بعد جب ہندوستان تقسیم ہوتا ہے تو باوجود اس کے کہ ہم نے پروٹیسٹ کیا کہ ریاست کشمیر کا فیصلہ ریاست کے لوگ کریں گے - چند راجے مہاراجے نہیں کریں گے - مجھے انتہائی افسوس ہے کہ چند لوگوں نے جو اس وقت ہم میں ہیں - ہماری بات نہیں مانی - کیونکہ وہ اس وقت ہمارے مخالف تھے - اس وقت کی سرکار نے بھی یہ بات نہیں مانی - لیکن فیصلہ ہوا - اور ہندوستان رو

[شروع-م-طابق]

پاکستان بن گیا ہندستان کے لوگوں
کے مشورہ کے خلاف -

اس کے بعد جب کہ کشمیر کے
نہیں چیلوں میں ہی تھے - کشمیر
پر حملہ ہوتا ہے - پاکستان کی
طرف سے - قبائلی حملہ کرتے ہیں - اور
جب لوگوں کا قتل عام ہوتا ہے تو
اس بات کا کوئی لحاظ نہیں کیا
جاتا کہ مقتول ہندو ہے یا مسلمان -
کشمیر کے امن کو تو تینخ کہا جاتا
ہے - جناب والا - میرے پاس ثبوت
ہیں ان چیزوں کے - انویژن آف
کشمیر - اور دی ہرننگ آف بارا ولا
ان چیزوں کی اطلاع دینا کے لوگوں
کو ہے کہ وہاں اس وقت صرف
مہندروں کو ہی نہیں ڈھایا گیا -
بلکہ گرجوں کو بھی مسمار کیا گیا -
اور گرجوں میں پادریوں پر گولیاں
چلائیں گئیں - مسلمان عورتوں کے کان
کاٹے گئے کیونکہ ان میں زیورات تھے -
یہ تاریخی حقیقت ہے - ہمیں
شکایت ہے کہ ہم پر بغیر کسی
شراوت کے - بغیر کسی اشتعال کے
اور بغیر کسی وجہ کے یہ حملہ کیا
گیا - اور حملے کا مقابلہ ہماری
فوج نے جس بہادری سے کیا وہ ایک
حقیقت ہے - اگر اس وقت ہندوستان
کے سب سے بڑے آدمی مہاتما گاندھی -
اور ہمارے وزیر اعظم مسٹر جواہر لال
نہرو - ہندوستانی فوج کے ہاتھ نہ

روکتے تو یقیناً آج ہمارے ہند کو
نہیں بلکہ راجپوتی ہوتی - لیکن یہ
صرف اس لئے کہ ہم دنیا میں امن
چاہتے ہیں - ہم دنیا میں امن قائم
کرنا چاہتے ہیں - ہم دنیا کی کوئی
زمین تلوار کے بل بوتے پر نہیں لینا
چاہتے - ہم نے اقوام متحدہ کی اس
بات کو مانا اور سیز فائر لائن پر
اقرار کیا - اس کے باوجود ہم نے ایک
شکایت پیسہ کی اقوام متحدہ میں -
وہ شکایت بالکل مختصر تھی - بالکل
سادے الفاظ میں تھی - اور وہ تھی
کہ حضور - اقوام متحدہ کے نمائندوں -
ہم کشمیر پر جو ہندوستان کے باشندے
ہیں - ایک ہم سایہ ملک کی طرف
سے حملہ ہوا ہے - اس حملہ آور
کو نکالنے اور کشمیر کے اس حصہ کو
جو کہ بغیر ملکی قبضہ میں ہے -
کشمیر کی حکومت کے حوالے کیجئے
ہماری اس شکایت کو اس وقت
مرحوم شری گوبالا سوامی آنلنگ نے
پیسہ کیا تھا - جس وقت ۵ فروری
کو انہوں نے یہ شکایت کی اس وقت
انہوں نے صرف یہ گزارش کی کہ
مجھے اس مسئلے پر جو برطانوی
نمائندے نوبل بیکر نے پیسہ کیا ہے -
بولنے کی اجازت دی جائے - جناب
والا - شروع سے ہی اقوام متحدہ میں
برطانوی نمائندے اور امریکی نمائندے
نے کشمیر کے مسئلے کی مخالفت
کی - اقوام متحدہ میں ان دونوں

طاقتوں کا مقصد صرف ہندوستان کی آزادی سے انعام لینا تھا۔ بہرحال میں آگے چل کر ان تمام معاملات کو آپ نے سامنے رکھوں گا۔ لیکن میں بنیادی طور پر اس نیت کا جو قوام متحدہ کی بڑی طاقتوں نے ہندوستان کے مسئلے کی طرف رکھی ہے۔ پردہ فاش کرنا چاہتا ہوں۔

آپ اس کو اگلے سیشن میں لے جانا چاہتے ہیں تو آپ کی مرضی۔

شری ع۔ م۔ طارق۔ میں یہ نہیں چاہتا۔ میں اب تک کتنا وقت لے چکا ہوں۔

ایادھیکش مہودے۔ آپ قریب آتھ ملت لے چکے ہیں۔

ایادھیکش مہودے۔ ایک ملت کے لئے ممبر صاحب مجھے معاف کریں گے۔ مجھے یہ سن کر خطرہ پیدا ہو رہا ہے کہ وہ آگے چل کر کچھ اور چیزیں پیش کریں گے۔ تو میں ان کی توجہ دلانا چاہتا ہوں کہ اس میں وقت صرف تیرہ گھنٹہ ہی ہے۔ اس میں سے میں ممبر صاحب کو زیادہ سے زیادہ بیس ملت دے سکوں گا۔

شری ع۔ م۔ طارق۔ میں ۱۵ ملت میں ختم کر دوں گا۔

ایادھیکش مہودے۔ ۱۵ نہیں دس ملت میں ختم کیجئے۔ اچھا بولئے۔ ۱۵ ملت ہی لے لیجئے۔

شری ع۔ م۔ طارق۔ میں بھول گیا کہ میں کہاں بول رہا تھا۔ اس وقت شری گوپالا سوامی آننگر نے جب اجازت چاہی تھی تو اس بات کا مستطفر اڑایا گیا۔ جس سے صاف ظاہر ہے کہ اس وقت اقوام متحدہ کی بڑی بڑی طاقتوں میں صرف یوروپالٹکس کی وجہ سے کشمیر کے مسئلے کی مخالفت کرتی تھیں۔

شری انصار ہدای (فتح پور)۔ اس کا وقت اکثر دو گھنٹہ کر دیا جائے تو بہت مناسب ہوگا۔

ایادھیکش مہودے۔ دو گھنٹے بھی ہو جائیں تو آپ دیکھیں کہ میرے پاس بارہ نام تو آچکے ہیں۔ اور ان کے علاوہ بارہ اور کھڑے ہونگے۔ اگر آپ چاہتے ہیں کہ اس ریزولوشن پر آج ہی بحث ختم ہو جائے۔ تب تو یہ پانچ بجے سے آگے نہیں جاسکتا۔ دو گھنٹے بھی پانچ بجے تک ختم ہو جائیں گے۔ لیکن اگر

وہ کشمیر کے حملہ کی بلیاد کی طرف نہیں جانا چاہتے تھے۔ بلکہ ان کے سامنے یہ تصویر تھی کہ حملہ کس نے کیا ہے اور کس پر کیا ہے۔ اس وقت جب میں اقوام متحدہ میں ایک مدعی کی حیثیت سے آیا تھا انصاف کے لئے۔ تو مجھے امید تھی کہ اقوام متحدہ میں

میرے ساتھ انصاف ہوگا - لیکن میرے
ساتھ انصاف نہیں ہوا - جناب والا -
آج سے بہت برس پہلے میں نے ایک
مثال سنی تھی کہ - چچا چور بہتھے
قاضی - لیکن اقوام متحدہ میں جا کر
مجھکو معلوم ہوا کہ - بہتھے قاضی
اور چچا چور - جناب والا - اس
وقت میرے سامنے اقوام متحدہ کی
جو شکل ہے وہ یہ ہے کہ جس کو
تھائی صاحب بخوبی سمجھیں گے -

وہی قاتل - وہی شاہد - وہی
منصف تھے -

اقربا میرے کریں قتل کا دعویٰ

کس پر -

اچ جو میرے سامنے اقوام متحدہ
کی شکل ہے اس میں مجھکو یہ
نہیں دکھنا کہ میرے اوپر حملہ
پاکستان نے کیا ہے یا امریکہ نے
تھیار نے - اس سازش کے پیچھے صرف
پاکستان ہی نہیں ہے - بلکہ اس کے
پیچھے انگلینڈ اور امریکہ کا دماغ
بھی ہے -

جناب والا - جب ہماری شکایت
اقوام متحدہ میں جاتی ہے تو اس
کی پہلی بیٹھک میں پاکستان نے
نمایندے سر ظفر اللہ اس سے بھی انکار
کرتے ہیں کہ ہم نے حملہ کیا - انہوں
نے قسمیں کھائیں کہ ہمارا اس حملے
سے کوئی تعلق نہیں ہے - جناب والا -
قسموں کے بارے میں آج سے بہت
سال پہلے شکسپور کہہ گیا ہے -

They swear, priests and cowards.

لیکن مجھے معلوم نہیں تھا کہ جناح
صاحب پریسٹ بھی ہیں اور کاؤرڈ
بھی - اس کے باوجود بھی جب پہلی
بار یونائیٹڈ نیشنلس کا کمیشن
ہندوستان میں آیا - تو اس بات کا
اعتراف کیا جاتا ہے کہ ہم حملے میں
شامل ہیں - ہماری فوجیں کشمیر
میں ہیں - اس وقت مسٹر جناح
نے ہمارے وزیر اعظم کو ایک خط لکھا
تھا اور اس میں گزارش کی ہے کہ
وہ لاہور آجائیں - تو ہم اس حملے
کو روکیں - حملے سے شروع میں
انہوں نے انکار کیا تھا -

ایادھکس مہودے - میں آپ
کو یہ رائے دونگا کہ ہمارے ان سے
چاہے جو بھی اختلاف ہوں - مگر
ایک ایسے آدمی کے خلاف جو کہ مر
چکا ہے ایسے الفاظ استعمال نہیں کرنے
چاہیں - یہ مناسب نہیں معلوم ہوتا -
اس وقت جو اس کے میرٹ ہیں
ان پر آپ بولیں - لیکن کسی ملک
کے نمایندے کے لئے ایسے الفاظ کا
استعمال نہ کریں -

Shri Mahanty: We cannot follow a single word of what the hon. Member says. Let him speak in English, Sir, or in Hindi.

Mr. Deputy-Speaker: I cannot compel him to speak in English, that is for him to choose.

شری ع - م - طارق - میں اس بات کا اعتراف کرتا ہوں کہ کسی مردے کی برائی نہیں کرنی چاہئے لیکن تاریخ تو تاریخ ہے - اس کو شرافت سے نہیں دھویا جا سکتا - باوجود اس کے مجھے آپ کی بات کا اعتراف ہے -

لیکن پچھلے چند سالوں میں جو ہم نے اقوام متحدہ کا حال دیکھا ہے - اس کو دیکھنے کے بعد ہم کو یقین نہیں کہ ہم کو انصاف ملے گا - ہم کو اعتماد دلایا گیا اقوام متحدہ کی طرف سے کہ کشمیر کی موجودہ سرحدوں پر کوئی گوبڑ نہیں ہوگی - لیکن میں آپ کے ذریعہ اور اس ایوان کے ممبران کے ذریعہ ہندوستان کے لوگوں کی توجہ اس طرف دلانا چاہتا ہوں کہ جو منگلا تہیم بنایا جا رہا ہے - وہ ہندوستان کی آزادی پر ایک حملہ ہے - منگلا تہیم کے بارے میں ہم لوگوں نے - ہندوستان کے لوگوں نے - اور پاکستان میں جو کشمیری ہیں انہوں نے احتجاج کیا - اس احتجاج کا جواب پاکستان نے ان لوگوں کے سہلوں کو گولہوں سے چھلنی کر کے دیا - لیکن اقوام متحدہ نے کیا کیا آج ہماری سرحدوں پر - ہندوستان اور پاکستان دونوں طرف - اقوام متحدہ کے آئینور ہیں - لیکن پچھلے دو سال میں سنہ ۱۹۵۸ اور ۱۹۵۹ میں تقریباً تیس سو مرتبہ ہماری

سرحدوں پر حملے ہوئے - اقوام متحدہ نے سوائے اس کے کہ ہمارے پروٹیسٹ کافی شکل میں لے کر ان کو اقوام متحدہ تک پہنچایا اور کچھ نہیں کیا - ہماری ریاست میں ۲۰ کیس ہوئے بم پولیٹکے کے جن میں پاکستان کے اس وقت کے وزیر اعظم بھی شامل تھے - ان کے متعلق بھی اقوام متحدہ نے کچھ نہیں کیا - ہم جانتے ہیں کہ ان تمام چیزوں میں اقوام متحدہ کا ہاتھ ہے - اقوام متحدہ میں ان طاقتوں کا ہاتھ ہے جو اقوام متحدہ کو بدنام کرنے کے باعث ہیں اور آج ذمہ دار ہیں اس بات کی کہ ہم ہندوستان کے لوگوں کا - مجھے کشمیری کا - اقوام متحدہ پر کوئی اعتماد نہیں رہا ہے - جناب والا یہی نہیں - اقوام متحدہ کے ممبر ملکوں کی آنکھوں کے سامنے - ان کی امداد سے اور ان کے پیسے سے جنرل اور گلگت میں جو ہو رہا ہے اس کی طرف بھی آپ توجہ دیں - گلگت میں جو ہوائی اڈے بنائے جا رہے ہیں - وہاں جو بڑی بڑی سوئیں بنائی جا رہی ہیں - وہ کون بنا رہا ہے - اقوام متحدہ کے ممبر بنا رہے ہیں - جنرل میں جو سوئیں بن رہی ہیں - وہاں جو ہوائی اڈے بن رہے ہیں وہ کون بنا رہا ہے - اقوام متحدہ نے ممبر بنا رہے ہیں - مانگلا تہیم کے لئے لاکھوں پونڈ کس نے منظور کئے ہیں - اقوام متحدہ کے

[شری ع - م - طارق]

ایکڑی عزت ممبر حکومت برطانیہ ہے - اس کے باوجود ہم کو یہ یقین دلا جا تا ہے کہ اقوام متحدہ ہمارا فیصلہ کرے گا اور ہمارے ساتھ انصاف کرے گا - میں حکومت ہندوستان سے اور حکومت ہندوستان کے نمائندہ شری کرشنا مہلن سے جنہوں نے اقوام متحدہ میں اس کہس کی وکالت کی ہے اور جو یہاں تشریف لائے ہیں صاف لفظوں میں یہ پوچھنا چاہتا ہوں کہ اس بارے میں حکومت ہندوستان کی پالیسی کیا ہے - منگلا قیم بلیگا تو کہا ہماری اجازت سے بلیگا یا اس طرح کہ جس طرح ہم بہت سی چیزوں پر آنکھیں بند رکھتے ہیں - پھر پروٹوسٹ کرتے ہیں - واویلہ کرتے ہیں - جنرل اور کلکت کے بارے میں میں حکومت کی صہیح پالیسی جاننا چاہتا ہوں - اس کے علاوہ میں حکومت سے پوری ضمانت اس بات کی چاہتا ہوں کہ کشمیر کا کوئی حصہ تقسیم نہیں ہو گا - کشمیر ہندوستان کا ہے - کشمیر ہندوستان کا رہے گا - میں آپ کی توجہ مسٹر کلنگزے مارتن کے چلڈ الفاظ کی طرف دلانا چاہتا ہوں جو کہ انہوں نے نیو سٹیٹسمین میں ۱۶ اپریل کو لکھے ہیں - ان کی ملاقات فیلڈ مارشل ایوب خان سے ہوئی ڈاولہندی میں - اس ملاقات کے بعد انہوں نے اس سے جو امہریشن

لہا ہے وہ انہوں نے اس طرح ظاہر کیا ہے -

"He seemed ready to discuss any proposal provided it gave Pakistan control of the Chenab waters in Kashmir and did not leave the Moslem inhabitants of the valley solely under Indian rule."

میں عرض کرنا چاہتا ہوں کہ مذہب کے نام پر جو ہناری تقسیم کی جاتی ہے میں اس کے خلاف ہوں - جناب والا - میں مسلمان ہوں - مجھے اس پر فخر ہے - یہ کوئی گناہ کی بات نہیں ہے - میں ہندوستانی مسلمان ہوں - مجھے اس بات پر کہنت ہے - ہندوستان میں وہ کر مہرا مذہب پاکستان سے زیادہ محفوظ ہے - مجھے اس بات پر ناز ہے - میں مسلمان ہوں اور خان عبدالغفار خان بھی مسلمان ہیں - انگریز کے زمانے میں جتنا تشدد عبدالغفار خان پر نہ ہوا اس سے دوگنا پاکستان میں ہوا - صرف مسلمان ہونا ہی میرے لئے ضروری نہیں ہے - میں ہندوستان میں اس لئے رہتا ہوں کہ مجھے ہندوستان کی ترقی سے محبت ہے - مجھے ہندوستان کی دولت اور ہندوستان کی اونچی عمارتوں سے محبت نہیں ہے - بلکہ بھٹیہت ایک مسلمان کے میں اس بات کا اعلان کرنا چاہتا ہوں کہ میں ہندوستان

میں اس لئے ہوں کہ مجھے ہندوستان
میں نانک کی وحدت - گوتم کی
متحمت اور چشتی کی حقیقت ملتی
ہے - میں نے اپنے آپ کو ہندوستان کے
حوالہ اس لئے نہیں کیا ہے کہ یہاں
پر زر و جواہرات ہیں بلکہ اس لئے
کہ ہندوستان کی بلہاد سیکولرزم پر
ہے - ہندوستان ترقی کی طرف جاتا
ہے - صرف مذہب کی بنا پر رشتے
نہیں جوڑے جاتے ہیں - رشتے جوڑے
جاتے ہیں ترقی کی طرف علم کی
طرف اور اقتصادی خوشحالی کی
طرف میں پاکستان کے موجودہ حالات
سے واقف ہوں - مجھے معلوم ہے کہ
پاکستان میں ہر صبح و شام جر
حکومت بدلتی ہے اسے پاکستان کے
لوگوں نے نہیں بدلا بلکہ سلڈو پار کی
کچھ حکومتوں کے اشارے پر وہ بدلتی
رہی ہیں اور ہندوستان کی حکومت
جو آج بھی قائم ہے اور بہت عرصے
رہیگی صرف اس لئے ہے کہ یہ
ہندوستان کے لوگوں کے ہاتھ میں ہے -

ان تمام شکایات کے بعد میں یہ
سمجھتا ہوں کہ اقوام متحدہ میں اس
مسئلے کو حل کیا جا سکتا ہے
بشرطیکہ اقوام متحدہ کے لوگ - اقوام
متحدہ کے نمائندے ان باتوں کا فیصلہ
کریں اور وہ ہمارے اس مسئلے کو اس
طرح سمجھنے کی کوشش کریں کہ ہم
انصاف چاہتے ہیں - اقوام متحدہ
میں ہمارے نمائندوں کا مذاق اڑایا

جاتا ہے - یہ تھک ہے کہ کچھ ذاتوں
سے اختلاف ہے لیکن یہ ایک حقیقت
ہے کہ جس طرح سے مسٹر کرشنا مہلن
نے کشمیر کے مسئلے کو پہلی بار اقوام
متحدہ میں رکھا اس سے اقوام متحدہ
کے لوگوں کو یہ ماننا پڑا کہ کشمیر کے
مسئلے کی وہ شکل نہیں ہے جس کو
وہ سمجھتے تھے اور کشمیر کے مسئلے
کی نوعیت دوسری ہے - کشمیر کا
مسئلہ انصاف کا مسئلہ ہے - کشمیر
کے مسئلے پر ان کو پھر سے سوچنا پڑا -
اس کے باوجود ہمارے نمائندے کے خلاف
جس جس طرح سے - جن جن طریقوں
سے - اوجھ پون سے پراپیگنڈہ کیا گیا
اس کے بلارے میں جو بڑے بڑے
مقامین نکالے گئے - جو بہت اوجھ
اوجھ ارتھکل چھاپے گئے - جن میں
سے ایک کا عنوان تو یہ کہ ورلڈز موست
ہیٹڈ ڈیپلومیٹ - مسٹر کرشنا مہلن
ان سب باتوں سے واقف ہیں - ان کا
قصور صرف اتنا ہی تھا کہ انہوں نے
کشمیر کے مسئلے کی اصلی اور صحیح
تصویر ایک ہندوستانی کی حیثیت
سے اقوام متحدہ کے سامنے رکھی - اس
سے ظاہر ہوتا ہے کہ ان ملکوں کا انصاف
کا نظریہ کیا ہے جن سے کہ ہم انصاف
چاہتے ہیں - تو ایسے ملکوں سے ہمیں
انصاف کی توقع نہیں ہے - میں
ہندوستان کی حکومت سے اور اس
نمائندے سے جو کہ حکومت کی طرف
سے برلن چاہتے ہیں اس بات کا پھر

[شدی ع - م - طابق]
ایک بار اعادہ کرنا کہ اگر اقوام متحدہ
سے ہم کو انصاف کی توقع نہیں ہے
تو پھر ہمارے پاس اس کے علاوہ کوئی
اور رستہ نہیں ہے کہ ہم اس
کمپلیٹ کو اقوام متحدہ سے واپس
لائیں -

ان چند الفاظ کے ساتھ میں اس

ریزولوشن کی حمایت کرتا ہوں -

Mr. Deputy-Speaker: Motion moved:

"This House is of opinion that on account of the failure of the United Nations Organisation to call upon Pakistan to vacate aggression in Kashmir, the Government should withdraw its complaint from the United Nations Organisation as a measure of protest."

There are certain amendments of which notice has been given. The first one is by Shri Hem Barua, but it is beyond the scope of the resolution. It reads:

"This House is of opinion that with a view to achieving an amicable solution of the long-standing Kashmir dispute, a Conference, in the context of improved Indo-Pakistan relations at present, of the Prime Minister of India and the President of Pakistan be forthwith convened."

That is quite a different affair. He would agree with me that this has nothing to do with the resolution that we have got.

The second is from Shri Aurobindo Ghosal. It reads thus:

"This House is of opinion that more active persuasion should be made in the United Nations Organisation to call upon Pakistan to vacate aggression in Kashmir."

This is also quite different. It is just the reverse of what is wanted in the resolution. We may achieve the object of the hon. Member's amendment by a negative resolution or a negative vote. So, that also is not in order. Shri Vajpayee can move his amendments. He seeks only a verbal change.

Shri Vajpayee (Balrampur): I beg to move:

In the resolution,

For the words "should withdraw its complaint from the United Nations Organisation as a measure of protest" substitute

"should have its complaint in the U.N.O. dropped as a measure of protest." (3).

4. I beg to move:

In the resolution, *add* at the end—

"and independently of the U.N.O. explore avenues to secure vacation of aggression." (4)

Mr. Deputy-Speaker: The resolution and amendment Nos. 3 and 4 of Shri Vajpayee are before the House.

Now, we will have to decide the time-limit.

Shri Jaganatha Rao (Koraput): Five minutes each.

Shri Raghunath Singh: Ten minutes each.

Mr. Deputy-Speaker: Five Minutes ordinarily, and in exceptional cases, another two minutes, may be taken.

Shri Braj Raj Singh: May I know

how many Ministers are going to intervene?

Mr. Deputy-Speaker: Only one Minister.

श्री वाजपययी : उपाध्यक्ष महोदय, मैंने जो संशोधन उपस्थित किए हैं, उन का स्पष्टीकरण कर दूँ। मैं समझता हूँ कि मि० तारिक ने जो प्रस्ताव रखा है, यदि सरकार चाहे, तो भी उसे स्वीकार नहीं कर सकती, क्योंकि जो प्रश्न संयुक्त राष्ट्र संघ में भेज दिया जाता है, उसे शायद टेकिनकली वापस नहीं लिया जा सकता। सरकार अगर चाहे, तो उस प्रश्न पर आगे बातचीत करने से, चर्चा करने से इन्कार कर सकती है और पहले भी जब यह मांग उठाई गई थी कि संयुक्त राष्ट्र संघ से काश्मीर का प्रश्न वापस ले लिया जाये, तो हमारे प्रधान मंत्री जी ने यही टेकिनकल आपत्ति रखी थी कि जो प्रश्न वहाँ भेज दिया जाता है, वापस नहीं लिया जा सकता है। इसी कठिनाई को ध्यान में रख कर मैंने यह संशोधन रखा है कि हम इस प्रश्न को वापस न लें—यदि लेना सम्भव नहीं है, तो—किन्तु अब इस बात का प्रयत्न करें कि संयुक्त राष्ट्र संघ जम्मू-काश्मीर के प्रश्न पर विचार न करे और यह मांग करने का एक कारण भी है। इस बात से इन्कार नहीं किया जा सकता कि काश्मीर के प्रश्न पर संयुक्त राष्ट्र संघ भारत के साथ न्याय करने में सफल नहीं हुआ है। पाकिस्तान ने जम्मू-काश्मीर पर आक्रमण किया और यह बात किसी से छिपी हुई नहीं है। युनाइटेड नेशन्स के जो प्रतिनिधि काश्मीर में आए थे, उन्होंने भी यह माना कि पाकिस्तान ने काश्मीर पर हमला किया है, लेकिन यह स्वीकार करने के बाद भी, किसी देश द्वारा दूसरे देश की भूमि पर आक्रमण हो, तो संयुक्त राष्ट्र संघ का क्या कर्तव्य है, उस कर्तव्य का पालन संयुक्त राष्ट्र संघ ने नहीं किया। और जब हम काश्मीर की तुलना कोरिया से करते हैं—उत्तरी कोरिया ने दक्षिणी कोरिया पर हमला किया था—तो पाते

है कि संयुक्त राष्ट्र संघ में जब यह मामला गया तो उसके २४ घंटे के अन्दर अन्दर उत्तरी कोरिया को आक्रमणकारी घोषित कर दिया गया और दक्षिणी कोरिया की रक्षा के लिए कदम उठाया गया। लेकिन भारत की शिकायत पर संयुक्त राष्ट्र संघ ने कोई कदम नहीं उठाया। आक्रमण को देख कर भी विश्व शान्ति का उत्तरदायित्व जिस संस्था के ऊपर है, वह निष्क्रिय बैठी रही और काश्मीर का सवाल शीत युद्ध का सवाल बन गया। किस ने आक्रमण किया, किसके ऊपर आक्रमण किया, यह बातें पीछे पड़ गई और अमरीकी और रूसी गुट की जो अन्तर्राष्ट्रीय राजनीति है, उस राजनीति के ऊपर काश्मीर एक मुहरा बन गया। मैं समझता हूँ कि हमारी सरकार ने गलती की जो काश्मीर के सवाल को संयुक्त राष्ट्र संघ में भेजा : वास्तव में यह सवाल संयुक्त राष्ट्र संघ में भेजने की ही आवश्यकता नहीं थी। हम स्वयं इसको हल कर सकते थे या फिर हल करने का प्रयत्न हमें करना चाहिये था। और वह हल हो भी रहा था। हमारी सेनायें युद्ध के मैदान में पाकिस्तानी सेनाओं को पछाड़ती हुई आगे बढ़ रहीं थीं। जब हम विजय पर विजय प्राप्त कर रहे थे तब हमारी सरकार ने युद्ध विराम समझौता कर लिया मानो विजय प्राप्त करती हुई सेनाओं के कदमों में युद्ध विराम रेखा की जंजीरें डाल दीं। इसका परिणाम यह है कि काश्मीर का एक तिहाई भाग आज भी पाकिस्तान के कब्जे में है। हम युद्ध के मैदान में कभी नहीं हारे हैं, भारत युद्ध में पराजित नहीं हुआ है, मगर संधियों का, समझौतों का इतिहास हमारे लिए उतना सम्मानजनक नहीं है। हमारी सरकार यदि युद्ध विराम समझौता न करती तो हो सकता है हम पूरे काश्मीर को अपने साथ ले आते, लेकिन गलती हो गई।

काश्मीर के बारे में सरकार की जो नीति है भयंकर भूलों की एक लम्बी कहानी है। जम्मू काश्मीर भारत के साथ-पहले मिलना चाहता था। मगर हमारी रस

कार ने उसको नहीं मिलाया। जब पाकिस्तान ने आक्रमण कर दिया और कोई चारा नहीं रहा तब हम ने जम्मू काश्मीर को मिलाया। और जनमतसंग्रह का वादा करने की कोई आवश्यकता नहीं थी। मगर हमारे प्रधान मंत्री जी में लार्ड माउंटबेटन के सुझाव पर प्लेबिसाइट की आफर दे दी। जम्मू काश्मीर की जनता और जम्मू काश्मीर के महाराजा भी भारत में पूरी चाह से मिलने को तैयार थे और उसी तरह मिलने को तैयार थे जिस तरह और रियासतें मिली थीं। मगर हमने प्लेबिसाइट की आफर दे कर बड़ी गलती की। लेकिन वह प्लेबिसाइट की आफर पाकिस्तान को नहीं थी, जम्मू काश्मीर की जनता को थी, उसमें पाकिस्तान को बोलने का कोई हक नहीं है। जब पाकिस्तान पख्तूनिस्तान को राइट आफ सैल्फडिटरमिनेशन देने के लिए तैयार नहीं है और काश्मीर के लिए राइट आफ सैल्फडिटरमिनेशन मांगे तो यह बात मेरी समझ में नहीं आती है। जम्मू काश्मीर भारत का अभिन्न अंग बन चुका है और मैं नहीं समझता कि इस सबन्ध में कोई भी परिवर्तन होने वाला है। व्यक्ति आयेंगे, चले जायेंगे, सरकारें बनेंगी, बिगड़ जायेंगी, मगर जम्मू काश्मीर भारत का अभिन्न अंग के रूप में भारत माता के सिर पर मुकुट के रूप में सुशोभित रहेगा।

मेरा निवेदन है कि संयुक्त राष्ट्र संघ में हमें न्याय नहीं मिला, इसलिए अब इस मामले को संयुक्त राष्ट्र संघ में उठाने का कोई अर्थ नहीं है। अगर मामला उठाया भी जाता है दूसरों की तरफ से तो हम उस में भाग ले कर कोई भारत के हितों का संबर्द्धन करेंगे, ऐसा मुझे दिखाई नहीं देता। लेकिन संयुक्त राष्ट्र संघ से अलग हो कर अगर अन्य उपायों के द्वारा हम जम्मू काश्मीर पर जो पाकिस्तान का आक्रमण हुआ है उसको हटाने के लिए प्रयत्न कर सकें, तो मैं ऐसे प्रयत्न का स्वागत करूंगा। मगर ऐसा प्रयत्न पाकिस्तान के आक्रमण को हटाने तक सीमित रहना चाहिये और किसी बात पर नहीं।

Mr. Deputy-Speaker: Shri Sadhan Gupta. I would be able to give only one ring and subsequent to that the hon. Member can conclude the sentence that he wants to.

Shri Sadhan Gupta (Calcutta-East). Mr. Deputy-Speaker, Sir, I rise to associate my party and myself with the Resolution that has been moved by Shri Tariq. Of course, there may be technical difficulties in implementing the Resolution as he has moved it, but I am nevertheless associating the Party with the spirit of the Resolution in the hope that the Government will find some way of extricating itself out of the situation in which we have landed through referring the matter to the Security Council.

This beautiful Himalayan State of ours has landed us in a Himalayan blunder as far as the Security Council is concerned and the responsibility for the blunder is that at that time we did not evolve a clear cut policy of non-alignment and independent foreign policy which we have formulated now. It is a bitter fruit of the continuance of our Commonwealth associations and, in fact, of our being a dominion at that time. It is well known that the reference to the Security Council and many things that followed were made because of the inspiration of Lord Mountbatten who was the Governor-General at that time.

The United Nations is a very useful organisation as far as world peace is concerned, but it is useful only in so far as it can be made to move un-animously. It has done useful work, for example, in the Suez crisis. But it was clear from the very beginning that a matter like Kashmir would only lead to wrangles and manouvres with a view not to securing peace for our country and not to securing justice for our country but because certain powers wanted a strategic foothold in strategic areas. Kashmir is a strategic area and certain powers are interested in securing a foothold in that area so that they can make it a springboard for attack on other powers.

Now that was the motive with which the United Nations was inspired by interested powers. It is a well known fact that although the United Nations consists of about 81 or 82 members, there are one or two who can control the majority at their beck and call and this is what has happened in the matter of Kashmir. To our cost it has happened that when we could really have solved the problem ourselves, either by friendly negotiations with Pakistan or by force at that time, because we were winning, as Shri Vajpayee has pointed out, and, as is well known, we were winning all along in the field at that time, at that time if we had been left to ourselves, the problem would no longer have been there. The problem would have been solved, and perhaps free conditions would have been created in which India and Pakistan could now have entered into a new age of friendship. But the United Nations, or rather the powers who were interested in controlling the majority in the United Nations, did not want it, and wanted on the other hand to have a strategic foot-hold in that part of India in order to gain their own ends, in order to foster their own military pacts.

Under these circumstances we should never have gone to the Security Council, because it was quite clear that this would happen. We knew in 1948 the composition of the United Nations, which powers would be likely to be interested intimately in our affairs, and we should have guarded against that. But, Sir, one of these powers, through its representative here, did manage it, and we are paying the price.

The other blunder we committed was to commit ourselves to the principle of plebiscite when the aggression had not been vacated. We should never have agreed to a plebiscite until the aggression is vacated. On the other hand, we repeatedly emphasised our adherence to a plebis-

cite, with the result that today our position in the face of world public opinion is rather unfortunate.

There is yet time to retrace the steps perhaps. If the complaint cannot be withdrawn, we can at least try to influence certain powers, so that the Security Council drops it. We can at least see that the Security Council does not proceed further with this matter. And if we try we can find powers which will effectively prevent the Security Council from taking any further resolutions regarding Kashmir.

How the Kashmir question will have to be solved, that would be quite different. That may have to be settled in another manner, by negotiations with Pakistan or otherwise. But that should be done bilaterally between the two countries. And in the mean time we should prevent foreigners from intermeddling in the affairs of Kashmir and complicating the matter rather than making the situation easier.

Shri Kalika Singh (Azamgarh): The effective part of the resolution is about the withdrawal of the complaint from the United Nations as a measure of protest. We have first to consider whether such a withdrawal can actually be made once a case is referred to the Security Council. My friend has pointed just now that there is a doubt about the matter and that it cannot be withdrawn. I was aware that even in March, 1948, just three months after the question had been referred to the Security Council, the question about the withdrawal of the case from the Security Council cropped up. And then I had written an article which was published in the *Amrit Bazar Patrika* dated March 9, 1948. I will just quote five or six lines from that which will make it clear that the question had cropped up then, and there could be no question of withdrawal.

It says:

"Pandit Nehru stated in the parliament that there was no

[Shri Kalika Singh]
question of withdrawal of the reference, but, the Anglo-American stand, in case a petition for withdrawal is made, may be known from a close study of the Russo-Persian case before the U.N.O., in 1946. Persian Prime Minister petitioned for withdrawal of the reference on April 17, 1946. Anglo-American delegations opposed the petition, and their viewpoint was supported by Legal Expert Committee. The case could be shelved only when Persia and Russia jointly withdrew stating that there was no question of aggression after May 9, 1946, but still the matter was allowed to linger on to await fresh complications."

So, even if India and Pakistan both join and petition the Security Council saying that they are now on good terms and they want to withdraw the case and that it should be dropped, even then, because it is a matter of security and world security, the big power interests which are involved in the matter, and who have dragged this question in the Security Council, will not allow the matter to be dropped. Therefore, the resolution cannot be implemented because the effective portion of it cannot be passed by the House.

As for the big power interests involved in the matter, I will quote a Reuters report from Lake Success. On the 30th December, 1947, a report appeared in the Indian press that the Kashmir question was going to be referred to the Security Council. On that very date Reuters splashed a report from Lake Success, giving the expert opinion of unnamed United Nations legal counsellors who pointed out that reference could be made under article 34, and described the Kashmir question as a political dispute, and sounded a note of optimism in the following meaningful words:

"Although experience has shown that the Security Council is too

often unable to take positive action in political disputes, informed observers here feel more optimistic about the Kashmir case as it would appear on the surface that there are no big power interests involved and no ideological or political aspects to the dispute."

I do not know who these legal counsellors were, but they were supposed to have given this opinion. The very next day India referred the case to the Security Council. Within three months it was apparent to everybody that the big power interests were really involved in the matter, and that was so because of the strategic military air base of Gilgit. One Ralph Izard gave out his opinion that Gilgit had been British agency for more than 100 years, and it was the most strategic military base which had to be retained even after the grant of independence. That Gilgit is now being developed, and it is a U.S. military strategic base in Pakistan. Therefore, I say, because the big power interests are involved in it, especially the western powers, and the Baghdad Pact, which is now CENTO, is in full control of that base, it will be very difficult even for India and Pakistan jointly to withdraw the case.

Shri Hem Barua (Gauhati): In spite of the solicitude of India and its faith and the faith of other nations of the world in the United Nations Organisation as a world forum for the solution of international problems and establishment of peace, this organisation has signally failed in the case of Kashmir, and the reason for it is not far to seek.

It is the Anglo-American combination that holds the majority power in the Security Council, and that is creating all these difficulties and deadlocks. Apart from the fact that U.K. and U.S.A. sponsored the joint resolution on Mr. Dixon's Report criticising India for allowing Kashmir to convene a Constituent Assembly, these two countries have been particularly hostile to the interests of India. And Shri Jawaharlal Nehru said like that, because he said that this

was getting involved in power politics.

Now, the thing is this. The recent event of Pakistan entering into a military alliance, for instance, with the U.S.A. in 1954 has complicated issues. And Pakistan's membership of Baghdad Pact and SEADO also has complicated the issues. When this military aid came to Pakistan, the Prime Minister of Pakistan said that this military aid would be helpful in solving the Kashmir problem.

In spite of Mr. Eisenhower who said in 1954 that this aid would not be allowed to be utilised against another country in aggression, the problem came for discussion before the Council meeting of the SEADO that was held in Karachi and also before the Council meeting of the Baghdad Pact Council in Tehran, and Pakistan initiated that issue there. This shows that there is a vested interest in the Security Council under the auspices of U.K. and U.S.A. And when the Security Council fails to find a solution or is indifferent to the Kashmir issue, the whole problem is clear before our eyes.

Now, there is the world press organised in favour of Pakistan, and this world press is having a ceaseless campaign against India for not agreeing to holding a plebiscite. When I think of the plebiscite, I recall that three plebiscites were already held there. One was in 1938-39 when there was a conflict between the National Conference and the Muslim Conference for winning popularity amongst the Muslim masses of the State, and ultimately it was the National Conference that came out victorious. Another was in 1943 when Mr. Jinnah went to Kashmir and he thought that he would ride in triumph to Srinagar, but he had to come back in disgrace and disgust, and he wanted to visit Kashmir and win it on the basis of the two-nation theory. That was the second plebiscite. The third was when the cam-

paign was launched against the Maharaja, the 'Quit-Kashmir-campaign' organised by the National Conference. The Muslim Conference that was a part of Mr. Jinnah's Muslim League stood in the way, but ultimately it was defeated. That was the third plebiscite. All these things clearly demonstrate the fact that the Kashmiris decided in favour of a secular State, and they did not want a Muslim State, an argument on which Pakistan is basing its claim on Kashmir in the Security Council; and all the other Member-States are falling victim to it.

It is also true that we have committed certain mistakes. For instance, the first mistake was on our part in our attitude to the cease-fire act. When our valient boys, our army boys were marching against these tribal raiders, these marauders, these invaders, all of a sudden, we cried halt at them, and as a result of that, one-third of the State of Kashmir that legally and constitutionally belongs to us, is now a part of Pakistan.

The second mistake was when we allowed Sheikh Abdullah to represent India at Lake Success. The press attache of Lord Mountbatten describes Sheikh Abdullah as a flamboyant personality. Here a flamboyant personality who went about making flamboyant speeches, and flamboyant ideas got into his head in the salubrious climate of Lake Success. This Sheikh Abdullah was only a provincial leader, not even a national leader. But it was the Prime Minister who allowed Sheikh Abdullah, the lamb of Sheikh Abdullah to eat out of his own hands and converted the lamb into a lion that ultimately thundered back at its benefactor. This was a great mistake that we had committed, and we had given a handle to this world press, that section of the world press that is organised against us.

Coming to the resolution, I know that the withdrawal of the case is not

[Shri Hem Barua]

technically possible, because there is nothing in the U.N. Charter under which once an item is admitted on the agenda it can be withdrawn. There is no provision like that. Therefore, it is technically impossible. Now, supposing India withdraws it by force or by some other method, then there might be other countries who might place it before the Security Council; then, India gets involved in it. The only way for India is to withdraw her membership from the Security Council or from the UNO, which is not possible and which must not be possible. Therefore, I think that this resolution is not the right type of resolution and therefore, we do not want to support this resolution. On the other hand, we think that there can be consultations, and there might be discussions between the two countries for the relations between the two countries are getting more and more improved. I would rather say that in spite of the fact that Gen. Ayub Khan said very recently that we are two countries facing each other with guns and bullets across the cease-fire line and that the Kashmir problem cannot be solved unless and until Kashmir comes to them, we are confident that Kashmir will come to us. When we lodged the complaint with the Security Council we said that in case the Security Council does not decide the matter in time we would get into Kashmir—that part of Kashmir which is under the occupation of Pakistan. That is what the original note of protest that we sent said. I have here the words with me. I can quote them. But there is no time for it. If everything fails we can act on it.

Shri Mulchand Dube (Farrukhabad): Sir, I congratulate the hon. Member who has brought forward this Resolution. But the only purpose it could serve is to indicate to the world and to the United Nations our view with regard to the manner in which the United Nations has proceeded in this matter. There is no doubt that aggression was communit-

ed on Kashmir and there is equally no doubt that we were entitled to take this matter to the United Nations and to the Security Council. But, in spite of the lapse of so much time the Security Council has not yet been able to find out whether aggression has or has not been committed. The matter appears to me to be quite clear. But in spite of this, the learned people and the great men of the world who are on the Security Council have not been able to determine whether aggression has been committed or not. The fact that aggression was committed was denied by Pakistan at the beginning; but a short time after when they found it difficult to deny that, they admitted aggression but said that they had committed aggression in self-defence because they apprehended an attack on Pakistan. Therefore, they sent their forces. This is what they said in the Security Council. But, in spite of all this, the wonder is that the Security Council has not yet been able to decide as to whether aggression has or has not been committed.

As regards the withdrawal of the Resolution, I do not think it is possible to withdraw the case because under the Articles of the U.N. Charter any country can bring a complaint. If we withdraw it, Pakistan is there as a Member of the United Nations. They can also say that the complaint should be there.

Apart from Pakistan, I believe, the Secretary-General has also the power and the right to bring a complaint before the U.N. He can bring a complaint before the U.N. and the U.N. will have to take cognizance of it. Therefore, there is no question of our being able to withdraw the complaint. My submission, therefore, is that the Resolution that has been moved by my friend certainly has the effect of placing our point of view before the Security Council and the world. I do not think that this Resolution is one that should be passed.

Shri Mahanty: Mr. Deputy-Speaker, Sir, I rise to oppose this Resolution

for two reasons. Firstly, there is no Kashmir question on the agenda of the Security Council. And, secondly, even though we withdraw our case from the Security Council, the other side, Pakistan may not be inclined to withdraw it. Therefore, the case will linger on for what it is worth. Only in the process we will lose an international platform where we have kept the issue alive. According to my way of thinking, while the withdrawal of this case from the Security Council will confer on India no new advantage, it will decidedly create a disadvantage for India so far as our keeping world conscience alive regarding this particular issue is concerned.

Now, various Missions of the U.N.O. have visited Kashmir. The fact has to be remembered that there is a stalemate and that the stalemate cannot be broken by whatever we might think or feel. For instance, a stalemate has been created regarding the quantum of forces which should be maintained on both sides of the cease-fire line.

Having accepted the basic concept about the quantum of forces and about the need to have a plebescite, it is really blaming the Security Council for no fault of theirs. At this distance of time one really wonders why this issue was referred to the Security Council at all. In the meantime, memoirs of Shri V. P. Menon and the Memoirs of Campbell Johnson, men who had played very leading roles in the days of Partition, have appeared and from their writings we find that against the inclination of many leading members of the Indian Cabinet this issue was referred to the Security Council. It has been mentioned by Shri V. P. Menon that even Mahatma Gandhi was opposed to refer this issue to the Security Council. It was intrinsically and basically a domestic issue and we should have faced it in the appropriate manner that was open to us. There was no reason to have invoked the authority of the Security Council but after having invoked it, I am

afraid, that authority cannot be set at rest.

Secondly, there is no such issue as the Kashmir issue on the agenda of the Security Council. Anyone may go through the proceedings of the Security Council on this Kashmir question. In retrospect, I may say that in 1948, our delegation was led by the late Shri Gopaldaswamy Ayyangar who was assisted by an eminent lawyer, Shri Setalvad. The late Ayyangar in his introductory speech which lasted for an hour took many things for granted and stated the case. After that a filibuster followed by Sir Zafrullah Khan for long seven days in which issues from genocide to Jamnagar, canal-water dispute, refugee rehabilitation problem and so on and so forth were brought. So much so, that the entire issue was confused. There was no Kashmir issue but there was the Indo-Pakistan quarrel on various issues out of which Kashmir was one. At that point of time, I fail to understand why the Government of India had agreed to enlarge the scope. I know no answer will be ever offered to these questions. The man who could have offered any answer, the Prime Minister, I know, will maintain a silence on it. But it is the right of this House to know why the Government had agreed to the enlargement of the scope and why it had agreed to the proposal that there would be no Kashmir question but what should be on the Security Council's agenda would be Indo-Pakistan question on various issues. There is no Kashmir question on the Security Council's agenda and therefore it cannot be withdrawn.

Assuming we withdraw it, the Pakistan Government may not feel impelled to withdraw the case. Therefore, the case will linger and in the bargain we will lose an international platform where we have kept the issue alive for what it may be worth.

There is also another question to which I would like to make a reference. I am no admirer of the Anglo-American bloc nor am I an

[Shri Mulchand Dube]
admirer of the communist bloc. The fact is to be viewed in the proper perspective, how the Anglo-American influence is at work. It is you who have accepted the concept of plebescite and so you must have courage enough to say: we do not stand by the plebescite; today Kashmir is part and parcel of India. The Anglo-American bloc is not going to throttle your throat. You can make an announcement that Kashmir is today part and parcel of India; you can say that in the International forum that in view of the fact that Kashmir is part and parcel of India, we do not stand by the plebescite. These things can be said. But we are not prepared to give vent to these hard and bitter truths but blame the Anglo-American bloc to find a scapegoat for one's failure. That is not proper. With these words, I am sorry I have to oppose my hon. friends Resolution. 16 hrs.

Shri Joachim Alva (Kanara): Sir, the spirit is willing but the flesh is weak. Morally, we want to withdraw our case from the UNO but technically we are caught in the web of technicalities. Kashmir has been made a football in international politics, and the American Bloc, especially, has not been as kindly to us as they played a great part in the Suez crisis and in the recent South African racial crisis. America proclaims great principles of tolerance and kindness towards other nations, but I wish it had shown as much fairness and justice in the Kashmir case as it has shown in the Suez and also recently in the South African Racial debate.

America today is being followed by nearly more than two dozen powers of South America in the Kashmir issue. We make an appeal to the South American powers. Cuba has shown a great amount of sturdy commonsense and independence by getting out of the rut of foreign influence. We do hope and pray that the South American powers, the two dozen powers, at least a majority of them, will vote for us and stand by

us when the Kashmir question comes up next time or in the distant future.

Perhaps, Sir, Kashmir will be kept like a carass on the forum of the nations, and as my hon. friend on the other side said, Kashmir being a part of India that is independent from the U.N.O. tentacles, we shall stand by Kashmir. The people of Kashmir said—I was fortunate to go there only once—that they wanted a decent justice to be given to them. The people of Kashmir are a very peaceful type of people. I have travelled in many Muslim countries, at least in countries where there are plenty of Muslims, like Central Asian Republics, Africa and elsewhere—Turkey especially. I say that the Muslims I found in Kashmir were the harmless creatures, unaffected, and they wanted a decent justice to be meted out unto them. If you go round in the villages you will find that they have not got the wherewithal. They say that they are still *fakirs* and their condition is basically the same whether in the old regime or the new regime. When the Maharaja turned a clean pair of heels on Kashmir at the time of the tribal onslaught it was a very sad spectacle. No ruler can run away from his people in times of distress, he must either remain and save them or die. Because of the heroic spirit of the Kashmir people not one Hindu was touched during the invasion. The Muslim leaders of Kashmir, especially around Baramula and elsewhere, may God bless the name of Sherwani who was killed—stood like one man and not a hair of a Hindu was touched. That is something for which we shall indeed be proud of our secular character of State. The same thing did not happen in our country because we had our own rivers of blood and we also proved that we can be as bad or still worse when communal passions were roused and the same is the story of Kashmir, the massacre of Baramula is one of the worst chapters in the history of Kashmir. A Spanish nun who had come there hardly six months be-

fore was massacred. The nuns, whether they be Spanish, Italians, English or Irish, who are there will tell you a very sad tale. At least these people were never spared.

Sir, this House has lost an outstanding man by the death of the great patriot, a man who stood like a hero on the floor of Parliament, the late Dr. Shyama Prasad Mukerjee. If, perhaps, we had made up our mind when the Hindu Mahasabha and the Jan Sangh waged their battle in the streets of Delhi five or seven years ago, and met at a round table conference, Dr. Shyama Prasad Mukerjee's life could have been saved; perhaps, Abdullah would not have been the rotten egg that he has proved and the Kashmir problem may have been nearer solution. Sheikh Abdullah carried on intrigues even in the forum of the U.N.O. When he went there as adviser he was thinking himself as an uncrowned king of Kashmir. If we had met at a conference then, perhaps Kashmir might have been with us and we should not have had all this tragedy.

Sir, in the Kashmir debate our Defence Minister was an outstanding figure on account of the contribution he made in regard to Kashmir at the U.N.O. But today we have found another budding hero in my hon. friend, Shri Tariq. He has proved what a tough guy he can be. Unfortunately, I was not here to hear his speech, but all my hon. friends have said that he made an outstanding contribution. As I said, Sir, the spirit is willing but the flesh is weak. We want that this issue should be really withdrawn, we have no faith in the justice of the great powers. But we are unable to withdraw it.

श्री बजरंग सिंह (फिरोज़ाबाद) :

उपाध्यक्ष महोदय, कानूनी दिक्कतों के कारण हिन्दुस्तान की जनता का, जिसमें काश्मीर की जनता भी सम्मिलित है, भावना का आदर नहीं हो पा रहा है। कानूनी दिक्कतों

के कारण काश्मीर का प्रश्न संयुक्त राष्ट्र संघ से वापिस नहीं लिया जा सकता है। लेकिन जब वहां से इस मसले को वापिस लेने की बात हमारे सामने हो तो बरबस ही हमें सोचना पड़ता है कि हमने इस सम्बन्ध में कुछ गलतियां की हैं और गलतियों को छिपाने के लिए हमें दूसरे तरीके अख्तियार करने पर मजबूर होना पड़ रहा है ताकि हिन्दुस्तान की जनता उन गलतियों का बदला उन लोगों से न ले सके जो शासक पार्टी में आज हैं या जो शासक पार्टी में उस वक्त थे जबकि ये गलतियां की गई थीं। असल में सोचना यह चाहिये कि जिस वक्त संयुक्त राष्ट्र संघ में यह प्रश्न भेजा गया क्या उस वक्त उन लोगों को जो हिन्दुस्तान की गद्दी पर बैठे थे और जो खुशकिस्मती से वहां आज भी हैं, यह मालूम नहीं था कि संयुक्त राष्ट्र संघ दो गुटों में बंटा हुआ है और इन दोनों गुटों में से किसी से भी न्याय की अपेक्षा नहीं की जा सकती है। यह गुट दुनियां के प्रश्नों को गुणवाणों की दृष्टि से नहीं देखते बल्कि अपने स्वार्थों की दृष्टि से देखते हैं। अगर उनको एस बात का ज्ञान नहीं था तो मैं समझता हूं कि वे हिन्दुस्तान की पुरानी परम्पराओं का आदर करना नहीं जानते और अगर ज्ञान था तो उसके बावजूद भी उन्होंने इस प्रश्न को वहां भेज कर हिन्दुस्तान के हितों की हानि की। आज प्रश्न यह नहीं है कि काश्मीर हिन्दुस्तान का अभिन्न अंग है या नहीं है। वह हिन्दुस्तान का अभिन्न अंग है, इससे कोई इन्कार नहीं करता है। यह बात एक बार नहीं कई बार जनमत संग्रह से सिद्ध हो चुकी है। जब यह बात सिद्ध हो चुकी है तो उसके बावजूद भी क्यों इस बात की आवश्यकता पड़ गई थी कि हम एक लाइन पर जा कर चुप हो जायें, खड़े हो जायें और अपनी फौजों को आगे जाने से रोक दें। हमारे फौजी जवान कुर्बानी करने के लिए तैयार थे, अपना सब कुछ न्यौछावर करने के लिए तैयार थे, एक एक इंच भूमि को

[श्री ब्रज राज सिंह]

वापिस लेने के लिए तैयार थे लेकिन उस वक्त गलती हो गई और उस गलती का परिणाम हम भोग रहे हैं।

काश्मीर का सवाल अगर हम संयुक्त राष्ट्र संघ से वापिस भी ले लें—जोकि कानूनी दृष्टि से सम्भवतः वापिस नहीं लिया जा सकता है—लेकिन फिर भी ले लें—तो पाकिस्तान तो वहां यह मामला उठाता ही रह सकता है और इसका नतीजा यह होगा कि मामला वहां चलता रह सकता है। इसवास्ते प्रश्न यह है कि संयुक्त राष्ट्र संघ हो हमें इस तरह का एक फोरम बनाने का प्रयत्न करना चाहिये था, इस तरह का एक संगठन बनाने का प्रयत्न करना चाहिये था जहां पर कि न्याय मिलने की आशा की जा सकती। मैं पूछना चाहता हूं कि हिन्दुस्तान की सरकार की तरफ से, हिन्दुस्तान के प्रतिनिधियों की तरफ से जोकि हमारा उस जगह पर प्रतिनिधित्व करते हैं कौन सा ऐसा प्रयत्न किया गया है जिससे कि वह संस्था वास्तव में दुनिया की एक सरकार बन सकती, विश्व सरकार बन सकती, जिस से दुनिया के कमजोर राष्ट्र, निर्बल राष्ट्र न्याय पा सकते। अगर इसका प्रयत्न किया गया होपा, संयुक्त राष्ट्र संघ को अगर इस तरह की एक शक्ति बनाया गया होता, इस प्रकार का एक संगठन बनाया गया होता जिस की तरफ कि दुनिया के कमजोर राष्ट्र देख सकते तो आज अफ्रीका में जो राष्ट्रवाद की लहर उठ रही है, उस लहर के पूरा होने में और उसका फल निकलने में बहुत कुछ आसानी हो सकती थी। आज दक्षिण अफ्रीका में जो कलर्ड लोगों के प्रति अन्याय हो रहा है, जो वहां पर कल्लेभ्राम हो रहा है, वह अन्याय और वह जुल्म सम्भवतः न होता। मुझे अफसोस के साथ कहना पड़ता है कि हिन्दुस्तान की सरकार ने, हिन्दुस्तान की सरकार के संयुक्त राष्ट्र संघ में प्रतिनिधियों ने इसके बारे में कोई कार्रवाई नहीं की है, कोई प्रयत्न नहीं किया है। गलती केवल यही नहीं हुई कि हम ने यह प्रश्न संयुक्त राष्ट्र

संघ में भेजा बल्कि उसके बाद भी कई गलतियां हुई हैं। कोई कोशिश इस तरह की नहीं की गई जिससे संयुक्त राष्ट्र संघ असली मानों में विश्व सरकार बन सकता।

काश्मीर का जहां तक सम्बन्ध है, वह भारत का एक अभिन्न अंग है। काश्मीर की जनता इसको एक से अधिक बार साबित कर चुकी है। काश्मीर का बच्चा बच्चा इसे साबित कर चुका है। लेकिन वह हिस्सा जो कि हमारा था और जो आज कुछ दूसरे लोगों के कब्जे में है, जबर्दस्ती उनके कब्जे में है, उसे वापिस लेने के लिए हम क्या करें, यह प्रश्न उठता है। मेरा निश्चित मत यह है कि संयुक्त राष्ट्र संघ का आज जैसा स्वरूप है, आज जैसी शकल है, उसमें हमें कभी भी उससे न्याय नहीं मिल सकता है। जब ऐसी बात है तो हमें सोचना होगा कि कौन से तरीके इस्तेमाल किये जायें, दूसरे कौन से तरीके प्रयोग में लाये जायें, जिससे वह हिस्सा हमें वापिस मिल जाए। अब वे दूसरे तरीके क्या हो सकते हैं, यह प्रश्न उठता है। मैं नहीं कहता कि वे तरीके युद्ध के हो सकते हैं। हिन्दुस्तान की परम्परा युद्ध के खिलाफ रही है, जनता कभी नहीं चाहती है कि हिन्दुस्तान युद्ध करे। लेकिन हमें सोचना पड़ेगा कि जब हमारे सामने मृत्यु या जन्म ये ही दो प्रश्न हों, हमारे सामने ये ही प्रश्न हों, कि हम जिन्दा रहना चाहते हैं या मरना चाहते हैं; उस वक्त हमें सोचना पड़ेगा कि हम इनमें से किस को चुनें। मैं चाहता हूं कि हिन्दुस्तान की सरकार अगर इधर ध्यान दे तो अच्छा होगा और इससे काश्मीर के मामले को हल करने में हमें मदद मिलेगी।

इसी संदर्भ में, उपाध्यक्ष महोदय, मैं यह भी कहना चाहता हूं कि अब तक जो गलतियां हुई हैं, उन गलतियों का हम जायजा लें, उनका अध्ययन करें और भविष्य में उन गलतियों को न होने दें। हिन्दुस्तान

का और भी कोई हिस्सा हो सकता है जहाँ पर झगड़ा हो सकता है। अगर उस हिस्से को आपने पंच फैसले के लिए देने की कोशिश की तो पंच फैसले में वह हिस्सा बन्दर बांट में पड़ सकता है और हमारे हितों की हानि हो सकती है। इस वास्ते मैं चाहता हूँ कि इसका भी आप ध्यान रखें।

Shri C. R. Pattabhi Raman (Kumbakonam): Mr. Deputy-Speaker, Mr. George Marshall, the former United States Secretary of State, stated during the debate on the Greek question that assisting and arming of rebellious forces by one nation against another Government is "a hostile and aggressive act". The United Nations charter forbids the very use of force against the territorial integrity of another State. James L. Brierly, a reputed authority on international law and Oppenheim have made it very clear that this will amount to international delinquency and will violate international obligations. Oppenheim says:

"When a State complies with these requirements and pays such compensation as is appropriate in the circumstances, no blame falls upon it on account of such injurious acts. But, of course, in case a State refuses to comply with these requirements, it commits thereby an international delinquency, and its hitherto vicarious responsibility turns *ipso facto* into original responsibility."

Judging from these observations and the international principles well accepted all over the world, there is no doubt that aggression had taken place, so far as Kashmir is concerned, and we are the people who complained in December 1947 to the Security Council, referring to this aggression.

What has been referred to frequently—and it has been referred to by many hon. Members today but because of the shortness of time I have to summarise them—is that, judging from

their various conclusions, the Security Council Resolutions of 17th and 20th January 1948 and later on fell short of solving the problem in regard to Pakistan's aggression on Kashmir because, firstly, it failed to call upon Pakistan to stop aiding the tribal invaders. Secondly, it also failed to pass judgment on the merits of the claims of India and Pakistan as to the finality of accession of Kashmir to India and their responsibilities towards Kashmir before and after its accession to India. Thirdly, it should not have enlarged the scope of the dispute by including the counter-charges preferred by Pakistan for they have no real relevance to the aggression on Kashmir. So, it is really a case of aggression by Pakistan in Kashmir.

The Australian Jurist, Sir Owen Dixon, stated that Pakistan's direct intervention on the side of the tribal invaders in May, 1948, "was inconsistent with international law". But the Commission did not pass any judgment on Pakistan's intervention in Kashmir, although it asked the Council to call upon Pakistan to withdraw its regular troops from Kashmir as a first step towards the final settlement of the aggression by Pakistan on Kashmir.

I will now only briefly refer to our leader Shri Krishna Menon's speech in the United Nations in 1957, where he stated:

"We have not held back anything that is used against us. But this was the finding of one of the investigators who, on balance, was not favourable to the Indian position and had a considerable number of reservations. But on this issue his judicial training and with the facts before him—and every lawyer knows that whatever may be the right of the occupant, no trespasser has a right to priority—he said that. So here is a categorical statement in the report of

[Shri C. R. Patabhi Raman]

the U.N. Representative that there was an aggression”.

Various settlements have been attempted, so far as the aggression on Kashmir by Pakistan is concerned, and I will just briefly refer to them. Firstly, there was the direct mediatory attempt of the Security Council through the intervention of the President. Secondly, there was the United Nations Commission for India and Pakistan, which also tried to settle this problem. Thirdly, there were the efforts of General McNaughton of Canada. Fourthly, there was the mediation by Sir Owen Dixon. Fifthly, there was the Frank P. Graham Mission. This, in brief, is the history, so far as the aggression of Pakistan on Kashmir is concerned.

So far as the ceasefire border violations are concerned, it is also true that the numbers are really alarming. From 1949 to 1959 they have gone up to 27 in all. Not only that, I also find that our airspace has been violated 16 times in 1958, 7 times in 1959 and once in 1960. So far as cattle-lifting is concerned, I find that it was done 66 times in 1958, 73 times in 1959 and 22 times in 1960. Therefore there is continuous aggression, and various hostile acts and international delinquency are committed by Pakistan.

16.16 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

I can quite understand the feelings of my good and hon. friend, Shri Tariq. He is a son of the soil. He knows what it is that his people have suffered and are suffering on account of this aggression and the various acts of delinquency by Pakistan. So it is right that the world should know how the people of Kashmir feel. As regards these border violations and various trespasses, we have done our best. If I may say so from a perusal of the speeches of Shri Krishna Menon in the Security Council during January

and February, 1957,—with great respect I say that they are worth reading—our case has been put well before the Security Council and before the General Assembly. At one time it looked like a heavy snowing and it had to melt. It is no doubt true that there is a different feeling now internationally speaking so far Kashmir is concerned.

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

Shri C. R. Patabhi Raman: I will take just two minutes more.

Mr. Deputy-Speaker: I can give him one minute more.

Shri C. R. Patabhi Raman: People are sitting up and appreciating to the justice of our complaint. There is a feeling in some quarters at least in the eastern hemisphere, that the dice has been loaded a bit. There were many people here who were doubtful about the decision on the question of Goa. See what has happened. We have always stuck to our obligations. Mahatma Gandhi never said that we should stop from carrying out our obligations. So far as Pakistan is concerned, he did not want to wait for the various demarcation questions to be settled. He insisted on India fulfilling her obligation. Morally our stature has risen very much in the world. We, who have been responsible to a great extent for international goodwill coming into existence, cannot now back out of either the United Nations or the Security Council. Whatever be the provocation we will still persevere with our peaceful methods. With the present atomic weapons anything may happen and if a country like India goes out of the United Nations. I have no doubt that ultimately dharma will triumph—*Yato dharmah tato jayah*. Ultimately, truth will prevail. *Satyameva jayate* is our motto.

Mr. Deputy-Speaker: Shri Patabhi Raman has pushed out another hon. Member.

Shri Hem Barna: He conveniently refused to hear the bell.

Shri S. L. Saksena (Maharajganj): Mr. Deputy-Speaker, Sir, I think one of the most glorious acts that we did was to send our troops in Kashmir when it was invaded. But, I think, an equally inglorious act was when we accepted the cease-fire. I think in both of these cases it was the influence of General Auchinleck who was our Commander-in-Chief and who was consulting our Generals on the front that persuaded the hon. Prime Minister to enter into the agreement that ended in the cease-fire while the Prime Minister was in Europe.

When I went to Kashmir soon after the cease-fire, I was surprised to find from our Generals who were there that we had just to walk over and probably with a month left they would have gone to the borders of Kashmir. But unfortunately the British Commander-in-Chief betrayed us and collaborated with his British counterpart in Pakistan. He gave a report to the hon. Prime Minister and said that he accept this agreement. The result is that for so many years Kashmir problem has dragged on.

Another blunder that we committed was, again on the advice of the British Governor-General here, that we sent our troops to Kashmir. That was another blunder because he knew that both the parties were interested in it. In fact, partition was made by the British simply because they did not want to give up Gilgit and those parts.

The third blunder we have committed in Kashmir was the offer of plebiscite. There was no reason for it. It was probably as a result of sentimentalism, and I may say, immaturity in those days when he had just become the Prime Minister and the Foreign Minister.

But now what is the position? Now the Kashmir matter is before U.N.O. it is impossible to withdraw the mat-

ter. Secondly, I think our case is strong on merits. I think the case that has been put up by our spokesman, Shri Krishna Menon, has been very ably put and we must thank him for that wonderful presentation of our case. We must not fear the consequences. It may be delayed. But we cannot lose it because right is on our side—We have been the victims of aggression—and no power on earth, howsoever big or powerful it might be, can deprive us of Jammu and Kashmir. We can never lose Kashmir. In fact today we are fighting for Ladakh. Why? If we were not in possession of Kashmir, what is the position of Ladakh; what is the trouble with Ladakh? So, even Pakistan in fact admits that Kashmir is ours. We are fighting against aggression in Ladakh, and we are negotiating.

We should not withdraw the case. There is no question of withdrawing our case from the U.N.O. It cannot be withdrawn. It will be a blunder. Now we will have to go to the end. And I hope we shall be able to win the case, because ours is a right cause, it is a just cause and we shall succeed.

Shri Ansar Harvani: I am one of those who believe that the United Nations is one of the greatest achievements of the human race for peace and for stopping war, although I am conscious that in spite of the best efforts of the Indian delegation headed by Shri V. K. Krishna Menon, it is not yet represented by one-sixth part of the human population of the world, namely China. But there is no denying of the fact that this is the most representative international organisation in the whole world.

But at the same time I am conscious that in spite of its international character and in spite of its great achievements, it has not yet been able to do justice to the people of Kashmir. My thoughts go back to those people in Occupied Kashmir who are being kept under the iron heel of a

[Shri Ansar Harvani]

foreign aggressor and a military regime and who are being denied all democratic rights which the people in the rest of Kashmir are enjoying. Let us remember the circumstances under which India had to go to the United Nations. It was a time when the Pakistan Army, in the garb of tribal hordes, was on the outskirts of Srinagar. It was a time when the entire Kashmir was on fire. It was a time when in India itself, rivers of blood were flowing as a result of the communal riots.

But today things have changed. In Kashmir we have had two successive general elections. In those general elections the National Conference was returned to power which in unequivocal terms has declared that Kashmir, and every inch of Kashmir, is part of India. And today in Kashmir there is no trouble. So the situation has completely changed.

On the other hand we should remember that due to the fact that the case is before the United Nations, quite a considerable population of Kashmir is still under the slavery of Pakistan. At the same time we should also remember that in spite of the international character of the United Nations, in spite of the fact that on it are represented almost every big and small power in the world, there are certain very important members of the United Nations who are trying to develop that part of the country to become a permanent part of Pakistan. I mean the construction of the Mangla Dam. I mean the use of the American arms in Pakistan. I mean Pakistan being a part of various treaty organisations in which the Anglo-American bloc is helping them.

Therefore, the situation today is completely changed. We have to revise our attitude towards keeping our case before the U.N. or not. I am not going to enter into the legalities, whether the case can be withdrawn or not. I leave it to the leader of our delegation who leads this

country very ably in the UN to explain it. But I will urge upon him and urge upon the Government to revise our entire policy about Kashmir vis-a-vis the U.N.

The time has come when we have to revise our policy whether we should keep the case in this form or not. Today we should remember that every man and woman in India feels about the people in Occupied Kashmir. We should remember that every man and woman in Kashmir is determined to continue to be with India. India shall not rest content unless that part of Kashmir becomes part and parcel of India, the part which is under foreign occupation. Kashmir is ours. We live for Kashmir. We shall die for Kashmir.

श्री रघुनाथ सिंह : उपाध्यक्ष महोदय, हमारी जो इस्तदुआ सिक्थोरिटी कौंसिल में थी वह सिर्फ दो लाइन की ही थी कि :

"Please, ask Pakistan Government not to aid the raider."

बयान तहरीरी जो पाकिस्तान ने दाखिल किया उस में पाकिस्तान ने कहा कि काश्मीर हमारा है। अगर आज हम अपना केस वहां से उठा लेते हैं तो पाकिस्तान का बयान तहरीरी अर्जी दावा हो जायेगा और हमारी अवस्था एक मुद्दालय की हो जायेगी, न कि हमारी अवस्था एक मुद्दे की होगी। इस वास्ते पाकिस्तान के खिलाफ सिक्थोरिटी कौंसिल से केस उठा लेने से हिन्दुस्तान की हानि है, हिन्दुस्तान का कोई फायदा नहीं है।

दूसरी बात यह कही गई है, और महात्मा गांधी का नाम महन्ती साहब ने भी लिखा है, आप लोक सभा के डिबेट में देखेंगे कि सन् १९५२ में हमारे प्राइम मिनिस्टर ने कहा था कि उन्होंने ने इस विषय में महात्मा गांधी से सलाह ली थी और उन का आशीर्वाद पा कर ही इस प्रश्न को यू० एन० ओ० में उपस्थित किया गया था। महात्मा गांधी के

आशीर्वाद के साथ जो हमारा अर्जी दावा दाखिल हुआ है, इन बातों को देखते हुए, अगर हम उस केस को सिक्योरिटी कौंसिल से उठा लेते हैं तो यह हमारे हित में अच्छा नहीं होगा।

जिस संयुक्त राष्ट्र संघ में सारी दुनिया के राष्ट्र हैं, सिवा एक राष्ट्र चीन के, क्योंकि अब स्पेन को भी यू० एन० ओ० में शामिल कर लिया गया है, हम उस से अलग नहीं जा सकते। दूसरे यह कि अगर हम अपना केस सिक्योरिटी कौंसिल से उठा लें, तो दूसरे राष्ट्रों को अधिकार है कि वह इस मामले को फिर सिक्योरिटी कौंसिल में पेश कर सकते हैं। उस वक्त हमारी अवस्था मुहालय की हो जायेगी, मुद्दई की नहीं रहेगी। आज तो हम यह कहते हैं कि पाकिस्तान एग््रेसर है, और अगर वह एग््रेसर है तो सिक्योरिटी कौंसिल को एग््रेसर को दंड देना चाहिये। अगर पाकिस्तान एग््रेसर साबित होता है तो पाकिस्तान को उस के कांसिक्वेनसेज़ भुगतने पड़ेंगे। लेकिन अगर हम अपने केस को उठा लें तो हमारा सारा जो केस बना है सिर्फ एक प्वाइंट पर कि रेडर को एड न दे, उस सारे केस को हम खो देंगे। इसलिये मैं कहना चाहता हूँ कि सिक्योरिटी कौंसिल से इस केस को हमें नहीं उठाना चाहिये।

तीसरी बात यह है कि हमारे दोनों प्राइम मिनिस्टर कामनवेल्थ कान्फ्रेंस में मिल रहे हैं।

श्री वाजपेयी : वहां प्राइम मिनिस्टर कहाँ हैं ?

एक माननीय सदस्य : प्रेजिडेंट ?

श्री रघुनाथ सिंह : हां, वहां के प्रेजिडेंट साहब और हमारे प्राइम मिनिस्टर दोनों मिल रहे हैं। पाकिस्तान हमारा पड़ोसी देश है मैं चाहता हूँ कि पाकिस्तान से हमारा भेल जोल बंदे, पड़ोसी से झगड़ा करना ठीक

नहीं है। मैं इस चीज का स्वागत करता हूँ। लेकिन इस के साथ साथ अगर कोई अच्छा सोल्यूशन निकल आये तो हमें उस का स्वागत करना चाहिये, लेकिन सिक्योरिटी कौंसिल से केस को उठा लेना कोई बुद्धिमानी का कार्य नहीं होगा।

Shri N. R. Muniswamy (Vellore): I oppose this resolution tooth and nail because there is neither flesh, nor substance, nor even spirit in it. I think there is no urgency or immediacy about withdrawing our complaint from the U.N. The U.N. has got its own rules and regulations which are complex. I am not a pundit and probably the Defence Minister may be able to clarify the position as to whether we are in a position to withdraw the case.

Is this the time for us to withdraw it? A new situation is developing from day to day, and if we withdraw it, it will create another situation and a new contingency, and we may not be able to meet it.

What will be the advantages of withdrawing it? After withdrawing, what are you going to do? What is the alternative? Are you going to take back the territory occupied by Pakistan by other methods? The hon. Mover spoke in Hindi, and I do not know if he suggested any way of getting it back.

Mr. Deputy-Speaker: I can tell the hon. Member that he has not suggested any methods.

Shri N. R. Muniswamy: If he has not suggested any methods, he has driven us to a land of absurdity, because, then, it would only bring us down in the eyes of the world.

Mr. Deputy-Speaker: I am sorry I gave him the information, because I did not expect these remarks from the hon. Member.

Shri N. R. Muniswamy: I am sorry, but when he replies he can refer to it.

[Shri N. R. Muniswamy]

In case we withdraw, there will be another difficulty. Now we are in the position of a petitioner, and Pakistan happens to be the defendant or respondent. If we withdraw, the position will be reversed or transposed. And still, we can never come out of the situation. I do not know what the procedure in U.N. is, whether it is the same as the procedure in the courts of law here. That may be something different. And we do not know the difficulties that would arise therefrom. Therefore, I would only say that this resolution as it stands now will only create a condition from which we shall not be able to get out. Even if we try to do it, we shall get caught in the complicated procedure. Therefore, this is something which is inextricable, and we cannot come out of it.

Therefore, I would request the mover of the Resolution to withdraw it, without making any more observations about this. The point has been put forth very ably by my hon. friend Shri C. R. Pattabhi Raman. I have not gone through the valuable documents which he has referred to. But I can say as a common man or as a layman, from what we read in the papers, that at an earlier stage, it had been opined that Pakistan was the aggressor. That is a verdict in our favour and against Pakistan. We would be losing that first-class verdict in our favour if we withdraw the case now. Further proceedings are still pending at the United Nations. It may be that they may be having their own delays and their own tactics in putting off this matter for a long period. But that is all to our advantage only, and it will never be to our disadvantage. So, what is the hurry for withdrawing the case now? If we withdraw it, we shall only be creating more trouble.

It was said that this resolution was some sort of protest. We protested on so many occasions but with no effect. If we withdraw our case now,

it would not be any protest at all, but on the other hand, it would do a great disservice to India, and disservice to Kashmir also. For Kashmir is now having more peace. If we withdraw our case now, in protest, they will get caught again, and there will be fresh difficulties. A new situation may come into the limelight over which we shall have no control. Already, a serious situation has arisen in our northern border, and that is going to be added to by withdrawing our case from the UNO; it is not a wise thing in my opinion. I do not want to entangle the hands of our leaders in so many complications.

I would only request the hon. Mover to withdraw his resolution. He may ask the leaders to throw some more light as to what the next alternative is, by which we can get back the occupied territory of Kashmir.

Pandit D. N. Tiwari (Kesaria): I congratulate Shri A. M. Tariq for expressing very fine sentiments in this House, but I wish he had moved a resolution in some different form. We know, and everybody accepts it, that the resolution as it stands cannot be implemented. All the discussions are in the air. We are not going to turn this House into debating society.

Shri Hem Barua: It is a debating society, after all.

Pandit D. N. Tiwari: No, I do not think so. (*Interruptions*). I think we are a responsible body, and we must treat this House as a responsible body. Shri Hem Barua may think that it is a debating society, but it is not; it is a responsible body.

I wish the resolution had been framed as a sort of protest or to send our reactions on the action of the Security Council in not deciding the case yet on the claim that we had filed there. No doubt Pakistan is the aggressor, and it has been ac-

cepted in some form or other by the Security Council also, though not in a very open and clear way.

To withdraw our case from the Security Council at this stage will land us in many difficulties. When we think that it is against our interest to withdraw it, how can we withdraw it? As at present circumstances, we cannot withdraw it.

Many wrong things have been said, which I do not have the time to contradict now. Many have said that Gandhiji was against it. Many have said that we have committed some wrong. It is easy at this distance of time to say these words. But when the matter was then pending, we could not think of any other way but to go to the Security Council and file our case there.

So, I would request Shri A. M. Tariq to withdraw his resolution, taking into consideration all these facts. If he wants, he may move another resolution to send our reactions and the opinion of the House to the Security Council.

The Minister of Defence (Shri Krishna Menon): This resolution coming within the private Members' time might perhaps—I only said, perhaps—give an impression that it is somewhat out of relationship with the immensity of this problem. We may not however forget that this debate, however few we are here, has a vast audience, an audience just across our frontiers, an audience in the world, and particularly amongst the Great Powers.

Shri Tariq has moved this Resolution which has given us an opportunity of reminding ourselves of this problem. It will live with us unless and until Pakistan vacates its aggression on Kashmir territory, because what is involved here is really the sovereignty of this land. This is the fundamental issue.

The Resolution before us asks us to withdraw our complaint or rather our reference—we did not, actually make it as a complaint—to the Security Council. Mr. Deputy-Speaker, Sir, I say with great respect that the criticism that is made of the Mover's approach to this, for availing ourselves of this remedy is bad, but, if I may say so, the reasons given for it are worse. The reasons why we cannot withdraw this from the Security Council are not merely technical ones. If they are technical ones, we would overcome them. The reasons go to the basis of our foreign policy, of our approach to international affairs and, what is more, to our security.

Now, there are certain fundamental things in connection with Kashmir. This debate has roamed far and wide. Therefore, it becomes necessary, since matters have been raised, to refer to some of them in brief.

First of all this reference was made to the Security Council at a time when conditions as far as were known then were not the conditions that came to be known afterwards. We submitted the complaint to the Security Council under Chapter VI of the Charter of the United Nations—Pacific Settlement of Disputes—because at that time we were not aware of the fact that Pakistani Armies had intervened. At least we were not officially aware. At that time many Pakistani nationals were there and they were aided and abetted by Pakistan; but it had not become a warlike action by a constituted State.

Secondly, at that time our one desire was to limit the spreading of conflict. Reference has been made—and I think it is only right to refer to it—allegation has been made to the sinister role of Lord Mountbatten in this affair. Apart from being a reflection on Lord Mountbatten, it is rather a reflection on this country. We were a self-

[Shri Krishna Menon]

governing Dominion at that time and it was incumbent on the Governor-General as the Head of the State to act according to the advice of his Ministers. So, if we place the responsibility on Lord Mountbatten, we are really blaming our Government and our Prime Minister. But, in fact, what is alleged is not the case at all. Lord Mountbatten's role in this, as Head of the State, was to accept accession. But, in the subsequent letter that went out there was some reference to the ascertainment of the opinion of the people to which I shall refer later.

Therefore, the main position in regard to this was this: we went there at a time when we did not know as much as we did later. And, our lack of knowledge was not due so much to our lack of care as to the fact of deliberate concealment on the other side. And, so, when Pakistan made its reply—some 15 days later—to the United Nations they answered our application with several points—I think it was 14 or something of that kind. But only one of them referred to Kashmir the others were references to Junagadh, Hyderabad and genocide and the two nation theory and all kinds of things which had nothing to do with this matter. The long reply did not refer to the Kashmir State except a two line paragraph or so in which they denied aggression. The others are irrelevant. Our complaint was, therefore, in fact, met by denial which, afterwards, was proved by U.N. Observers to be wrong. Therefore, there has been no legitimate or proved fact in support of the denial.

Reference has been made to the fact that aggression has not been found by the United Nations. This is to throw away the support we have got from the findings of the U.N. Commission itself when Sir Owen Dixon stated that on such and such a date when the Pakistani forces crossed the frontier they committed a breach of international law. That might be a roundabout way of saying it. But it was a finding that aggression had been committed.

In this matter we have to stand from on various factors. Ours being a modern nation, though an old country, being a modern nation, having come into independence after the emergence of the United Nations and the Charter, the commitments in relation to the Charter are part of our Constitution. Therefore, we are bound as much by the municipal law of this country as by the international obligations which have been sanctified or accepted by our municipal law. We cannot get away from the obligations of the Charter of the United Nations.

Secondly, it is not our interest to get away from it. The solution now proposed, if it were accepted, would be something like saying, if you have got a bad headache, cut off your head. That would be no remedy. So, to displace the United Nations and to lend our support even if we are badly hurt would be to disown and disengage ourselves from all the obligations, moral and otherwise we have entered into. It would accentuate or rather would take us away from the forces that operate in this world towards world peace and co-operation and human development. What is more, it would belie every profession and every declaration that we have made before that body in this regard. It is quite true that aggression has not been vacated in Kashmir. It is also true that even the United Nations in its resolutions—it is sometimes forgotten—has found in favour of our sovereignty of that region, because every resolution speaks about the sovereignty of Jammu and Kashmir—Jammu and Kashmir is an integral part of India—and because there are no States in this country, whether it be the Maharashtra that has to appear or Gujarat that has to appear next week or Kerala in which there is trouble often or Bengal or Punjab, there are no States with international boundaries, with frontiers. The frontiers of Jammu and Kashmir are on the Arabian Sea, the Bay of Bengal and the foot of the Himalayas. That has been sanctified by the declaration of the U.N. where it speaks of the sovereignty of the Jammu and Kashmir Government

which is indeed the Government that is like any other Government, part of our constitutional arrangements. It is so by international law; it has been accepted by Pakistan, by ourselves and the British Government at the time of Partition. It is international law.

Secondly, it is the will of the people themselves declared in their constituent assembly and afterwards by two different elections from which latter only those people who were held away by duress were prevented from participation. Even if they had voted against it would still leave a large electoral majority in favour of the declared will. Therefore, the plebiscite has been gone through. We come to this question raised by Shri Sadhan Gupta. He said that we made a mistake in making a commitment about the plebiscite. We are inclined to accept the versions of other people about us; we are even likely sometimes to accept such terms. Two or three years ago, it was common in our country to speak about Kashmir and India as if they were two separate countries. We have got out of it. Similarly, when we speak about the plebiscite and so on, we are accepting the version of people who do not agree with us. We made no commitment in regard to the plebiscite without any conditions. True, we have referred to it. The only resolutions of the U.N. by which we are bound are the resolution of the 13th August, 1948, 5th January, 1949 and the 17th January or whatever it is. These are the only resolutions to which India has agreed. Every delegate, myself or any representative of the Government—every delegate had been instructed and has said it before the Security Council that we are not bound by any resolution which we have not accepted. We may in good faith try to carry out what the Security Council decides; we cannot prevent the Security Council passing resolutions anything more than we can prevent the SEATO powers declaring India to be under their protection were to return to some particular country whose name I

shall not mention and were to say, "Macmillan was my ancestor and the whole continent of America is part of my country", we could not stop him doing it. You may send him to some place for mental cure. If the Security Council were to pass any resolution or the SEATO powers were to say that any country below the 32nd parallel is under its protection, we cannot stop them. We can only refuse to accept them. There was thus no question of any resolution being accepted.

It takes me to a point of the plebiscite. There is the "Plebiscite Front" and what not. What has been their view at the U.N.? We accepted it as a working basis some years ago. Some years ago, there was a resolution which was divided into three parts; it is what may be called a concertina resolution. One part is tied up with the other. The second part becomes operative only when the first part is performed; so also, about the third part. Our contention has been and I am glad to say that it is now regarded as at least not controvertible—that the first part has not been performed. That first part was that the Pakistani elements in the territory of Jammu and Kashmir must withdraw. Their contention was that they were not there; and it was said that all the forces that there were at that time, except such people as were required for local police work in the so-called Azad Government, should withdraw. At that time when the Resolution was passed, the Northern areas were not under the Azad Government and in fact the Pakistani delegate himself admitted that he had no control over it. Therefore, the whole area which is now so significant to us, much more than is realised by our countrymen,—Baltistan, Gilgit, the whole area of Chitral, the frontiers with China, Soviet Union and so on, that is, those areas—was never part of Azad Kashmir; those areas were and are within the sovereignty of the Jammu and Kashmir Government.

So when this resolution was passed the Pakistan Government had agreed

[Shri Krishna Menon]

to withdraw all these forces. Not only did they not withdraw these forces, they accentuated and added to them. Therefore, the first part has not been performed, and unless the first part is performed the second part is not triggered. That has been our argument. I hope we have successfully established it that the first part has not been performed and, therefore, we cannot look at the second part because it is necessary to have the first part performed.

Supposing, for argument, sake, the first part has been performed, then comes performance of the second part which, maybe on account of our weakness, maybe because we are pre-occupied, maybe because we never had experience in these matters, has been easily "translated", by those who ought to know better, as meaning de-militarisation. We have never at any time, whether in Shri Gopaldaswami Ayyangar's time or anybody's time, agreed to the de-militarisation of Kashmir. No sovereign nation will agree to de-militarisation of its own territory. And, on behalf of the Government of India, I would say—we are accused of passion in this matter; as the Prime Minister rightly said, it is not my passion, I only reflected the passion of the country in this matter—we would not permit, we would not agree to any tribunal however great, we would go down as a people rather than agree at any time to de-militarisation.

So there is no question of de-militarisation in this matter. There is another point in this first part. Apart from the withdrawal of these troops, it was said in the first part that it was incumbent on the other side not to create conditions which would create turbulence between us. So, when they carried on all this campaign with all their heart and when speeches were made that they would invade us the ~~had~~ they created that kind of conditions and they have broken the first part.

So unless Pakistan behaves like a civilised nation and not carry on a war of nerves, a psychological war

against us, continually pricking our frontiers and everywhere, as she has been doing, unless the first part is fulfilled—the first part was not fulfilled—and I make no reservation in this matter; the first part in regard to the resolution of 13th August remains unfulfilled and, what is more, it remains violated—the second part does not come into operation.

But even if the first part has been performed, the second part would require taking away, first of all, of the forces, the 32 battalions of the so-called Azad Army, Pakistan's regular army that have come in possibly after the conclusion of cease-fire, after the drafting of these agreements. It is only when they have been removed that other matters would come in.

Then, what is it that in the second part we have committed ourselves to? We said we would withdraw ourselves at certain points. I am sure I am not endangering the security of the country when I tell you that even today on the soil of Jammu and Kashmir, the number of Indian Armed Forces is at a level lower than permitted by the cease-fire agreement. That is the pacific approach that this country has made to this problem.

Supposing it was the case, even the second part has been performed, what do we say in the third part? We never said anything about a plebiscite in the third part. We simply said that we would discuss with the Pakistan Government certain methods, this, that and the other, and out of those methods were put on a kind of architectural plan in the 5th January resolution. It was not an offer of plebiscite. In fact, there are various documents, which you can obtain from the Ministry of External Affairs, where the United Nations itself has said that plebiscite is only one method of ascertaining the opinion. So the plebiscite which has by repetition become almost a gospel, was not a commitment on our part. If it was a commitment it was a conditional commitment, it required the satisfaction of three or four stages of conditions, which have not only been

not fulfilled but have been violated by the action of a reverse kind.

So, when we went to the U.N., we agreed to this resolution in order to restrict the area of war, in order that the specific purpose of the United Nations may be promoted.

The second point we have to remember is this, that we have not taken a "Dispute" to the United Nations. There is no dispute, so far as we are concerned, about Kashmir. There is no more a dispute about Kashmir than there is a dispute about U.P. What is before the Security Council, under the terms of the Charter, is a "Situation" which is very different from a "Dispute". And, what is more, the Security Council has not got the powers under the Charter to adjudicate in a legal dispute. That could become the function of the World Court if we agree to its jurisdiction. But no legal issues can be resolved at the Security Council under the terms of the Charter. Therefore, if it is a dispute, it must be either a boundary dispute or a legal dispute. If it is a boundary dispute, it would have to be settled under the terms of a pacific settlement where there must be agreement on both sides. Therefore, we have referred no dispute. We have referred a situation—I have forgotten the relevant clause of the Charter—which was inimical to the peace of the world, which was deteriorating the relations between two countries and which might lead to this, that and the other.

The third fact to be remembered is this. Perhaps the House would not feel very much moved by it, but they are familiar with this phenomenon as well as other individuals at the United Nations. In all these years, we have been maligned up and down the world on many charges. We have been charged with genocide; we have been charged, for example, with ill-treatment of the minorities—who are the majorities in Kashmir—and what is more, we have been told that the Muslim populations of India—I hope the Muslim population, if they recognise them-

selves as a separate identity, will take this into account—we have been charged with holding the Muslim population of India as a hostage in regard to Kashmir—a large hostage indeed, of 60 million. So, that is the third factor, that we should bear in mind.

The fourth is that it is quite true the resentment of this House and of this country as a whole in regard to the Security Council is understandable, that the Council is composed of 11 nations, most of them nations whose constitutions are founded in the ideas of truth and liberty, who have not thrown their weight on the side of resisting aggression.

Even as late as last year, the Secretary-General, when called upon in another connection to state the juridical position about the changes of sovereignty, said that no act of war could be permitted by the United Nations to change what is called the *status juris*. That is to say, the State of Jammu and Kashmir is part of this country under the international law, under the terms of the Constitution in 1935 which was implemented at the time of partition, and what is more, by the fact that the United Nations themselves have recognised in their resolutions on Jammu and Kashmir—When the question of Jammu and Kashmir was raised—that Jammu and Kashmir Government had no international status except inasmuch as they could be either related to us or to Pakistan—of course, it related to us. Therefore, this position having been recognised, there could be no question whatsoever of our surrendering any part of this territory, and that is why our position has been on the one hand consistent with the background of our country and the necessities of the world and on the other with the practical considerations of the situation.

We have told the Security Council that 40,000 to 42,000 sq. miles of our territory remain under external occupation. There is yet another thing that is not fully realised; they have been annexed by Pakistan, I believe,

[Shri Krishna Menon]

under clause 1 sub-clause (2) of their Constitution legally from their point of view, and from our point of view illegally. They have been annexed by Pakistan. We have not recognised and we will not recognise the fact that we have ceased to be sovereign over those territories. What is more, under our present Constitution, with the recent decision of the Supreme Court, no Government in this country except by an amendment of our Constitution, can alter the boundaries of Jammu and Kashmir, because they are part of our sovereign territory, and there can be no change of our national boundaries except by an amendment of our Constitution. So, it has been made very clear. Therefore, the excitement on the part of Shri Tariq about Mangla dam is natural, but, in my humble submission, unnecessary, because, no Government in this country—not that it wants to do so, but even if it wants to—can alter the boundaries; it is not possible except by a change in our Constitution.

Then, reference has been made to the fact that we are not taking enough care about it: what have we done to take our country back? Questions have also been asked with regard to the present position. First of all, I would like to say that the present position is that on our sovereign territory, are two administrations: one is the civil administration of India functioning and the Government of the State of Jammu and Kashmir, indeed as any other State, and the other is the *de facto* administration which is inimical to the exercise of our sovereignty, the so-called Azad Government and certain principality governments presumably in these mountain States. This is the *de facto* position; and these are held apart not so much by physical forces as by voluntary agreement on our side. It should not be forgotten that India was the party which initiated these cease-fire negotiations. And that we negotiated at a time when, as some one has stated, there was the prospect of armed victory. Rightly or wrongly, and I believe rightly, we took the view that victory by armed forces alone is

not enough and it is necessary to proceed to a settlement. On either side of the cease-fire line are observers of the United Nations and it would not be proper for me to mention what I feel about the performance of the operations in so many cases. They are composed of many nations, and I regret to say that many of them belong to military alliances, whose business it is to report on cease-fire violations. These violations are complained of by the Parties and, if you look at them, they will look like a score-board! That is to say, the aim appears to be—I speak subject to correction, because there is the risk of criticism, but this looks like a score-board—to even up. Actually, we made some hundreds of complaints—I forget the number now, I think it was 1,028—against Pakistan and they have made 870 complaints against us. But the score is always even it is always slightly tilted against us over the years. It looks like that. We will leave that alone.

This cease-fire line is not held by any armed forces but is held by observers and by a law that, in fact, operates against us, because we observe international law and very scrupulously, that is, within five miles of that line no armed forces can operate, with the result that when a raid is committed, we cannot do anything about it, because our uniformed men are precluded from going there which will violate that line. That is the position regarding the cease-fire line. Of course, I do not want to whine about the position and we are carrying on as best as we can.

Mr. Deputy-Speaker, the worst part of it is that during the last three years considerable acts of sabotage have taken place inside our territory, and when I say territory I mean our administered territory, a very unfortunate word. I hope Dr. Ram Subhag Singh is not here.

Dr. Ram Subhag Singh: I am here.

Shri Krishna Menon: In a part of our administered territory, these acts of sabotage have happened. This was

originally initiated by an ex-General called Akbhar Khan, but it so happens that we have an Institute of Armament studies. Arms research and what not, and there is no doubt whatsoever that the materials for these sets, the personnel for this, the money for it, according to the investigations, have proved to come from Pakistan. It is an act of under-ground war or guerilla war against us. We might take the evidence of what cannot be called an authority inclined in our favour, the *News Chronicle* of London. It says:

“An unofficial cloak and dagger movement has been launched inside Indian Kashmir by fire-eating General Akbhar Khan, a veteran of the 1948-49 Kashmir war days, to counteract the internal distress and bolster up his own position. . . . Thus, this tacit encouragement of subversive movements of General Akbhar Khan suggests he intends to have Kashmir by fair means or by foul.”

Then he goes on in various places to talk about taking these places by force, if need be. Our policy is based on friendship with our neighbours, whoever they might be, but equally it is based on resistance to aggression.

Now much has been said about our preparedness in this matter. We cannot shut up our minds, and indeed we did not, and we told the Security Council that on the other side of the Indo-Pakistan international frontier, not the cease-fire line but upon the other side of the Indo-Pakistan international line is not only the country of Pakistan but a member of a great military alliance. That is to say, it is like our war machinery in British days. This country's power at that time was not what was collected here but what was here and the British war office put together. Similarly, Pakistan stands in a greater military alliance and in view of the various conditions, I do not want to go into greater detail about it. It is said or thought that the change of Govern-

ment in Pakistan has brought about or is bringing about some results. I hope it will. I think we may not forget these things, because we have to keep our powder somewhat dry, even if we trust our neighbours.

Dr. M. S. Aney: Completely dry.

Shri Krishna Menon: This is what the General said when he was commanding an army, and he was not a pensioner. He said:

“I hope to have an army which is highly skilled and it is on that that the future of Pakistan will depend. . . . The American commitment was to give the Pakistan army the means to create certain units that would balance certain divisions. This programme has now been geared in. It is moving splendidly. It is a limited programme.”

17 hrs.

It was “limited” two years ago and it is still “limited”. Then he goes on to say—this is a press report:

“General Ayub said that this was, for the first time, that exercises envisaging the use of tactical atomic weapons were being staged in Pakistan. . . . Hitherto, the Pakistan Army's studies have been confined to studies of atomic warfare in the tactical field. To put our observations to a practical test, this exercise is being staged. The conclusions and the technique of fighting in nuclear battle-fields would be evolved from this exercise. The exercise is being staged keeping in view the terrain in West Pakistan plains. . . .”

This is the important part of it.

“The exercise is being staged keeping in view the terrain in West Pakistan plains where riverine obstacles. . . .”

[Shri Krishna Menon]

I said:

"There are no rivers on the other side in the way of obstacles."

That is, the whole idea is that all these things are in order to resist the Soviet Union but the riverine obstacles are on our side. I said:

"I do not have a copy of a map to circulate but you know where riverine obstacles are."

The report goes on to say:

"The battle has been developing during the past two months. Now, the climax is about to reach."

This has been the position two years ago. It is not my purpose to heat up any difficulties or to come in the way of any conciliatory processes that go on. Going back to this question of explosions inside, during the last three years there have been 229 cases of explosion in the territory of Jammu and Kashmir, on the whole working out at an average of 90 a year, that is to say, one in every four days. When I say explosions, at present they are not what may be called merely countrymade explosives of any kind but they have war materials in them.

Also, in the same period there have been infiltrations into our territory, first starting at just over a hundred going up to 211 in 1958, 152 in 1959 and 25 in the few months of this year, that is, the first two months of this year. Infiltrations mean not people who come because they are hungry. The infiltrators are international criminals who are penetrating our frontiers and who have been either arrested or rounded up and so on. But as circumstances obtain, we do not deal with all these people every time. They can be pushed back. They are pushed back. But these are the fellows who really try to do harm. So there is an act of incipient aggression against us going on all the time. This should be borne in mind and it should not lapse into the background of our thinking when we are talking of the territorial integrity of our land.

Now that takes us to the last of our positions. Government cannot accept the Resolution as it stands for the reasons I have stated and not because some technical positions cannot be found if we want to. There are technical difficulties, but they can probably be overcome. It may even be that the Security Council is tired of it. But suppose that you withdraw it from the Security Council, there is nothing to prevent the whole issue from going before the General Assembly. At the present moment it does not go before the General Assembly where it is possible to gear votes even more because it is tied up in the Security Council. Two organisations of the United Nations cannot debate the same question at the same time. Therefore it does not go in the way the more assumes. But if we were to withdraw this question from the Security Council, because we want to, certain consequences follow. We would have proclaimed to the world that now the Charter is no longer worth adhering to. That will be a grave decision to take.

Therefore it is not only Kashmir that is involved. It is the basis of our foreign policy, it is the basis of the world organisation and our whole approach to peace and world co-operation that are involved. Therefore whatever risks we may have in this matter—and there are no risks just because the question is in the Security Council—the only eventually is that it is possible for Pakistan to bring it up now and then and have a debate. But there are no military risks just because the matter is in the Security Council. On the last occasion when this was brought up before the Council of Pakistan the risk was of foreign intrusion under the guise of importing "United Nations Emergency Force". It was sought to be proposed in the interests of Pakistan, by some of the western powers that a United Nations Emergency Force should go into the territory of Jammu and Kashmir. The Government's reply at that time in no uncertain

terms and in extremely categorical ones was that we would not allow in any circumstances, foreign soldiers to tread on our soil, that is to say, we would not permit the bringing in—not only not permit we would resist and push them out—we would physically not permit anyone entering the territory where our administrative writ ran. If the idea was to bring them on the other side we may not be able to prevent it except by an act of war. But we would regard that as further violation of our sovereignty and with international support. Therefore, in 1958 I think it was, the Government of India very stoutly resisted the proposal for the sending of a United Nations Emergency Force for this purpose, which would have meant the sending of troops of certain countries acting as international soldiers—for what purpose, one does not know—because that would have been violation of our territory, and the Security Council was prevented from such action.

There is at the present moment no actual physical danger to us, but there is this question remaining unresolved but in the Council. From a moral and legal point of view there is much to be gained. Therefore, Government cannot agree at all to this resolution. Speaking for myself, it would be very wrong for me to say that it should not have been brought, because there are various parliamentary methods of raising issues. This is perhaps one of them. It is important that we should have this question in our minds, partly because of the presence of the Indian army on the soil of Kashmir, and much more so on account of the economic and democratic development that has gone on in the State of Jammu and Kashmir.

There is comparative quietude, and the solution of the problem of Jammu and Kashmir will rest on the industrial and economic development of our land and the maintenance of our

unity. That way, the political and social equilibrium will so shift that there will be no option for the people on the other side except to join their brethren on this side of the Cease-fire line.

Thus it would be better for us, it would be part of our policy that we do not attempt to do that by the violation of an agreement we have reached. We have told the Security Council that under international law every agreement that we have entered into, we shall carry out. But we shall not accept an agreement because somebody says we have accepted it. Secondly, we have also confirmed, we have pointed out that there are certain principles and doctrines of international law which have to be observed, for example what is called *in dubius mitius*, that is to say, if a treaty is entered into by two sides has to be interpreted, it has to be always interpreted liberally in favour of the person who carries the greater burdens in the implementing of it.

Therefore, in regard to all these matters a different view has to be taken. But it very much depends upon the determination of this country. We may not forget that not long ago—it is now getting on to thirteen years—this country, this part of India was invaded, invaded first by irregulars numbering about a quarter million, and for a few days a single battalion of the Indian army was responsible for checking the tide of invasion. And on the soil of Kashmir lie buried some of the best officers and men of our fighting forces. We owe a debt of gratitude to them, and, what is more, we owe a debt of obligation to see that there shall be no residing on our part—no back-sliding on our part in this matter.

Kashmir is a live issue with us, because it is part of our sovereign territory, not because it is a piece of land; it is part of our history, it is part of our kinship, it is a sector of our people. What is more, the econo-

[Shri Krishna Menon]

mic development of that territory, the development of its resources, and the prevention of the intrusion of the apparatus of international conflict into the Asian Continent, is very much dependent upon our ability to maintain our hegemony over this strategic area.

Dr. Ram Subhag Singh (Sasaram): Sir, because a little reference was made to me, may I say a word? I am very grateful to my friend....

Mr. Deputy-Speaker: Order, order.

Dr. Ram Subhag Singh: Only one thing, if you permit me. Otherwise I will sit down.

Shri D. C. Sharma (Gurdaspur): There cannot be a speech of Shri Krishna Menon without his interruption, and there cannot be a speech of Dr. Ram Subhag Singh without a reply from him.

Mr. Deputy-Speaker: Shri A. M. Tariq. He will be very brief now.

श्री अ० मु० तारिक : जनाब डिप्टी स्पीकर साहब, जहां तक इस रेजोल्यूशन का ताल्लुक है मेरे इस के पेश करने का मकसद यही था कि मैं हिन्दुस्तान के रहने वाले लोगों के जज्जबात का इजहार करूं और जिस तरीके से अकवाम मुत्तहिदा ने हमारे मसले को लिया है और जिस भोंडे तरीके से उसे तय करने की कोशिश की है यकीनन मेरा मकसद यही था कि मैं उस के खिलाफ प्रोटेस्ट करूं ।

मेरी सब से बड़ी स्वाहिश यह थी हुकूमत से, और किसी हद्द तक हुकूमत ने उसे पूरा किया है, कि मुस्तकबिल में, आने वाले जमाने में अकवाम मुत्तहिदा और हुकूमत हिन्दुस्तान पाकिस्तान को इस बात की इजाजत नहीं देगी कि हमारी सरहदों पर गड़बड़ करे, हमारी रियासत के अन्दर साजिशें हों, बाम्ब केसेज हों । इस के साथ ही मैं हुकूमत से यह भी तवक्को रखता हूं कि वह अकवाम मुत्तहिदा को मजबूर करेगी

पाकिस्तान से यह कहने के लिये कि चितराल और गिलगित में जो तामीरात हो रही है, जो एअर पोर्ट्स बन रहे हैं, उन को फौरन रोक दिया जाय ।

जो ऐश्वोरिस डिफेन्स मिनिस्टर ने और अकवाम मुत्तहिदा में हिन्दुस्तानी डेलिगेशन के लीडर ने दी हैं, उन को देखते हुए मैं इस रेजोल्यूशन को वापस लेता हूं ।

श्री यादव नारायण जाधव (मालेगांव) : चीन के बारे में भी एक रेजोल्यूशन लाओ ।

[श्री ए - ए - म - طارق - جناب ڈپٹی اسپیکر صاحب - جہاں تک اس ریژولوشن کا تعلق ہے میرے اسے پیش کرنے کا مقصد یہی تھا کہ میں ہندوستان کے رہنے والے لوگوں کے جذبات کا اظہار کروں اور جس طریقہ سے اقوام متحدہ نے ہمارے مسئلہ کو لیا ہے اور جس بیوندے طریقہ سے اسے طے کرنے کی کوشش کی ہے یقیناً میرا مقصد یہی تھا کہ میں اس کے خلاف پروٹیسٹ کروں -

[میری سب سے بڑی خواہش یہ ہے کہ حکومت سے - اور کسی حد تک حکومت نے اسے پورا کیا ہے - کہ مستقبل میں - آنے والے زمانے میں اقوام متحدہ و حکومت ہندوستان پاکستان کو اس بات کی اجازت نہیں دینگی کہ ہماری سرحدوں پر گزرو

Resolution re: withdrawal of
Kashmir case
from U.N.O.

Photographs of
Voters of Calcutta
South-West Parlia-
mentary Constituency

Hon. Members: Yes.

The Resolution was, by leave, with-
drawn.

Shri Kalika Singh: He has with-
drawn it conditionally.

Mr. Deputy-Speaker: No conditions
attached to it.

17.12 hrs.

DISCUSSION RE. PHOTOGRAPHS
OF VOTERS OF CALCUTTA SOUTH-
WEST PARLIAMENTARY CONSTI-
TUENCY

Shri S. M. Banerjee (Kanpur): You
will remember, Sir, that while mak-
ing a statement on an adjournment
motion or a calling attention motion
the other day, the hon. Deputy Minis-
ter of Law clarified, or tried to clarify,
the position or conditions prevailing
in Calcutta relating to this by-elec-
tion. I am going to quote from his
statement to show that the by-elec-
tion in the Calcutta South-West Con-
stituency is going to be held in a
chaotic condition.

According to the figures supplied
by the hon. Deputy Minister, the
total number of voters in that consti-
tuency is 3,41,933. Out of this
number, 2,15,000 voters have been
successfully photographed up to the
18th April, 1960.

17.13 hrs.

[Mr. SPEAKER in the Chair]

Identity cards totalling 1,90,600 have
been issued to the voters. A further
7,000 cards sent out by the authorities
have been returned undelivered, as
the persons were temporarily absent
or had permanently left their resi-
dences. So if you summarise all the
figures, it comes to this that
1,26,933 voters have not been photo-
graphed, while 7,000 identity cards
have been returned undelivered.

I may mention for the information
of the House that when they photo-
graphed these 7,000 voters, they
must have been staying in some

کرے - ہماری ریاست کے اندر سازشیں
ہوں - بامب کھسیز ہوں - اس کے
ساتھ ہی میں حکومت سے یہ بھی
توقع رکھتا ہوں کہ وہ اقوام متحدہ
کو مجبور کرینگے پاکستان سے یہ
کہلے کے لئے کہ چترال اور گلگت میں
جو تعمیرات ہو رہی ہیں - جو
ایر پورٹس بن رہے ہیں ان کو فوراً
روک دیا جائے -

جو اسپورٹس فیلڈس منسٹر نے
اور اقوام متحدہ میں ہندوستانی
فیلڈنگھن کے لئے دی ہیں - ان
کو دیکھتے ہوئے میں اس ریزولوشن کو
وایس لیتا ہوں -

شری یادو نارائن جادھو (مالیکانو)

چھپنے کے بارے میں بھی ایک ریزولوشن

[- ل]

Mr. Deputy-Speaker: I shall now
put amendments Nos. 3 and 4 of Shri
Vajpayee to the vote of the House.

The amendments were put and nega-
tived

Mr. Deputy-Speaker: Has the hon.
Member the leave of the House to
withdraw his resolution?