

SHRI RANABAHADUR SINGH:

I know that Mr. Shamim has been extremely voluble, about it and what I am going to say is a part of what he has said and I will just add one more line to it. In this accord, I personally feel that our country, apart from solving a very old international problem, that was so close to us, has also blazed a historic trail, if I may put it that way, inasmuch as that for the future, we have shown a way, wherein, people from different regions can reach an accord and exist together. Article 370, has all along been in our Constitution, but has remained more or less a pious hope and it is only today, after this accord has been reached, that Article 370 has come into its own. The limitations of Article 370 that it would apply only to Kashmir would, I hope, some day in the future, prove that this particular approach might help to form a better comity of people in South East Asia. That is my hope and that is why, I welcome this accord. Thank you.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF SPACE, MINISTER OF PLANNING AND MINISTER OF SCIENCE AND TECHNOLOGY (SHRIMATI INDIRA GANDHI): Mr. Chairman, Sir, we had a fairly lengthy debate and the various points raised—legal, constitutional, political—have been dealt with by most speakers on both sides of the House, for a change. The hope that I had expressed earlier that the Jan Sangh would show an understanding of the background, the spirit and the benefits of the accord has been belied. This is evidence of their chauvinistic policies and authoritarian outlook. They cannot understand that bitterness can be overcome by seeing things in the larger perspective and by moving forward in trust.

16.42 hrs.

[MR. SPEAKER in the Chair]

The understanding that has been reached is within the framework of the Indian Constitution which, while ensuring that the Union functions effectively, is sufficiently broad-based and flexible to accommodate special requirements and situations and to provide ample scope for the socio-economic development of constituent States.

Some Members spoke of autonomy. This seems to have become a catch word. Our Constitution provides for a strong Centre, yet it gives considerable autonomy to the States. It is wholly wrong to think that constitutional arrangements stifle the States in any way.

None of us can claim to be as great as Mahatma Gandhi but I can assure Hanumanthaiyayi who is not here just now, that we are not subjective when we talk of Centre-State relations. Without a strong Centre, how can the States hold together? If each State looks only to its own interests, how will the weaker States be helped? All our States are inter-dependent and each needs something from the other. The Centre is the thread which binds them together. At present, most States, in fact, I would say all States, find it useful to have someone on whom they can lay the blame for whatever they are unable to do, for their shortcomings.

I believe in diversity and decentralisation. Individuals, groups and States should be able to develop their personalities and their resources. Local initiative and talent should be encouraged. But I believe equally in unity. Without a strong Centre there would be no united country. What freedom would the States then share? State autonomy should be inseparable from national strength. Any demands

in the name of autonomy which are incompatible with national strength will not be acceptable to the people of our country.

I can assure the hon. Member opposite, from the DMK, that we have never called him or anyone names. Nor shall we do so. But, if anybody works for or propagates a policy which weakens the nation, we must say so.

Shri Hanumanthaiya was in great form yesterday, but he indulged in a flight of fancy when he compared Chief Ministers to ants. One of the books which made an impression on me when I was a child was *Macternlinck's Life of the Ant*. Ants may be small, but they are industrious creatures and their communities are very disciplined and highly organised. I do not know to which of these qualities Shri Hanumanthaiya was referring.

Many members have spoken about art. 370, either in criticism or in explanation or in support. As has been said, this is a specific provision made for Jammu and Kashmir in our Constitution taking into account the historical and political factors which prevail in the State. It lays down a procedure for the progressive extension to the State of the remaining provisions of the Constitution with the concurrence of its Government. This has been working satisfactorily all these years, and several important and necessary provisions have been applied to the State in this manner. There is no reason to assume that further extension of provisions to the State is ruled out. Given mutual trust and confidence, there is bound to be mutual appreciation of the needs of the State and the Centre (*Interruptions*).

Shri Vajpayee made much of a particular sentence I used the other day. It is characteristic of the Opposition to try to find a word on which to trip us—ignoring the spirit and the substance.

SHRI PILOO MODY: Why Opposition?

SHRI S. A. SHAMIM: From now on, do not use words; use gestures!

SHRIMATI INDIRA GANDHI: My observations on the present status of art. 370, to which Shri S. N. Mishra took exception, are based upon the Supreme Court's decision of 1970.

SHRI SHYAMNANDAN MISHRA: What? Please quote.

SHRIMATI INDIRA GANDHI: I had quoted it earlier. I had said so the other day also.

What I said was that because the State's Constituent Assembly, which completed its work in 1956, did not suggest deletion or modification of art. 370, it therefore became a part of our Constitution, and this position was confirmed by the Supreme Court in 1970. The agreement has not brought about any new situation as regards art. 370.

SHRI SHYAMNANDAN MISHRA: Now there is no Constituent Assembly in India, so the Constitution of India cannot be changed or amended? That is no argument.

SHRIMATI INDIRA GANDHI: I am not saying it cannot be changed ..

SHRI PILOO MODY: She is saying it can be changed. I am saying it cannot be changed.

PROF MADHU DANDAVATE: It is as permanent as any other article.

SHRIMATI INDIRA GANDHI: This is what I said earlier also. From what I have said about this article, it is clear that there is no question of any surrender, as alleged in some quarters, nor is there any loosening of the ties that bind the Centre and Jammu and Kashmir State. This is clear from the very

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fact that no such consequences flowed during all these years since art. 370 was incorporated. It is not correct to allege that this will create a precedent for other States. A distinctive constitutional features in respect of Jammu and Kashmir is that it has its own Constitution supplementing the Union Constitution and the specific provision in art. 370.

There is some talk of mysterious, secret, clauses. I said the other day—and I should like to repeat—that there are no such secret clauses.

SHRI PILOO MODY: What a shame! What a shame!

SHRIMATI INDIRA GANDHI: I first saw Sheikh Saheb in 1934 leading a procession. He was sitting on a pony so small—I do not know whether the pony was small or it merely looked small in comparison—that his feet were hardly off the ground. Even so, he managed to look dignified and every inch a leader. He was attracted to the message of national freedom, civil liberties and religious equalities which our national movement propagated and this became the guideline of his own National Conference which mobilised the people of Kashmir. If he remained with India and enabled the people of the State to cast their lot with India, it was because of our party's ideals and policies. If we had followed the policy of the Jana Sangh I do not think the people of Kashmir would have chosen to accede to India.

Hon. Member Shri Shamim has already spoken on this subject with emotion... (Interruptions).

A reference has been made and is being made to subsequent events. here is no point in harking back to past misunderstandings and past mistakes. There were some internal

developments which necessitated certain action. When we found that there was a change in the approach we did not hesitate to open the door to reconciliation and cooperation. I should like to draw the attention of hon. members who talk about any other dialogue to this last sentence. The opportunity was provided by Sheikh Abdullah with his readiness to join the main stream of national life and to bring his experience and idealism into the task of strengthening the democratic and secular fabric of our country.

SHRI SHYAMNANDAN MISHRA: It is your party members who are asking for dialogue.

SHRIMATI INDIRA GANDHI: Sheikh Abdullah has categorically stated that he always believed that the well being and the future of Kashmir lie with the Indian Union. His reiteration that accession is not an issue and that plebiscite has become irrelevant has had beneficial consequences. Even those who had expressed reservation on the fact of accession have now come to accept its finality. The decision of the Plebiscite Front to change its objectives and its name sets doubts at rest. The existence of the Plebiscite Front had encouraged hostile elements outside the country. This should now end. But it is true that this does not mean that there will be no hostility. We have to take it in our stride and meet it. I have no doubt that Sheikh Sahib will do so.

SHRI PILOO MODY: ... With Shamim's help.

SHRIMATI INDIRA GANDHI: I certainly hope Shamim will help. Why not? I should like the House to show its appreciation of Sheikh Abdullah's vision. This latest example of his statemanship is worthy of his record as a veteran of our freedom struggle. We should not underestimate his difficulties and he should not

underestimate the difficulties we face here. Perhaps that was why it took us long, so that we could create an atmosphere in which an agreement and understanding of this kind would be welcomed by almost all the people. We have succeeded in this. It is up to us to see that this atmosphere is not changed or damaged in Kashmir and it is also up to us to see how we can help Sheikh Sahib in every way in overcoming the difficulties which he will face.

I should also like to refer to the constructive part played by Mirza Afzal Beg during the discussions. His deep knowledge of the law, his sound political judgement were invaluable in reaching a satisfactory and realistic accord. Syed Mir Qasim played a notable part in negotiations through his self-effacing devotion to the larger interest. Shri Parthasarathi showed great patience and was ably assisted by Shri Balakrishnan. Sardar Swaran Singh's knowledge of the political scene and his vast experience with negotiations stood him in good stead in dealing with this delicate task.

I am glad that our hon. friend Shri Mavalankar referred to Mridula Sarabhai. I should like to inform him that before her illness, we had discussed these matters and she was aware that an understanding was being reached. So it was not as if she were in the dark regarding what was happening. I know that she was very happy at the outcome.

We are all deeply concerned with the development of the two regions of Jammu and Ladakh. Dr. Karan Singh gave an account of the work undertaken in Jammu. Kushak Bakula who spoke just now felt that nothing has been done for Ladakh. This is not wholly correct. There has been development, but it is true that it is nowhere near adequate. I have taken special interest in these areas and have been visiting these regions regularly, even the most outlying areas. During the discussions with Shaikh Abdullah I made it a point to mention

the anxieties and difficulties of these regions and of certain sections of the people even in the valley. In recent months Sheikh Saheb himself has toured these regions and he assured me of his own awareness and his desire to treat all regions equitably. The composition of his Cabinet reflects this concern for Jammu and Ladakh.

There is a special situation in Jammu and Kashmir not only because of its own Constitution or of its Muslim majority but, as Dr. Karan Singh rightly pointed out, it has been the main battle field during repeated aggressions against us. All the three regions of the State have borne the brunt of the attack. All sections of the State population have fought valiantly for the national cause. I should like particularly to mention the brave Gujjars, Bakarwals and Gaddis. These are communities which have suffered much poverty and hardship. They deserve all the help we can give them by way of education and employment. I hope adequate attention will be given to their problems.

I do not think I need dwell on the other points raised in the debate. As I said, most of them have been answered. I should like to revert to the point I have already made, that the understanding has to be viewed in the larger context of the need for adopting a conciliatory approach in resolving problems facing the country. A problem that has been with us for a generation should be solved when we have the ability and opportunity to do so.

Although the Opposition loses no occasion to attribute motives to us and our Party, it has always been our endeavour to solve problems in the larger national interest. It is obvious that in this case also our party unit in Kashmir and our party at the national level has not thought of its own interest but only how to consolidate the unity and strength of our country.

[Smt. Indira Gandhi]

Let us not expect miracles and an immediate total ending of tension. Much as we all desire this, life is a series of problems. And solutions give rise to new difficulties of one kind or another. But an achievement based on understanding and confidence strengthens us to face challenges. It is in this spirit that we should look at this understanding. Once again I should like to thank all the hon. Members who have given it such warm support and shown appreciation of it. A few have not but the vast majority in the House and outside have shown appreciation and support and I thank them all. On behalf of you all I should like to send our good wishes to Shiekh Abdu'llah in the tasks ahead.

17 hrs.

SHRI PILOO MODY. I would like to add our good wishes to Mr. Shamim also.

MR. SPEAKER: There are some substitute motions, one by Shri Vajpayee. He conveys his regret at his absence. He does not mean any disrespect, he is attending the rally of his party.

The question is:

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

"This House, having considered the Statement made by the Prime Minister in the House on the 24th February, 1975 in relation to the State of Jammu and Kashmir, resolves that the process of integration of Jammu and Kashmir with the rest of India going on during last more than two decades be carried further and the State be brought at par with the other States of India."(2)

The Lok Sabha divided:

Division No. 5] [7.04 hrs.

AYES

Berwa, Shri Onkar Lal
Chaudhry, Shri Ishwar
Chowhan, Shri Bharat Singh
Kachwai, Shri Hukam Chand
*Pahadia, Shri Jagannath
Pandeya, Dr Laxminarain
Sharma, Shri R. R.
Verma, Shri Phool Chand

NOES

Achal Singh, Shri
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Austin, Dr Henry
Awdhesh Chandra Singh, Shri
Bajpai, Shri Vidya Dhar
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basumatari, Shri D.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheswar Nath
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bhattacharyya, Shri Chapalendu