

is not the office she gave me that made me accept her leadership but her ideas and ways. My resignation from the Cabinet will not adversely affect my loyalty to her leadership. Appointment or disappointment, at best, is an individual affair and the mighty task that the Congress Party has undertaken under her leadership is of overriding importance to me.

13.29 hrs.

STATEMENT RE. AGREEMENT ON BILATERAL RELATIONS BETWEEN INDIA AND PAKISTAN

MR. SPEAKER : The Minister of External Affairs.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH) : rose

श्री अटल बिहारी वाजपेयी (गुवायूर) : अध्यक्ष महोदय, इस सम्बन्ध में मैंने आप को पत्र लिखा हुआ है। इसमें पहले कि विदेश मंत्री महोदय को वक्तव्य देने का अवसर दें मैं चाहता हूँ कि आप मुझे सुनें।

अध्यक्ष महोदय : इस बारे में आप ने मुझे पहले ही सप्सटैजियल मोशन दिया हुआ है। आप कृपया अभी बैठ जायें और मिनिस्टर साहब को अपना वक्तव्य देने दें।

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय मैंने आप से निवेदन किया है कि पालियामेंट की बैठक 31 जुलाई को पहले से तय थी तो बैठक प्रारम्भ होने के तीन दिन पहले ही शिमला समझौते को राष्ट्रपति द्वारा रेटिफाई किया जाना, उस पर, दस्तखत किया जाना, पालियामेंट की बैठक के लिये प्रतीक्षा तक न करना यह पालियामेंट का प्रमान है, पालियामेंट की प्रवृत्ति है। अध्यक्ष महोदय, यह सदन कोई मुहर लगाने की मशीन नहीं है और आप भी कोई मिट्टी का माधो नहीं हैं। इस देश में लोकतांत्रिक परम्पराएं चलेंगी या नहीं? मैं आप के सामने कास्टिट्यूशन....

अध्यक्ष महोदय : आप तो ऐसे बोलते हैं जैसे बाहर कोई जल्ला हो रहा है।

श्री अटल बिहारी वाजपेयी : आप को सुनना होगा मैं व्यवस्था का प्रश्न उठा रहा हूँ। अब यह कहा

जा रहा है कि पालियामेंट का एम्बुल लेने की कोई जरूरत नहीं है। आप को याद होगा कि.....

अध्यक्ष महोदय : आप ने डिस्पूबल का रेजोल्यूशन दिया हुआ है।

श्री अटल बिहारी वाजपेयी : डिस्पूबल की बात तो बाद में आयेगी। यह तो इम्प्रोप्रायटी की गई है। यह पालियामेंट के खिलाफ एफंड है। पालियामेंट की बैठक तीन दिन बाद होने जा रही है लेकिन सरकार ने शिमला समझौते को तुरन्त रेटिफाई कर दिया। हमारा उन से मतभेद है, हम उस की प्रालोचना करते, लेकिन उन्होंने पालियामेंट के मुंह पर तमाचा मारा है। (व्यवधान)

आपने देखा होगा कि जो दल शिमला समझौते पर सरकार के साथ हैं, जो शिमला समझौते का समर्थन करने वाले हैं, उन्होंने भी इस तरह की प्रालोचना की है। उन्होंने कल प्रधान मंत्री की बैठक का बहिष्कार किया है।

अध्यक्ष महोदय : आप तो भाषण में पड़ गए।

श्री अटल बिहारी वाजपेयी : भाषण नहीं दूँगे तो क्या करेंगे? अगर हाथ-पाई करने की बात होती तो अलग बात होती।

अध्यक्ष महोदय : आपने रेजोल्यूशन दिया हुआ है।

श्री अटल बिहारी वाजपेयी : मुझे बड़ा खेद है कि आप सदन की मर्यादा की रक्षा नहीं कर रहे हैं।

अध्यक्ष महोदय : यह मर्यादा तो आपके हाथ में है।

श्री अटल बिहारी वाजपेयी : अगर आपकी जगह कोई और अध्यक्ष होता तो सरकार से कहता कि उसने तीन दिन पहले समझौते को रेटिफाई करके इस सदन की प्रबहेलना की है। मैं विदेश मंत्री से कहूंगा कि वह सदन के सामने माफी मांगे। वह कहते हैं कि संविधान में यह नहीं लिखा कि इस तरह का समझौता सदन के सामने रखना चाहिए। मैं डा० अम्बेदेकर का कोटेशन आपके सामने रखना चाहता

अध्यक्ष महोदय : आप अब बोलेंगे, तब उसको कहें।

श्री जगन्नाथ राव जोशी (भाजापूर) : आप सुनते तो सही। आप सब नियम ताक पर रख रहे हैं। आखिर क्या हमको बोलने का भी अधिकार नहीं है ?

अध्यक्ष महोदय : आपको मौका मिलेगा। जितना चाहेंगे मौका मिलेगा। (व्यवधान)

श्री अटल बिहारी वाजपेयी : शिमला समझौता अखबार में छप चुका है, शिमला समझौते पर पब्लिक बहस हो रही है, शिमला समझौते पर विदेश मंत्री भाषण दे चुके हैं। आखिर इस सदन की कोई मर्यादा है या नहीं ? सदन की बैठक के तीन दिन पहले समझौते को रेटिफाई करना सारे सदन की अवहेलना है। म डा० अम्बेदकर का उद्धरण आपको देना चाहता हूँ :

"If the executive is honest in working the Constitution, then that executive is bound to obey the legislature without any kind of compulsory obligation laid down in the Constitution."

चूँकि कांस्टिट्यूशन में नहीं लिखा कि इस तरह का समझौता बिना संसद की पुष्टि के लागू नहीं किया जा सकता, इसलिए संसद की अवहेलना नहीं की जा सकती है। जब सुप्रीम कोर्ट और पार्लियामेंट का झगड़ा होता है तब पार्लियामेंट सुप्रीम हो जाती है, पार्लियामेंट साबरेन हो जाती है, लेकिन जब जीती हुई जमीन देने का सवाल आता है, जब जवानों के बलिदानों पर पानी फेरने का मौका आता है तब सदन की प्रतिष्ठा नहीं रक्खी जाती। मेरा निवेदन है कि उन्होंने सदन की अवहेलना की है। आप उनसे कहें कि वह सदन में माफी मांगें। अगर वह माफी नहीं मांगेंगे तो सदन की कार्रवाई नहीं चलने दी जायेगी। (व्यवधान)

श्री कूलचन्द बर्मा (उज्जैन) : देश के साथ विश्वासघात किया गया है।

श्री अटल बिहारी वाजपेयी : यह सदन की मर्यादा का प्रश्न है। (व्यवधान)

श्री कूलचन्द बर्मा : शिमला समझौता रद्द करो। रक्षा मन्त्री ने देश के साथ गद्दारी की है। देश को बेच दिया है। (व्यवधान)

अध्यक्ष महोदय : पार्लियामेंट में काम बहस और आर्ग्यूमेंट से चलता है। इस तरह से शाउट करके काम नहीं चलता है। अगर कोई समझता है कि शाउट करने से काम चल सकता है तब वह बड़ी गलतफहमी में है।

श्री अटल बिहारी वाजपेयी : मैंने आपको पहले लिखकर दिया हुआ है। (व्यवधान) मैंने लिखकर दिया है लेकिन आप बोलने की इजाजत नहीं देते हैं।

अध्यक्ष महोदय : आपका रेजोल्यूशन है।

श्री अटल बिहारी वाजपेयी रेजोल्यूशन अलग चीज है। वह शिमला समझौते के बारे में है।

SHRI P.K. DEO (Kalahandi) :
On a point of order, Sir.....

SHRI ATAL BIHARI VAJPAYEE :
He is raising a point of order.

MR. SPEAKER : What is the point of order ?

SHRI P. K. DEO : Regarding my point of order, I would like to submit that the Swatantra Party welcomes the Simla agreement.....

SHRI S. M. BANERJEE (Kanpur) :
What is the point of order ?

SHRI P. K. DEO : Now, the way it has come to this House, we strongly object to it. It is highly improper on the part of the Government to come before us with a FAIT ACCOMPLI : It has been ratified by the President. Even in Pakistan where we say that there is dictatorship, they took the National Assembly into confidence and their National Assembly ratified it. Then it came to their President. Here, I regret to say, this is a futile exercise in this House. I beg to submit, there is absolutely no use to have a discussion when this has already been ratified. (Interruptions)

MR. SPEAKER : He has the right to do so; he may move a Motion.

SHRI P.K. DEO : There is no occasion; the question does not arise; there is no occasion for the statement by the Foreign Minister. I want a ruling from you, Mr.

Speaker. What benefit will accrue by a discussion of this type, Sir? (*Interruptions*).

MR. SPEAKER : There is no right of order; there is no point of procedure. This is your view. That is all. What is the ruling required ?

SHRI SAMAR GUHA (Contai) : I want to draw your attention to this aspect of the matter. Though not a constitutional obligation, we thought, you in your wisdom you would have felt that this Simla Agreement should be brought up here in the House before ratification. We thought, you in your wisdom, would have felt that such historic document, such as the Simla Agreement, having far-reaching consequences and implications, affecting the whole future generations, would have been brought up here before ratification. They ratified the agreement just two days or three days before the sitting of this august House. It is almost derogatory to the honour and the dignity and the moral right of this House. If they had been waiting for 15 days or 20 days, why could not they have waited for 2 more days ? (*Interruptions*) If this Agreement is discussed in this House before it is ratified by the Government, that would have been a more dignified course and that would have been, I should say, in consonance with the spirit of democracy. Now, I regret to say, it is redundant, it is meaningless, for this House to consider this, when the whole agreement has been ratified by them. They just want to get the mere seal of approval of the House, a sort of consolation for this House. What they are doing now is violation of not only the moral convention, but the democratic functioning of the Parliament, the democratic functioning of this House. And also, this has been done, in a kind of dictatorial manner. There are many who have approved it, of course; there are some shades of differences; but this sort of doing things which concern the future generations, is not the right thing to do. So many of our jawans sacrificed their lives and shed their blood for the sake of the country. They should have brought this up before the House before it was ratified. I object to the Minister's statement. (*Interruptions*)

श्री जगन्नाथ राव बोसो : मेरा व्यवस्था का प्रश्न है (व्यवधान)

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH) : Mr. Speaker, Sir I have the honour to lay on the table of the House a copy of the Agreement between the Government of India and the Government of Pakistan signed at Simla by the Prime Minister of India and the President of Pakistan on the 2nd July, 1972.

Pakistan on the 2nd July 1972 [Placed in Library. See No. LT-3179/72]

The Agreement is a first step towards establishing durable peace on the sub-continent. . . . (*Interruptions*)

MR. SPEAKER : Let those hon. Members who are standing around the Table go back to their seats. (*Interruptions*)

SHRI SWARAN SINGH : It provides a framework which, if faithfully worked out, can bring about an altogether new relationship between India and Pakistan. . . .

MR. SPEAKER : Let those Hon. Members who are standing near the Table go back to their seats. (*Interruptions*)

SHRI SWARAN SINGH : The experience of the past 25 years shows that outside agencies and third party involvement have made the solution of problems between India and Pakistan extremely difficult.

Recognising this, it was agreed by both sides that they will settle their differences by peaceful means through bilateral negotiations or any other peaceful means mutually agreed upon between the parties. This trend of bilateralism which is showing itself in other areas of the world is a healthy trend and we welcome it. The idea of providing for a "self executing machinery" which would automatically bring in involvement of third parties or outside agencies, has thus been given up.

Another important features of the Agreement is that both sides have agreed that the basic issues and causes of conflict which have bedevilled relations between the two countries during the last 25 years shall be

[SHRI SWARAN SINGH]

resolved by peaceful means. Both sides have further agreed that they will refrain from the threat or use of force against the territorial integrity and political independence of each other. Both Governments have agreed that pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the situation. They have further undertaken that both sides shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

A number of steps have been proposed for the normalisation of relations under Articles 3 of the Agreement. They include communications, travel facilities, trade, cooperation in economic and other agreed fields and exchange in the fields of science and culture.

14 hrs.

Once these principles for the establishment of durable peace were accepted by Pakistan and Pakistan further agreed that in Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971, shall be respected by both sides without prejudice to the recognised position of either side, we agreed to the withdrawal of Indian and Pakistani forces to their side of the international border. Action regarding withdrawals to the international border and delineation of the line of control in Jammu and Kashmir will have to be taken simultaneously. A smooth implementation of this will generate the necessary confidence for the growth of friendly and peaceful relations between the two countries.

I would like Hon'ble Members to look at the Agreement in the proper perspective of history. This Agreement comes after a long period of conflict and confrontation between the two countries and opens up the possibility of establishing normal and co-operative relations on the sub-continent. The Agreement is based on the principle of equality of sovereign nations and not in the spirit of a victor dictating his terms to the vanquished. We have kept our

promise which we had made before, during and after the last war that we do not have any designs on Pakistan's territory. We hope that Pakistan appreciates this and will reciprocate by adhering faithfully to the letter and spirit of this Agreement. The Agreement is only a first step, a beginning in the process of establishing peace, friendship and cooperation. The success of this Agreement and of the processes it has initiated will depend on its faithful implementation. As far as India is concerned, we are prepared to treat the new Pakistan as a friend. The things that unite the interests of the people of India and Pakistan are far more important and lasting than the things that seem to divide us. It is in this spirit and in an effort to serve the long term common interest of the people of the sub-continent and this region that we have signed this Agreement and it is in this spirit that we would like it to be judged.

14.30 hrs.

**Motion re. Statement on Agreement
on Bilateral Relations Between
India and Pakistan**

THE MINISTER OF EXTERNAL
AFFAIRS (SHRI SWARN SINGH) :
I beg to move :

"That this House do consider the statement made by the Minister of External Affairs in Lok Sabha on the 31st July, 1972, regarding the Agreement on Bilateral Relations between India and Pakistan signed at Simla on the 2nd July, 1972".

MR. SPEAKER : Motion moved :

"That this House do consider the statement made by the Minister of External Affairs in Lok Sabha on the 31st July, 1972, regarding the Agreement on Bilateral Relations between India and Pakistan signed at Simla on the 2nd July, 1972".

14.04 hrs.

*The Lok Sabha adjourned for lunch
till Fifteen of the Clock.*