

Shri Kanungo: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

Now, the Third reading on this Bill will take place tomorrow and we will take up the other business, in the Order Paper.

15-25 hrs.

DISCUSSION RE: INDUS WATERS TREATY

Mr. Speaker: Sardar Iqbal Singh.

Shri Braj Raj Singh (Firozabad): Sir, the time allotted for this is not sufficient. This matter has created considerable concern in the country.

Mr. Speaker: I have no objection provided the hon. Members are willing to sit till 6 o'clock.

Shri Naushir Bharucha (East Khandesh): When the same matter comes up in the Supplementary Demands also, some more time may be given then also . . . (*Interruptions.*)

Mr. Speaker: Very well. Sardar Iqbal Singh.

Shri Mahanty (Dhenkanal): Sir, this particular matter which we are about to discuss is a matter concerning our external relations with Pakistan and it comes within the jurisdiction of the Prime Minister and he has been signing this Treaty since 1948. In all humility may I request you to kindly communicate to the hon. Prime Minister that he should be present? (*Interruptions.*) It is not a matter of the Irrigation Ministry. Therefore, I venture to submit that, though the hon. Minister of Irrigation is competent enough to answer the points that may be raised on the floor

of the House, in the fitness of things the hon. Prime Minister may be requested to come here so that he can dispel our misgivings and doubts if any.

Mr. Speaker: It is a matter of joint responsibility: any Minister may be present.

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): May I inform the hon. Member that the Prime Minister also will be speaking on this subject in this House?

Mr. Speaker: Even apart from that, I do not propose to give a ruling; it is unnecessary. International treaties such as GATT, etc. are entered into in respect of trade, etc. Constantly between our country and other countries. Is anybody entitled to say that the hon. Prime Minister should undertake the responsibility for entering into these treaties and he is not entitled to distribute these portfolios? Some element of international affairs comes in and to that extent he is the Minister in charge. But we are not here to decide who is responsible for what; there is the joint responsibility. Of course in a matter like this, if the hon. Members want to hear the Prime Minister also, I would have no objection to request him but it is open to the Minister in charge of the portfolio to reply to the discussion and handle the situation.

Shri Mahanty: The Prime Minister was the signatory to this Treaty.... (*Interruptions.*)

Mr. Speaker: There is no point in this. If the Prime Minister also comes and takes part, I have no objection.

It is understood that we sit till 6 O'Clock?.... (*Interruptions.*)

Some Hon. Members: No....

Shri Vajpayee (Balrampur): Why not tomorrow? (*Interruptions.*)

Shri Braj Raj Singh: Even if we sit till 6, we shall not be able to finish it.

Shri Kalika Singh (Azamgarh):
There is a reception at 6 O'Clock in the Red Fort.

Mr. Speaker: Let us see, this may fizzle out. Sometimes it happens. If hon. Members are willing to sit, I have no objection. I will not hustle them.

सरदार इकबाल सिंह (फ़ीरोज़पुर) :

जनाब स्पीकर साहब, जिस एग्रीमेंट पर १६ नवम्बर, १९६० को कराची में दस्तखत हुए, सबसे बड़ा एग्रीमेंट या ट्रीटी है, जो आज तक हिन्दुस्तान की तरफ से, या दुनिया के किसी मुल्क ने किसी दूसरे मुल्क के साथ किया, जिसका असर करोड़ों लोगों पर पड़ता है। यह एक हिस्टारिकल एग्रीमेंट या ट्रीटी कहा जा सकता है। बैंकप्राउण्ड में कितने दिनों की मेहनत के बाद यह मुआहिदा सामने आया है। लेकिन सवाल यह है कि हिन्दुस्तान ने इस मुआहिदा में अपने लोगों के लिये क्या हासिल किया, खास तौर पर उन लोगों के लिए, जिन में आधे से ज्यादा वे लोग हैं, जो पाकिस्तान से उजड़ कर आये थे और इधर आकर बस गये थे। उन लोगों के लिये यह मुआहिदा एक खास असर रखता है क्योंकि इस पर उनकी जिन्दगी और मुस्तकबल और उनकी स्वाहिशों का बनना और बिगड़ना मुनहस्सर है।

जहां तक हिन्दुस्तान का ताल्लुक है, उसके आफिसर्ज और गवर्नमेंट की तरफ से लाइन्तहा कोशिश की गई कि किसी तरह से पाकिस्तान को एक ऐसे मुआहिदे के साथ बाबस्ता किया जाये कि हिन्दुस्तान के लोगों का मुस्तकबल हमेशा के लिये महफूज हो सके। इस लिहाज से मैं इस ट्रीटी को बिलकम

करता हूं और खुशआमदीद कहता हूं कि आखिर दोनों मुल्कों में जो एक झगड़ा था, जो एक खलिश थी, जो गड़बड़ थी, वह खत्म हो गई और एक मुआहिदे की शकल में उसका अन्त हो गया। लेकिन जब मैं मुआहिदे को देखता हूं, तो मैं कह सकता हूं कि हिन्दुस्तान की पोजीशन इस मुआहिदे के सिलसिले में जितनी महफूज थी, शायद आने वाले सालों में किसी मुआहिदे में उतनी मजबूत न हो। इसके बाद हिन्दुस्तान की अपीजमेंट की पालिसी की वजह से, पाकिस्तान को खुश करने की पालिसी की वजह से हिन्दुस्तान की पोजीशन आहिस्ता आहिस्ता कमजोर होती गई और अब इस मुआहिदे से जो एक किस्म का धक्का हिन्दुस्तान के लोगों को लगा है, शायद किसी और मुआहिदे से नहीं हो सकता है। हिन्दुस्तान की पोजीशन सबसे ज्यादा उस मुआहिदे पर मुनहस्सर थी, जो ४ मई, १९४८ को हिन्दुस्तान और पाकिस्तान के हुकमरानों के दरमियान हुआ, जिस पर हिन्दुस्तान की तरफ से हमारे प्राइम मिनिस्टर और पाकिस्तान की तरफ से उस वक्त के गवर्नर-जेनरल, श्री गुलाम मुहम्मद, ने दस्तखत किये और हिन्दुस्तान और पाकिस्तान के मिनिस्टर ने दस्तखत किये। १९४८ में पाकिस्तान ने यह पोजीशन ली थी कि हिन्दुस्तान को यह हक है कि वह अपने लोगों की बेहतरी के लिये, ईस्ट पंजाब और बाकी जगहों में रहने वालों की बेहतरी के लिये उन नहरों को आहिस्ता आहिस्ता बन्द कर सकता है, जो पाकिस्तान में जाती हैं। लेकिन आज १३, १४ सालों के बाद न सिर्फ नहरें बन्द हुई बल्कि अभी १० या १२ साल तक वह नहरें और चलेंगी, और इसका असर

[सरदार इकबाल सिंह]

हिन्दुस्तान के लोगों पर क्या होगा, यह मैं आज नहीं कह सकता। लेकिन जो आदमी वहां रहते हैं, जिन आदमियों को वहां खेती करनी है, उनको अभी से उसका असर महसूस होने लगा है। इसलिये मेरी यह स्वाहिश जरूर है, चाहे उसे पंजाब की तरफ से समझा जाय, चाहे पंजाब गवर्नमेंट की तरफ से समझा जाय या पंजाब के बाकी जगहों की तरफ से, जिन को इस साल रबी की काशत के लिये कम पानी मिला है, समझा जाय, इस पार्लियामेंट में उसकी चर्चा जरूर होनी चाहिये। अभी यह मुआहिदा लागू हुआ है, अभी शायद कमिशनर्स ही एप्वाइंट हुए हैं, लेकिन इस मुआहिदे का असर लोगों पर होना शुरू हो गया है। सबसे पहली बात मैं यह कहना चाहता हूँ कि सन १९४८ के बाद जो वर्किंग ग्रुप बना और हिन्दुस्तान ने जो उस वक्त अपनी पोजीशन ली, वह एक बेहतरीन पोजीशन थी कि सारे इंडस बेसिन को एक मान कर, उसकी बेहतरी के लिये, उसके तमाम पानी को तकसीम किया जाना चाहिये। उसके बाद वर्ल्ड बैंक आया, उसने अपने प्रपोजल्स दिये। मेरी यह स्वाहिश है कि उसके बाद जितने कागजात वर्ल्ड बैंक और गवर्नमेंट आफ इण्डिया के दरम्यान तबदील हुए हैं, जो भी दोनों के बीच करेस्पेंडेंस हुई है, जो पोजीशन हिन्दुस्तान ने ली है और जो पोजीशन पाकिस्तान ने ली है, उन तमाम चीजों को पब्लिश किया जाय ताकि हिन्दुस्तान के लोगों के सामने वह चीज आ सके, हिन्दुस्तान की अवाम को पता लग सके, कि हिन्दुस्तान ने उनकी बेहतरी के लिये क्या क्या कदम उठाये हैं। अब चूँकि

मुआहिदा हो चुका है इसलिये मैं समझता हूँ कि करेस्पेंडेंस को पब्लिश करने में कोई नुकसान नहीं है क्योंकि उसमें कोई सीक्रेट्स नहीं हैं और न वह उन क्लाइज के बखिलाफ ही हैं जो कि हिन्दुस्तान के ऊपर लागू किये जा सकते हैं। न ही यह इंटरनेशनल आब्लिगेशन के ही बखिलाफ हैं। जो मुआहिदा हो चुका उस के बारे में बातचीत हो चुकी, अगर इसके बाद वह पब्लिश कर दिये जाते हैं तो वे किसी ढंग से भी हमारे बखिलाफ नहीं जा सकते। इसलिये हिन्दुस्तान की पोजीशन को वाजेह करने के लिये गवर्नमेंट आफ इंडिया को जो प्रपोजिज वर्ल्ड बैंक ने दिये पाकिस्तान के लोगों ने उस पर जो ऐटिट्यूड लिया, उनको पब्लिश करना चाहिये।

उस के बाद यह मुआहिदा हुआ। जैसा आज सुबह भी कहा गया, हम यहां पर यू० के० पैटर्न से गाइड होते हैं, इस लिये जहां तक इन मुआहिदों का ताल्लुक है, जिन में करोड़ों लोगों का मुस्तकबिल वाबस्ता हो, इस किस्म के मुआहिदों को करने से पहले गवर्नमेंट आफ इंडिया को पार्लियामेंट की मंजूरी न सही, लेकिन उस को कम से कम अपने एतमाद में जरूर लेना चाहिये था। मैं यह नहीं कहता कि जो भी बात होती है उस में कोई तब्दीली हो जानी चाहिये, लेकिन तमाम मुल्क को काफिडेंस में ले लेने से गवर्नमेंट की पोजीशन मजबूत होती और गवर्नमेंट का काम कर वालों को पोजीशन मजबूत होती। वर अफसोस है कि इस मुआहिदे के स ढंग से किया गया। मुआहिदा चुका और

तकरीबन ८३ करोड़ ६० अगले दस सालों में हिन्दुस्तान को पाकिस्तान को देना होगा। यहां पर सवाल ८३ करोड़ ६० का नहीं है, सवाल यह है कि ८३ करोड़ की किस्त हमें हर साल पाकिस्तान को देनी होगी। जहां तक कीमत का सवाल है, यहां पर दो रायें हो सकती हैं, कुछ भाई कह सकते हैं कि यह ८३ करोड़ ६० बहुत ज्यादा है और कुछ भाई यह कह सकते हैं कि ८३ करोड़ की रकम बहुत कम है। लेकिन इतना तो जरूर है कि जिस ढंग से हम चले उस से यह ८३ करोड़ की रकम आहिस्ता आहिस्ता बढ़ती गई। अगर ८३ करोड़ में पहले फैसला हो गया होता तो शायद इतनी कीमत से कम में भी हो जाता। अगर ८३ करोड़ पर फैसला किया भी जाता लेकिन ट्रैन्जिशनल पीरियड को इन्क्रीज न किया जाता तो भी शायद ८३ करोड़ ज्यादा न होता। हम ने पानी दिया, हुक्क दिये, लेकिन इस मुआहिदे के बाद पोजीशन वही है जहां से हम ने शुरू किया था। जहां तक मुआहिदे के पैसे का ताल्लुक है, इस मुल्क के किसी फैसले में पैसा कोई खास मानी नहीं रखता। जो मानी रखता है वह यह कि जिस ढंग से ट्रैन्जिशनल विध-ड्रॉल्स होंगे, जो कि एनेवशर इ में दिये हुए हैं, उस से मुझे शक पड़ता है कि खास तौर पर उन इलाकों में, चाहे सरहिंद फीडर का इलाका हो चाहे गंग कैनल का इलाका हो चाहे अपर बारी दोआब का इलाका हो, उन इलाकों में जिस ढंग से पहले पानी दिया जाता था शायद अब उस ढंग से रेगुलेशन नहीं हो सकेगा। आप कमिटेड हैं इस मुआहिदे के मुताबिक कि इतना पानी हम पाकिस्तान को जरूर देंगे, चाहे आप की

दरिया में पानी कम ही क्यों न आये। इस के बाद आप कमिटेड हैं कि जिस तरह से पानी इन्क्रीज होगा, उस का इतना हिस्सा आप पाकिस्तान को देंगे और इतना हिन्दुस्तान को देंगे।

सब से बड़ी बात जो इस मुआहिदे में है वह राजस्थान कैनल का मामला है। राजस्थान कैनल अभी बननी शुरू हुई है। सन् १९६१ में या १९६२ में या ज्यादा से ज्यादा १९६३ में तैयार हो जायेगी। लेकिन मुझे विश्वास है कि इस मुआहिदे के मुताबिक अब राजस्थान को कोई पानी नहीं मिल सकता। इस लिये कि आइन्दा जितने भी विधड्रॉल्स होंगे, उन के लिये हम आकरेडी कमिटेड हैं। चाहे वह सरहिंद फीडर को जाय, चाहे गंग कैनल को जाय चाहे अपर बारी दोआब को जाय, लेकिन उस के बाद राजस्थान के लिये कोई पानी नहीं बचता। अगर छः महीने बाद आप राजस्थान को पानी देंगे तो उस से दाम नहीं चलेगा। राजस्थान एक ऐसा एरिया है जहां आप को लोगों को बसाना है। तो जिन आदमियों के पास घर नहीं, जिन को दूसरी सहूलियत नहीं, वह छः महीने तक वहां बैठें और छः महीने के बाद वह वहां से वापस चले आयें, यह मुमकिन नहीं हो सकता। आप राजस्थान कैनल को पसन्द करें या नापसन्द करें, ब्यास डैम के लिये कहा जाता है कि मुकम्मिल किया जायेगा जल्दी से जल्दी, लेकिन इस के बावजूद राजस्थान कैनल का इलाका सन् १९६७ तक या १९७० तक आबाद नहीं किया जा सकता। इस लिये जहां तक इस मुआहिदे के इस हिस्से का ताल्लुक है, मैं ने इस को

[सरदार इकबाल सिंह]

बहुत डिटेल्स में पढ़ा है, जो नहरें पाकिस्तान बना चुका था मसलन् बाबनवाला वाडिया लिंक, उस में पानी जरूर कम किया गया, लेकिन जितना पानी पाकिस्तान को आज से ४ साल पहले विदड़ा करना चाहिये था, उस ने उतना विदड़ा नहीं किया, इसी तरह से बल्लोकी मुलेमान से जितना पानी विदड़ा करना चाहिये था उतना विदड़ा नहीं किया। यह मामला न्यूट्रल एक्सपर्ट के पास जायेगा या नहीं लेकिन जो चीजें पाकिस्तान के पास थीं, उन से वह वाकई पानी विधड़ा करना चाहता था, ऐसी उम्मीद हमें नहीं है। पाकिस्तान को कोटरी बैराज, गुड्डू बैराज और वारसक बैराज नहीं बनाना चाहिये था। अगर उस के सामने जिन्दगी और मौत का सवाल था तो उन से पहले उसे लिंक चैनेल्स बनानी चाहिये थीं। लेकिन पाकिस्तान जानता था कि इस चीज को जितना लम्बा किया जा सके करना चाहिये और आखिर में हिन्दुस्तान एक दिन उस पर ऐग्री करेगा। वही बात हुई। आज वह कहता है कि इन दो लिंक चैनेल्स के अलावा कोई लिंक चैनेल नहीं है। असलम लिंक चैनेल सिध से लेकर असलम हेडवर्क्स तक अगर पानी लेना है तो वह जरा मुश्किल सवाल है। वह बहुत देर में बनेगी। इस तरह से अगर पाकिस्तान ईमानदारी से चलता तो शायद इतनी दिक्कत न होती। बड़े अफसोस की बात है कि पार्लियामेंट में एक पोजीशन ली जाती है गवर्नमेंट आफ इंडिया की तरफ से, इरिगेशन ऐंड पावर मिनिस्टर की तरफ से कि १९६२ के बाद हिन्दुस्तान कोई पानी पाकिस्तान को नहीं देगा, लेकिन इस मुआहिदे में दूसरी बात है। इस में सन् १९७० तक का जो कमिटमेंट है, उस के बाद भी जा सकता है १९७३ तक। अगर कोई जंग का सामान पैदा हो गया, जिस में पाकिस्तान यह जाहिर कर सका कि वह मजबूर था, पाकिस्तान एक मिलिटरी डिक्ले-टरशिप है, वहां मजबूरियां किसी भी ढंग

से जाहिर की जा सकती हैं, अगर वह कहे कि वह मजबूर था तो शायद वर्ल्ड बैंक विश्व बैंक कांफ्रेंस आफ बोथ दि पार्टीज, उसे और बढ़ा सकता है। मैं नहीं कहता कि क्या होने वाला है, लेकिन सन् १९७३ तक तो जरूर यह जायेगा जबकि हम ने पार्लियामेंट में ऐलान किया है कि सन् १९६२ के बाद हम पाकिस्तान को कोई पानी नहीं देंगे। जिस ढंग से उस का रेगुलेशन हुआ है उस से सन् १९७३ तक जाना कोई मुश्किल बात नहीं है। मैं इतना ही कहना चाहता हूँ कि आज पंजाब में उतनी कपास की फसल नहीं होती है जितनी पिछले साल थी। आज पंजाब में रबी के लिये जहां पिछले साल तीन पानी मिले थे वहां इस साल एक भी पानी खेती को नहीं मिला, और इस बात पर कोई दो रायें नहीं हो सकतीं। वह कहते हैं कि कमिश्नर साहब बैठे हैं, हमें हर वक्त गवर्नमेंट आफ इंडिया को इन्फार्म करना होता है तो जो आफिसर नीचे बैठे होते हैं वह जरा डर से बात करते हैं। आज ईस्टर्न कैनल तकरीबन बन्द हो गई, उस पर लाखों मन रबी की क्राप हुआ करती थी, आज वहां पर वह एक मन भी नहीं है यह इसलिये है कि आप ने एक डैड लाइन मुकर्रर कर दी कि देखो १४ अक्टूबर के बाद इस ईस्टर्न कैनल को कोई पानी नहीं मिलेगा। अभी तो इस एग्रीमेंट को शुरू हुए एक डेढ़ महीना ही हुआ है और इस का असर जाहिर होना शुरू हो गया है। इस के बाद क्या होगा, किस ढंग से इंटरप्रिटेशन किया जायगा, किस तरह से न्यूट्रल एक्सपर्ट बनेंगे ये तो बाद की बातें हैं।

जहां तक मुआहिदे की बाकी चीजें हैं उन के मुताल्लिक मैं यह कहना चाहता हूँ कि हर साल हिन्दुस्तान के कमिश्नर की रिपोर्ट पार्लियामेंट की टेबल पर रखी जानी चाहिये ताकि पता चल सके कि इस से हिन्दुस्तान के लोगों को क्या क्या तकलीफें हैं और उन को डिस्कस किया जा सके। यह पोजीशन नहीं

लेनी चाहिये कि जब मर्ज बहुत बढ़ जाय तो उस का इलाज किया जाय ।

न्यूट्रल एक्सपर्ट्स के बारे में मैं कहना चाहता हूँ कि दुनिया में बहुत मुआहिदे हुए हैं, लेकिन शायद यह एक ऐसा मुआहिदे है, जो इतनी बड़ी शकल पर बना है और जिस का इतने लोगों पर असर पड़ता है । लेकिन दुनिया में दो किस्म की रायें हैं, लोग हर जगह यह कहते हैं कि इंटरनेशनल एग्जीमेंट के मुताबिक एक्सपर्ट इसे एग्जामिन तो कर सकते हैं लेकिन आरबिट्रेशन और जगह पर नहीं जाना चाहिये । इस मुआहिदे में सब से बड़ी शकल मुआहिदे को दी गई है और जो आरबिट्रेटर मुकर्रर किये जायेंगे उन में एक ला एक्सपर्ट होगा, एक इंजीनियर एक्सपर्ट होगा और एक टेक्निकल एक्सपर्ट होगा । वह फंसला करेंगे । ये जो एक्सपर्ट मुकर्रर किये जायेंगे ये अमरीका की सुप्रीम कोर्ट के लार्ड चीफ जस्टिस और इंग्लैंड की सुप्रीम कोर्ट के लार्ड चीफ जस्टिस की राय से मुकर्रर किये जायेंगे । इस आरबिट्रेशन के सिलसिले में मैं यूनाइटेड स्टेट्स आफ अमेरिका की सुप्रीम कोर्ट के कोलेरेडो वरसस कान्सास वाले केस के जजमेंट का हवाला देना चाहता हूँ । उस में कहा गया है :

The United States Supreme Court, on a strikingly similar case, *Colorado vs. Kansas*, said:

"The reason for judicial caution in adjudicating the relative rights of States in such cases is that, while we have jurisdiction of such disputes they involve the interests of quasi-sovereigns, present complicated and delicate questions, and due to possibility of future change of conditions, necessitate expert administration rather than judicial imposition of a hard and fast rule."

यह अमरीका की सुप्रीम कोर्ट की राय है कि जहाँ पर कोई हार्ड एंड फास्ट रूल न हो जिस

के मातहत फंसला किया जा सके वहाँ पर एक्सपर्ट बैठ कर और सब चीजों को सामने रख कर किसी नतीजे पर पहुँच सकते हैं ।

आप ने पाकिस्तान के साथ एक फंसला किया है, पाकिस्तान में एक मिलिटरी डिक्टेटोरशिप है, आज उन की राय कुछ हो सकती है, कल उन की राय दूसरी हो सकती है, । वहाँ पर जब तबदीलियाँ हुईं तो जो पहले एग्जीमेंट किये गये थे उन के बारे में कहा गया कि वे ग्रैंडर इयूरस किये गये थे । तो मैं इस सिलसिले में एक बात कहना चाहता हूँ कि हमारी सरकार को जो काशन लेना चाहिये था वह नहीं लिया गया । आज जो फंसला हो चुका है उस को बाद में कहां तक माना जायगा यह नहीं कहा जा सकता । मैं इस सिलसिले में और एक कोटेशन देना चाहता हूँ ।

Mr. Speaker: Hon Member's time is up.

Sardar Iqbal Singh: Five minutes more, Sir.

Mr. Speaker: I cannot go on allowing more time. There are about ten hon. Members who have tabled this motion.

Sardar Iqbal Singh: With one more quotation, I shall finish.

मैं एक कोटेशन ईडन का देना चाहता हूँ । वह इस तरह है :

"In our country some thought that methods of diplomacy which were suitable when dealing with democracies controlled by free parliaments could not be applied without reserve to militant dictatorships. These dictatorships were no subject to the restraints of an elected chamber. Their word alone did not suffice, because it need not be kept. Therefore precautions must be taken. Others took a different view."

[सरदार इकबाल सिंह]

इस के बाद फिर उन्होंने ने कहा है :

"They thought that they must be met as honourable men and dealt with as such, and that the papers they signed and the assurances they gave must be accepted as having a validity comparable to those signed by elected governments. Not only must this be the form in which negotiations with them were conducted, but it must be the spirit and the faith."

यही बात मैं उस मुआहिदे के बारे में कहना चाहता हूँ जोकि आप ने पाकिस्तान के साथ किया है। मैं इस मुआहिदे को बिलकुल करता हूँ क्योंकि एक फैसला हो गया। यह कहा जाता है कि इस फैसले की वजह से हम कोल्ड वार से बच गये। लेकिन मुझे ऐसी आशा नहीं है। न मालूम इस मुआहिदे की वजह से कितने कम्प्लीकेशन होंगे और हो सकता है कि उन की वजह से कोल्ड वार की सी हालत चबती रहे। और हिन्दुस्तान के जिन दो टाई करोड़ आदिमियों का मुस्त कबिल आप बनाना चाहते हैं उस को आप न बना सकें।

मैं आखिर में कहना चाहता हूँ कि अगर गवर्नमेंट कुछ और काशन से काम लेती तो इस से बेहतर एग्जामेंट हो सकता था और हम बेहतर टर्म्स ले सकते थे।

Shri Harish Chandra Mathur (Pali):
Mr. Speaker, Sir, any long outstanding dispute of this nature would, in the ordinary course, be always welcome. But, unfortunately, the facts of the case as they are before us give us an inevitable feeling that this treaty is all to the disadvantage of this country. The progress and the developmental programmes will be retarded and it is all to the advantage of Pakistan. It would be for the hon. Minister here to convince us how this treaty is fair and equitable and how this country has not yielded too much to Pakistan. I shall convey through you to the Government that

the general feeling, at least in my part of the country, particularly in Rajasthan, is that Rajasthan has been very badly let down in this treaty. Not only that. I think I am quite right when I say that this is the general feeling all over the country. If you were to look at the newspaper comments, you will find that when facts of the treaty were made known to this country, all the leading newspapers of this country made adverse comments. I will only read a few of the comments from those leading papers to show how they have felt after examining the various aspects of this treaty.

Here is a comment from *The Hindu* which says:

"New Delhi would recall how step by step India was making concession after concession as the negotiations progressed during the last ten years."

This is how *The Hindu* has summed it up. It further says:

"Bad luck had dogged India right from the partition which gave Pakistan the bulk of the developed irrigation system of the Indus basin. The World Bank's 1954 proposals which have been incorporated in the present treaty..." and so on.

The Times of India says in its comment:

"Almost on every major point in dispute, India has yielded to Pakistan's wishes often at the cost of its own interests."

The Eastern Economist and the *Commerce* have also made similar comments. I will not go further into all these various comments made by the various newspapers. Let us see how the facts stand as they are and let us examine them on the floor of the House on the merits of the case.

When the most unfortunate event of partition came and this country

was divided into India and Pakistan, I think it was clearly understood—it should be clearly understood—that all the consequences which flow from the partition will have to be taken by both the countries. At the time of partition or immediately after partition, Pakistan never raised this question. The only question raised in 1948 when we had signed certain inter-dominion agreements was—all that Pakistan wanted was—that the water which was being supplied from India from those canals should not be stopped straightway, immediately and that they should be allowed some time for it. Nothing beyond that came up. They only wanted that we should not withdraw the water straightway and immediately, and that they should be allowed time so that they could make alternative arrangements.

It is perfectly correct. From the viewpoint of human considerations and from the viewpoint of the fact that we wanted to treat Pakistan as a friendly country, we should have conceded that. We did concede that. It was agreed that they would make certain payments to us and the water would be permitted to go to Pakistan till they made alternative arrangements. As a matter of fact, Pakistan was shrewd enough; they started digging certain link canals, but soon after, when they found that India would yield to pressure, they would not complete the canals they started digging. They started negotiating, trying to get the best out of this country.

I would like to put a straight question to the hon. Minister. When the country was partitioned, was there any obligation on our part not to develop our resources, which were within this country? Was there any embargo on that? We were well within our rights to draw water from the rivers to develop our resources and to do what we can. The only question that could have been asked was, to give an opportunity to Pakistan, so that Pakistan may be able to make certain alternative arrangements for the water

which was being given to Pakistan. Nothing beyond that. Even the question of payment never arose. No payment was demanded when they started digging those canals. What is the justification for any payment for these canals?

15.52 hrs.

[SHRI JAGANATHA RAO in the Chair]

As things developed, they went on making their demands bigger and bigger, being as unreasonable as they possibly can. We are for very friendly relations with Pakistan. It has been the effort of this House to create a climate for very friendly relations, but there is another aspect to the whole question. I wish our Government takes note of the feeling in this country in regard to that other aspect. It is not only by being over-generous that you can create a friendly feeling. You must be a strong and firm Government. You must create a feeling on that side that all reasonable demands would be considered, but nothing beyond the reasonable demands. It is not that our over-generousness should be at the cost of our own people and at the cost of the development of this country.

Mr. Chairman: The hon. Member's time is up.

Shri Harish Chandra Mathur: I have just started, Sir.

Mr. Chairman: Only 10 minutes are allowed for each Member.

Shri Harish Chandra Mathur: I cannot discuss this problem in 10 minutes; it is impossible.

Shri Vajpayee (Balrampur): More time may be given to Rajasthan.

Shri Harish Chandra Mathur: We are almost reducing this Parliament to a fun....

Mr. Chairman: The time allotted for this motion is 2 hours. The

[Mr. Chairman]

Speaker has said that 10 minutes should be given to each Member, except Shri Asoka Mehta.

Shri Harish Chandra Mathur: I withdraw every word I have said; I am not prepared to be curbed down like this in such an important matter. I am very sorry if the Speaker has made such a decision. If the Speaker was here, I would have argued with him.

Mr. Chairman: I am surprised the hon. Member is losing his temper.

Shri Harish Chandra Mathur: The House should not be treated like this in this matter. You can either extend the time or....

Mr. Chairman: The hon. Member should respect the ruling of the Chair. He may take 2 more minutes.

Shri Vajpayee: Is it not open to the House to extend the time?

Mr. Chairman: The debate will go on till 6.

Shri Mahanty: When time was allotted for this motion, we wanted more time and the Speaker said he would kindly consider the question of extension of time. What has happened to that?

Mr. Chairman: The Speaker has said that the debate will continue till 6 P.M.

Shri Harish Chandra Mathur: If you can allow me another 10 minutes, I shall continue.

Mr. Chairman: I cannot make an exception in favour of a single Member.

Shri A. C. Guha (Barasat): Mr. Chairman, Sir, he represents Rajasthan, which has been badly affected. With the general agreement of the House, he may be given some extra time.

Mr. Chairman: He may take 5 minutes more.

Shri Harish Chandra Mathur: I shall be as brief as possible. This friendly approach does not mean all that. I wish it is clearly understood by them; it does no good to anybody. I will not be able to deal with all the important points; I will come to the brass-tacks of this question.

I shall draw the pointed attention of the House to two important matters. Here on the floor of this House, the Minister for Irrigation time and again told us that the attitude of the Government of India clearly is that not a drop of water will be given to Pakistan beyond 1962. I will read what Shri S. K. Patil said:

"There is, however, a limit to our patience. India will not wait indefinitely for a settlement, ignoring the needs of her people."

Asked which Government has told Pakistan and the World Bank the limits to which India is ready to go, he said:

"I do not know what those limits are, whether in regard to payment or in regard to time factor. So far as the time factor is concerned, I have made it clear that 1962 is the dead-line so far as India can wait for the replacement of these withdrawals."

Now we go to 1970. What does it mean? It means definitely a loss of Rs. 100 crores per year, because of this agreement. Here the Planning Commission has just given a directive that we should so execute and implement our Plans that those Plans are not staggered and we get quicker return. What will happen in this case? There will be no return for 10 years. What is the use of wasting Rs. 60 crores and they are staggered over 10 years. We are acting against our own advice and principle, at the cost of our own people.

There is another point where we are severely affected. Through the treaty we are losing 5 million acre-feet of water. There is such a great potential in Rajasthan. Let the Minister deny that we cannot possibly draw 5 million acre-feet of water from Chenab and that will not help the country perpetually. This will mean another perpetual loss to the country to the extent of about Rs. 70 crores to Rs. 80 crores per year. This is the implication of this treaty.

I also want to know what is the justification of this figure of Rs. 83 crores? How has this figure been arrived at? As I said in the beginning, there was no justification. Even if you agree to any figure, it should not have been in sterling. We know our difficulties about foreign exchange. We could have come to certain agreements and provided them cement and so many other things.

Last but not the least is, what have we got out of it? What goodwill has come out of the friendship we have generated? Immediately after this treaty was signed, we find the President of Pakistan talking about the physical possession of the upper reaches of these rivers. It is really most disappointing, if we have generated this sort of goodwill that the President of Pakistan talks of the upper reaches of these rivers. I could have understood all these sacrifices if we had, through this treaty, solved also the Kashmir problem. The only trouble about Kashmir was, because the rivers flow from Kashmir and through this country, Pakistan was in a difficult position about that. So, if they are assured of their developmental projects and of their irrigation, Kashmir ceases to be a problem. Has Kashmir ceased to be a problem? Rajasthan is part of this country and it is not that I am here ventilating the grievances of Rajasthan. Rajasthan is already a surplus State and with its canal, we want people from all

over the country to come and settle there. We would have been very happy to make these sacrifices if the Kashmir problem was solved because of this. But we do not see anything of that kind. The Pakistan President says, no useful purpose will be served by his coming to India and meeting our Prime Minister for discussing the Kashmir problem. I simply cannot understand it.

Sir, I think this treaty has been all to our disadvantage.

16 hrs.

Shri Asoka Mehta: Mr. Chairman, we have to consider the treaty, the terms of the treaty, the contents of the agreement as also the context in which it has been finalised. As far as the terms of the treaty are concerned, it is obvious, as has been very well and very eloquently pointed out by the previous speaker, and as he read out extracts from the opinions expressed by the leading newspapers in the country, there is not a single newspaper in India which has favourably reviewed the terms of that treaty; not only that, the words used by the newspapers are sometimes stronger, and they have been surcharged with the same kind of emotion that was rightly expressed here by the Member who comes from Rajasthan. This sort of feeling is there because we have, after 10 or 12 years of negotiation, agreed to terms which cannot not only be acclaimed but which cannot be justified as fair.

The suggestion was that western rivers should go to Pakistan and the eastern rivers should come to India. If that was the suggestion, it would mean the distribution of 75 per cent of the Indus basin waters to Pakistan and 25 per cent to us. But in the treaty it is 4:1, that is to say, 80 per cent goes to Pakistan and 20 per cent comes to India.

The Indus basin water irrigation system is the largest irrigation system connected with any single system of

[Shri Asoka Mehta]

rivers in the world, and it is a peculiar system, because the entire system was developed without reservoirs and other things being built up and it was organised in accordance with the run of the river. Now, nature and, up to a point man, seemed to have conspired against India. Pakistan has had remarkable advantages against us. The *per capita* use of irrigation facilities today is $3\frac{1}{2}$ times in Pakistan to that in India. Now this needs to be corrected. What will happen under the treaty?

We are happy, at least I am happy, that there are International organisations and friendly governments in the world that are going to help Pakistan to develop these reservoirs. We are happy that these resources are going to be developed. I was surprised that some Communist journals criticised me when I raised this question on the floor of the House the other day and they said "Shri Asoka Mehta should have denounced the part that the World Bank has played on this". I do not know what it means. The World Bank has facilitated the solving of this problem; whether that solution is wholly acceptable to us or not is a different matter. I do not think we gain anything by denouncing those who try to play a friendly role. But the point is that with their efforts, with their co-operation and with their assistance Pakistan will be able to develop the resources and a lot of surplus will continue to flow into the sea. The surplus there will be, because Pakistan is a surplus area today, and Pakistan will continue to be a surplus area. After the distribution of waters under this treaty Pakistan will permit very valuable water to flow into the seas, even after the fullest of development. We, after the fullest of development, will always be short. We have larger irrigable areas and our supplies of water are not adequate. Pakistan has more water than its irrigable area. I can give you the figures, they are there, but I do not want to take your time.

Therefore, it is a peculiar position and this position is being trotted out,

as has been pointed out, by our agreeing to hold our hands, to put off our claims for 10 or 15 years more and by paying a large amount of money. A large amount of money is being paid against which only a small sum is adjusted, dues by Pakistan for the waters we have spared. Barring those Rs. 6 crores, which will be set off against this claim of Rs. 83 crores, the other debts have not been settled. The problem of Kashmir, of course, is very important. But if financial payments are to be made—that was the point that I was making—if huge financial payments are to be made, surely one should take into consideration the obligation that the other side owes to us. This is a peculiar arrangement wherein the other side's obligations are not brought into the focus at all and unilaterally we come forward to make significant concessions.

As there are many speakers, I am not going into the details; you have been kind enough to say that I can take a little more time, but I do not want to encroach upon the valuable time of others and so within the time allotted to me I will immediately turn to the main problem. The solution of the canal water problem, we thought, was a part of the greater effort, the general effort that was being made by the leaders of the two countries to bring about better relations between the two countries. Firstly, the frontier question, the rectification of the frontier question was brought out. Then certain economic and financial payments were sought to be solved, and we thought here is a step taken towards the solution of the canal water problem which will make it possible for the two countries to come together. The President of Pakistan was advocating even common defence arrangements and there were distinguished countrymen of ours, like my friend, Shri Jai Prakash Narayan, who felt that our country should respond to that suggestion. I believe that Shri Rajaji also wanted that we should respond to that appeal. Again, an atmosphere was being created where

we felt that even though we are fragmented, even though we are sundered about, here is a healing process whereby we will be able to come together, and what does it matter, it may be a price worth paying if the healing process is created. But on the morrow on the signing of the treaty, as my friend pointed out, the whole context has seemed to have changed radically. The whole history, as you know, of the claim made out by the Muslim League in the past is that a certain claim is put forward, the moment it is satisfied it is made an excuse or pretext for making further claims. This I have described in a book which I wrote some years ago called *The Communal Triangle*. Now this is a thin end of the wedge. Every concession becomes a thin end of the wedge. We thought that the context has changed. But what is it that we find?

Now it is said that though the western waters have been assigned to Pakistan, the source areas must be under Pakistan. Therefore, the President of Pakistan has told some foreign newspapers that the desilting operations have to be carried on. "You cannot hope to have all the water resources that have been assigned to Pakistan until and unless Pakistan is permitted to carry on desilting operations and, therefore, the source areas must be in their hands.

From the western waters we are using only 0.75 per cent acre feet of water and we are entitled to use a further 0.75 per cent acre feet. That is all we will be able to draw from the western waters that have been assigned to them. From the eastern waters we are giving a considerable amount of water, though the waters in principle are assigned to us.

Now we are faced with this new problem that the Kashmir dispute, instead of getting settled, instead of the solution of the canal waters problem leading us, helping us towards the easing of the tensions in that area, have really aggravated the situation. I think the hon. Member who spoke

before me was quite right when he said that the whole atmosphere in the country has been expecting some kind of understanding with Pakistan. We are prepared to make sacrifices, we would stand by whatever concessions the Government feels necessary to make provided the Government can show the returns, that a different spirit, a different atmosphere and a different response has been created. Surely, the Government cannot take advantage of this spirit of accommodation and goodwill on our side in order to feed the fires on the other side. And that is precisely what has been happening.

If the context had been right, then probably we would have accepted it even if it is not equitable, even if we feel on merit a better treaty should have been negotiated. When the treaty was under negotiation many of us remained quiet, many of us refrained from raising questions which were very relevant, because we felt that perhaps through the instrumentality of this treaty, though we have been fragmented and sundered apart, may be slowly we may be brought together, not as part of one single country or one single government but two countries that are developing the habit of working together in co-operation and harmony.

That was the hope. That was the expectation. These expectations have been belied. Surely, the Government of India had far more information. They had or they ought to have their hand on the pulse of realities in Pakistan. Knowingly if they did this then here is a price which has been paid and in return we are only confronted with more difficult, almost a menacing situation. Therefore I believe that Shri Mahanty was quite right when he said that we have not so much to seek information or any kind of explanation from the hon. Minister of Irrigation and Power. The information that we have to seek is from the hon. Prime Minister because given the right kind of context many of us here would have

[Shri Asoka Mehta]

said that the hon. Minister has done a very fine job because that is in the larger context. But now that the context has proved to be wholly inhospitable to us, I do not know what the hon. Minister of Irrigation and Power will be able to tell us. He will have to say that this is a one-sided treaty. It was entered into for a certain purpose and that purpose has not been achieved.

I am surprised that in spite of the assurance given by the hon. Minister that the hon. Prime Minister will be here to speak, he is not here. He should have been here because, as Shri Mathur has very rightly pointed out, here is an issue on which the entire country is deeply and profoundly agitated. It is a kind of second partition which we are experiencing. It is a kind of reopening all the wounds that we had hoped had started healing. This is being done again with the signature of our hon. Prime Minister.

That happened in 1947 with regard to partition without understanding, realising and making sure that it will not lead to carnage on all sides. People are entitled to make one mistake, but we are making far-reaching concessions and do not assure ourselves that those concessions are going to bring the desired results. Surely no Government is entitled to make mistakes twice. That is why the country is deeply and profoundly agitated. I can understand the feeling in this House that to try to dispose of a matter of this kind in two hours is not allowing this House to reflect fully and adequately the feelings of the people in this country. The newspapers have done it, but it is the privilege of this House to be wholly and fully reflective of the feelings in the country. In the limited time that has been given to us that cannot be done. I think a lot more time is to be given. We need to go into this affair more fully. We need the presence of the hon. Prime Minister here. Against all these handicaps all that one could say is that on this matter the country feels that

it has not been given the leadership. I would say that the country has been let down by those whom the country had been accustomed to trust.

Shri A. C. Guha: Mr. Chairman, Sir, an agreement of this nature cannot be hundred per cent acceptable to any side and the country and the House would naturally be prepared to accept a deal which would at least be fair to India and fair also to the other country. The country has been deeply disappointed. There is a feeling that whenever we have been negotiating any agreement with Pakistan the interests of the country have been sacrificed, perhaps with an over-anxiety on our part to placate Pakistan.

Shri Asoka Mehta has referred to partition and said that that was the first mistake and this is the second mistake. But in between there have been other agreements also with Pakistan in which the interests of India and Indian citizen were not properly protected. I shall come to them later on.

16-15 hrs.

[SHRI HEDA *in the Chair*]

The Indus basin covers a wide area. 26 million acres of irrigable land are in India and 39 million acres of irrigable land lie in Pakistan. Out of the 26 million acres of land in India only 19 per cent have got irrigation facilities, but in Pakistan out of the 39 million acres of land 54 per cent already have got irrigation facilities. In any agreement regarding the waters of the Indus basin for irrigation this point should have been taken into consideration. The proportion of the land in the two countries is three-fifths and two-fifths. Three-fifths of the total area lies in Pakistan and two-fifths in India.

Again, of the three-fifths in Pakistan, 54 per cent have already got irrigation facilities, but only 19 per cent of the two-fifths area in India have got irrigation facilities. In any case of the total area of 64 million acres of land

in the Indus basin, on the basis of land which India possesses India should have got at least 40 per cent of the waters of the Indus basin, but under the treaty only 20 per cent of the Indus basin water will flow into India and 80 per cent will go to Pakistan. This is a serious mistake in the agreement. There is a relevant question to ask, namely, whether Pakistan will need that 80 per cent water or whether Pakistan will have the capacity to utilise that 80 per cent water.

Shri Harish Chandra Mathur: It will flow into the sea.

Shri A. C. Guha: The two previous speakers have stated that this very important and useful water will flow into the sea and go for no purpose whereas in India several important schemes will have to be abandoned at least for years.

Shri Harish Chandra Mathur: Not for years but for all time because we have no water and Rajasthan will have to go without water.

Shri A. C. Guha: About Rajasthan I think Shri Mathur has given vent to the passion and feeling of frustration in Rajasthan. I do not know whether the negotiating authorities on behalf of India had any consideration about the Rajasthan Canal and the development programmes of Rajasthan. Moreover, I think some important projects in Himachal Pradesh based on the Chenab River have also to be abandoned. I do not know whether the Government have any idea as to how to carry out these development works without the water which will flow by the Chenab through Himachal Pradesh.

From every point of view, from the point of view of our requirements and the requirements of Pakistan, this deal has been quite unfair to India and has been over-generous to Pakistan. The more regrettable thing is that waters which India would need

badly would be allowed to flow into the sea unutilised and yet we shall be denied the opportunity of developing our own land with that water.

Another thing is about the payment. Pakistan will get grants and not loans to the tune of about Rs. 400 crores. They will require about Rs. 450 crores to build their link canals. India will also require over Rs. 100 crores to build her link canals, but we shall get only Rs. 30 crores and that too not as grants but as loans.

An Hon. Member: Rs. 28 crores.

Shri A. C. Guha: Yes Rs. 28 crores or to be precise about Rs. 27 crores—Rs. 15 crores and Rs. 12 crores from the United States and from the World Bank respectively—but not as grants, but as loans. Of course, that depends on the generosity of the other countries. If they give grants to Pakistan and not to us, we have nothing to dispute. But why should India have agreed to make a payment of Rs. 83 crores to Pakistan without at least settling our financial dispute with Pakistan and that too in sterling? As has been suggested, if at all this Rs. 83 crores has to be paid, it should have been paid in kind or at least in rupee and not in sterling. Considering the very desperate foreign exchange position of India, it was the height of folly to agree that Rs. 83 crores would be given to Pakistan in sterling at the rate of Rs. 8.3 crores every year.

As I have stated, in most of the agreements with Pakistan, the interests of Indian citizens and the Indian nation have not been properly protected by the negotiating party on behalf of India.

In this connection, I should also refer to the Agreement which is known as the Nehru-Noon Agreement. I think yesterday, there was a debate in the West Bengal Assembly and the Chief Minister has stated that it was not consulted and his Government also was not consulted while the Government of India agreed to hand over Berubari

[Shri A. C. Guha]
to Pakistan. In West Bengal there is unanimous opposition of Berubari. Why this anxiety in every case? Starting from the Nehru-Liaquat Agreement in 1950, in every agreement we have found that the Indian interests have been sacrificed to placate Pakistan. With what result? Has Pakistan responded in any friendly manner? Have we got any friendly response from Pakistan? If Pakistan was in a mood to consider India's case in a friendly manner, we may have agreed to make some sacrifice. Why should we make all these sacrifices to placate Pakistan when Pakistan is not in a mood to be on friendly terms with India.

Before concluding, I should refer to another matter. There are some rivers on the eastern side also. What arrangements have been made about the development of the waters of these rivers? I think from the Karnafuli project, certain portions of Indian territory are going to be inundated. India has agreed. What will we get in return for that generosity? We are not getting anything out of that. I do not know whether there is an agreement for the supply of any power . . .

The Deputy Minister of Irrigation and Power (Shri Hathi): Yes.

Shri A. C. Guha: If there is some agreement, will that be commensurate to the loss in the area that would be inundated by the Karnafuli project? There are other rivers also on the eastern side. What would be done about the development of those rivers? I should refer at least to one river which flows in Tripura and Cachar. I just forget the name of that river. My hon. friend Shri Hathi may give the name. That river is also in dispute. Without utilising the waters of that river, there cannot be any development in Tripura and Cachar. Before coming to any settlement on any single point, I think all these points should have also been considered.

We have been supplying water to Pakistan for the last twelve years.

Instead of 10 years, we are going to extend the period to 25 years. Already 12 years have elapsed. Another 10 years are agreed upon. Another extension of 3 years has also been agreed upon by this treaty. I am sure Pakistan will take advantage of that period of 3 years also. I am also doubtful whether Pakistan will make payment for these three years as stipulated in the treaty, because..

Shri Harish Chandra Mathur: That would be made by the World Bank. That is the responsibility of the World Bank.

Shri A. C. Guha: Yes, I am sorry. That would be paid by the Indus Basin Commission. That would not come out of Pakistan's funds. I am sorry. That amount, we shall get. It is not a question of money. It is a question of water. For three years, water will flow into Pakistan and perhaps flow into the Arabian sea and will not be available for development work in India. For 25 years we have agreed to allow the waters of the Indus Basin to flow into Pakistan, taking only 20 per cent of the water for us after 25 years. Even within this period of 25 years, we must get very much less than our requirements for development of the Indus basin territories. I think the Government should take into consideration the feeling in the country before coming to any agreement.

It is the privilege of the executive to come to international agreements. There is no dispute about that. The executive may say that they have considered it right. That may be the attitude of a totalitarian government, a totalitarian executive. The executive of this country is responsible to this Parliament. As a democratic authority they must take into consideration the opinion and the feeling of the country and this House before coming to any agreement of this nature. I do not mean previous approval of the House. I mean only a proper assessment of the feeling. Repeatedly there have been mistakes.

Repeatedly the interests of India and Indian citizens and the Indian nation have been sacrificed to placate Pakistan. I hope similar mistakes will not be done in future.

Dr. Krishnaswami (Chingleput): Sir, this agreement with our neighbour raises profound emotions and I am, therefore, not surprised to find my hon. friend Shri Harish Chandra Mathur, for whom I have great respect, expressing himself so strongly. I have given considerable thought to this question, especially as criticisms of this Treaty have appeared in numerous papers. But, after having given considerable thought to this question, I must point out categorically to my colleagues here in this House that we have reached an agreement on terms which only a farseeing Government could have accepted. I know that I will be raising a great deal of controversy. But, I should like, with your permission, to ask this House to consider this problem in its proper perspective.

In 1948, we enunciated the doctrine that while, undoubtedly, we were in physical possession of all these rivers, we were going to try for an equitable settlement. In 1954, when Shri Nanda was the Minister for Irrigation and Power, he had also pointed out that certain proposals of the World Bank were before us and that these were to be considered. I should like, with your permission, to go into certain aspects of this agreement and then consider the other political issues which are linked with it. I want to separate this agreement from the other political issues because it is necessary to find out how far this is really in the interests of our country before we decide whether it will contribute to a greater amount of understanding with Pakistan or not.

What are the terms of the Agreement? The three eastern rivers which in 1947 irrigated about 4 million acres in Pakistan and 5 million acres in India, will, as a result of this treaty be used exclusively by India.

In another few years, we will have the opportunity of irrigating 15 million acres in India. In order to compensate for this loss of 4 million acres in Pakistan, it was suggested by us that we should have certain replacement works constructed in Pakistan. The cost of these replacement works were worked out by our Indian Engineers and it was put at about Rs. 83.3 crores. This would have been considered to be a reasonable term. As one realises, the Government of Pakistan was not willing to consider even this term. In 1959, considerable difficulties faced our Government when this question was taken up for consideration. Indeed, but for the fact that the World Bank played an active part, and a dynamic part at that, we would not have had any agreement at all.

Shri Tangamani (Madurai): Why did they?

Dr. Krishnaswami: I shall tell you, because it is necessary for you to know. I know that the World Bank is a *bete-noire* to certain political parties. But, that is neither here nor there. We have to consider this question from a detached point of view. I shall stand or fall by the views that I express on this question.

I should like to point out that but for the fact that the World Bank intervened in this matter, it would not have been possible to reach any sort of agreement. Let me proceed with the other aspect of the case.

Let us remember that most of these canals were developed when Pakistan was part of undivided India. That was why the bulk of the western rivers really flowed into the territory of Pakistan. The political partition brought in its wake certain difficulties and certain strange consequences. Even in 1947 we realised that about 10 lakh acres were being irrigated by the western rivers. We have taken care to see that we should have another 7 lakh acres at least irrigated by these western rivers and the rest being used by Pakistan.

In any agreement there can always

[Dr. Krishnaswami]

be defects. But, I do want to say that this agreement has certainly safeguarded our interests to a very large extent. Whether it will lead to greater understanding with Pakistan or not is a debatable matter. But, I do want to point out that but for this agreement had been reached, we would still have had a stalemate for a considerable time. I know and I respect the views of my hon. friend Shri Harish Chandra Mathur very much, who has today spoken with considerable emotion. But, I would like him to consider the positive gains that have accrued from this agreement. I proceed on the assumption that the terms of the agreement would be observed. What are the benefits that would accrue to our country? As I pointed out, we will have increased the acreage from the eastern rivers from 5 to 15 million acres. Indeed, an increase of 4 million acres in our country would lead to increase in income of Rs. 100 crores. This is also a factor which we must take into account.

Now, let me deal with the other point as to why the World Bank came in. Unless we agreed to the development of the Indus basin, it would not have been possible for any sort of agreement to have been achieved which would lead to a proper and equitable sharing of the waters. The old-fashioned attitude of saying that just because we are in physical possession of the rivers, it is open to us to make other countries deserts, does not appeal to me, and do not think even sound international lawyers would ever agree or accept this approach.

Sardar Iqbal Singh: Who says so? India has never taken up that attitude?

Dr. Krishnaswami: That is why I say that in 1948 the logical attitude was adopted that we should have an equitable solution.

Shri Tangamani: Forty-six per cent of the water is still falling in the Arabian sea.

Shri Harish Chandra Mathur: We should allow them time only for the replacement. The question of payment was never there. This is an idea which was born later on.

Mr. Chairman: The hon. Member had his opportunity.

Shri Harish Chandra Mathur: He is explaining. I made the point because he is wanting to convince us.

Dr. Krishnaswami: Whether I succeed in convincing my hon. friend Shri Mathur or not, I should certainly make my point clear so that he and others in the country may understand what I am driving at.

Shri Harish Chandra Mathur: Let me assure you that I am amenable to arguments from you.

Dr. Krishnaswami: I am very much flattered. What I am suggesting to my friend with great respect is that we agreed that there should be a replacement to compensate for this loss of 40 lakh acres which were already under cultivation in Pakistan, and it would not have been equitable on our part to have said that we were not going to construct some replacement works. The question which ought to be asked is: who determined the cost? The cost was determined entirely by Indian engineers, and it was their estimate that was really accepted ultimately by the World Bank and the Government of Pakistan.

This is a very difficult agreement to have been reached. I know that if all aspects of this agreement had been placed in their proper perspective, including the role played by the World Bank, probably many distinguished citizens in our country would have had second thoughts on this agreement. In my judgment, it is a highly constructive agreement, for, next to the Marshall Plan, historically, this is the biggest international co-operative effort, and unlike the Marshall Plan the impetus has come not

from one country, but an internationally consututed organisation and through the dedicated efforts of a single person, the Vice-President of the World Bank. It requires a great deal of effort to get all these countries together to contribute, and may I add that along with the others, along with the politicians who played a part in this agreement, distinguished engineers of our country have also played a not inconsiderable part in having this agreement reached? There may be certain defects in certain details.

Shri Mahanty: May I ask him a question? What was the *locus standi* of the World Bank in a dispute between two sovereign countries?

Dr. Krishnaswami: The World Bank did not come here to settle any dispute. It came here to play a constructive role, and both the countries wanted it to play a constructive role. It was open to a sovereign State like India to reject the terms of the World Bank if it did not like them. It was open equally to Pakistan to reject them if it did not like them.

Shri Mahanty: Parliament never knew it.

Dr. Krishnaswami: Parliament was aware of many of these things, but if the hon. Member did not raise that issue at that stage, it was his fault. I certainly think that the World Bank really has had the opportunity to play this part, and I think we should certainly be glad that it did play this part.

There are certain other defects in this agreement to which I should have brought the attention of the House, but I do wish to point out that this agreement must be seen in its full perspective.

I am not for a moment suggesting that we should immediately trust any Government merely because this agreement has been signed, but the possibilities of a better future have

been opened up as a result of this agreement. We may have many tough problems in the near future, but it is my hope that as a result of this agreement the two countries may try to come together, so that both of us may be united in the hour of crisis when we have to meet some other peril on the northern border—and it might be necessary for us to be really united in order to meet the new menace that is facing us on the northern border. But I do wish to point out that in all these agreements, nothing will be satisfactory to any one nation. It is perfectly true that if we had come to an agreement earlier, if we had more reasonable men in Pakistan to really have this thing done, the World Bank need not have come into the picture, but the World Bank, by having come and made the necessary contributions, never mind whether it is to any particular country or not, has made it possible for this great region, and I consider this a great region, consisting of these two countries, to really have a fairly equitable and proper sharing of the rivers.

I venture to think in having initiated this discussion we have done a wise thing, but I also wish to express the hope that we may be given more time when the Supplementary Demand for Grant comes in, so that we may go more into the details of the Indus Waters Treaty, discuss some of the limitations that attach to it, and express our views on them in a categorical manner.

श्री ब्रजराज सिंह : सभापति महोदय, डा० कृष्णस्वामी के बहुत सुन्दर व्याख्यान को अभी मैं ने सुना है। मुझे दुःख है कि मैं डा० कृष्णस्वामी के विचारों से सहमत नहीं हो सकता इस लिए नहीं कि मैं पाकिस्तान से दोस्ती और अच्छे सम्बन्ध नहीं चाहता। मैं तो चाहूंगा कि पाकिस्तान से ही नहीं दुनिया के हर एक राष्ट्र से हिन्दुस्तान के सम्बन्ध बहुत मजबूत और मैत्रीपूर्ण हों। लेकिन जब

[श्री ब्रजराज सिंह]

मंत्रीपूर्ण और मधुर सम्बन्धों की बात कही जाती है तो हमें यह भी याद रखना चाहिये कि वह सम्बन्ध अपने देश की प्रतिष्ठा और इज्जत को बेच कर नहीं कायम रखे जा सकते। मुझे लगता है कि यह जो इंडस ट्रीटी पाकिस्तान के साथ सम्पन्न हुई है उस के द्वारा देश की प्रतिष्ठा को खत्म किया गया है और हिन्दुस्तान की इज्जत को बेचा गया है।

सभापति महोदय, तथ्य आपके सामने आ गये हैं और यह सारा पता लग गया है कि आखिर देश का कितना इससे नुकसान होने वाला है और जब यह नुकसान की बात आती है तो हमें उस की सारी पृष्ठ भूमि में जाना पड़ेगा। क्या कानूनी हमारे ऊपर कोई जिम्मेदारी थी इस प्रकार के काम के करने की क्या हमारा कोई इस तरह का उत्तरदायित्व था कि हम पाकिस्तान को यह पानी दें या पाकिस्तान का यह हक था कि वह हम से यह पानी ले सकेगा। आखिर इस में सबसे पहले तो हमें हिन्दुस्तान के बंटवारे की बात को सोचना चाहिये। जिन लोगों ने बंटवार की बात कही जो लोग बार बार यह कहते रहे कि यह उन की जिम्मेदारी थी वह देख लेते कि हिन्दुस्तान और पाकिस्तान के बंटवारे के बाद क्या उस के नतीजे होंगे यह एक नतीजा उसी में से निकलने वाला था। मुझे खतरा है कि इस संघि के होने के बाद पाकिस्तान की तरफ से दूसरी मांगें भी पेश की जा सकती हैं और जिसकी कि तरफ कुछ इशारा आज उस बयान से दिया लगता है जोकि रेलवे मंत्री महोदय ने दिया है। भविष्य में चल कर कौरीडर्स देने की बात कही जा सकती है।

मैं कहना चाहता हूँ कि यह कहना कि हम किसी देश को रेगिस्तान नहीं बना सकते, बहुत सुन्दर बात है लेकिन किसी देश को रेगिस्तान बनाने से पहले उस की तरफ बहबूदी दिखाने और रेगिस्तान को हरा भरा बनाने और उसमें बाग बगैरह लगाने से पहले

हमें अपने देश के रेगिस्तान की तरफ ध्यान देना चाहिये कि हम अपने रेगिस्तान को हरा भरा बना सकते हैं, बाग और फल फूल बगैरह लगा सकते हैं कि नहीं। मुझे लगता है कि वहां रेगिस्तान का कोई सवाल नहीं था। अलबत्ता हमारे अपने देश में रेगिस्तान मौजूद हैं और इस में बाग लगाने की फसल लगवाने की और पेड़ बगैरह लगाने की सरकार कोई कोशिश नहीं कर रही है। सरकार उस रेगिस्तान को हरा भरा बनाने की कोई कोशिश नहीं कर रही है।

पहले जब वर्ल्ड बैंक वाले आये थे तो उन्होंने उस समय ६० करोड़ रुपये की बात कही थी जब कि अब ८३ करोड़ की बात होती है। ८३ करोड़ का जो यह पेमेंट का सवाल है तो यह बहुत तरीके से हो सकता था। यह रकम नकदी में न दी जाकर क्रेडिट की शकल में दी जा सकती थी लेकिन हमें यह राशि पौंड स्टर्लिंग में चुकानी होगी। हम यह भलीभांति जानते हैं कि देश की विविध योजनाओं को चलाने के लिये हमें किस तरह से फौरन एक्सचेंज की जरूरत है, किस तरीके से हम उसके लिये परेशान हैं और छोटे छोटे आइटम में कट कर रहे हैं। वस्तुस्थिति यह है कि हमारे देश में फौरन एक्सचेंज की बड़ी दिक्कत है और जब ऐसी हालत है तो तब हम पाकिस्तान को यह ८३ करोड़ पौंड स्टर्लिंग में देंगे। यही नहीं पानी भी हमें पहले की अपेक्षा कम मिला करेगा। २० परसेंट मिलेगा जब कि हमें ४० परसेंट मिलना चाहिये। यह रकम हम रुपयों में दे सकते थे या अन्य चीजों की शकल में दे सकते थे लेकिन नहीं यह रकम हमें फौरन एक्सचेंज में देनी होगी। जब हम इन सब चीजों पर विचार करते हैं तो इसी नतीजे पर पहुंचते हैं कि कोई भी समस्या हो, झगड़ा हो, पचड़ा हो, हमारी सरकार पाकिस्तान से दबना चाहती है, पाकिस्तान की जनता से नहीं, पाकिस्तान की जो एक व्यक्ति की हुकूमत है उससे दबना चाहती है। आखिर पाकिस्तान

में आज कौन सी हुकूमत कायम है ? हमारे मित्र सरदार इकबाल सिंह ने अपने भाषण में एक बहुत सुन्दर चीज की तरफ इशारा किया है कि पाकिस्तान में आज तानाशाही राज है मिलेटरी डिक्टेटरशिप कायम है। कोई जनता का उसमें हिस्सा नहीं है। एक व्यक्ति का राज्य है। और उस एक व्यक्ति के राज्य में आज इस तरह की संधि होती है जोकि सन् १९७० तक लागू है तो तीन साल के बाद मौका मिलता है और कौन जानता है कि सन् १९७३ में पाकिस्तान की क्या शक्ल हो और उन की तरफ से कह दिया जाय कि वह यह संधि मानने को तैयार नहीं है तब कौन सी स्थिति आयेगी। मैं कहना चाहता हूँ कि आज १९६० में जो स्थिति है, १९७३ में भी वही स्थिति आ सकती है। सारे पूरे तेरह सालों की पूरी गड़बड़ी के बाद, अपनी पूरी कुर्बानियों के बाद, अपने खेतों को सूखा रखने के बाद और हिन्दुस्तान की जनता को भूखा मारने के बाद, तेरह सालों के बाद फिर वही स्थिति आ सकती है, जो कि १९६० में है। मैं पूछना चाहता हूँ कि आखिर हिन्दुस्तान की सरकार का दिमाग क्या काम करता है, वह किस तरह की योजनायें बनाती है, किस तरह के निश्चय करती है। एक मिनिस्टर के बाद दूसरे मिनिस्टर ने, एक बयान के बाद दूसरे बयान में हमें यह कहा गया कि हम १९६२ के एक दिन बाद भी पाकिस्तान को पानी नहीं देंगे। अब एक दिन की बात नहीं हम पाकिस्तान को ग्यारह साल के लिये पानी दे रहे हैं। कोई निश्चय होना चाहिये, कोई निर्णय होना चाहिये, तो सरकार को उस पर हमेशा डटे रहना चाहिये मुझे दुख है कि सरकार किसी तरह से किसी निश्चय पर डटे रहना नहीं चाहती है।

सभापति महोदय, आपको मालूम है कि बेरूबाड़ी के सवाल पर देश में किस तरह की भावनायें जग रही हैं। मैं उस मसले को यहां नहीं लाना चाहता हूँ, लेकिन मैं साफ

कहना चाहता हूँ कि यह मसला बेरूबाड़ी से कई गुना बड़ा है और इस से हिन्दुस्तान के करोड़ों लोगों पर असर पड़ता है। मेरे मित्र, श्री अशोक मेहता ने ठीक कहा है कि पार्टीशन के समय जो कुछ हुआ, उसी तरह की समस्या हमारे सामने पैदा हो रही है। लेकिन इस का मतलब यह नहीं है कि हम पाकिस्तान की जनता से दोस्ती और समधुर सम्बन्ध नहीं चाहते हैं। प्रश्न यह है कि जो कुछ हो रहा है, उस के बाद भी क्या कोई इस तरह का इंडीकेशन, इस तरह का इशारा मिलता है कि पाकिस्तान की हुकूमत की तरफ से कि हमारे सम्बन्ध समधुर और मैत्रीपूर्ण रहेंगे ? इस ट्रीटी के साइन करने के दूसरे दिन पाकिस्तान के प्रेजिडेंट महोदय कहते हैं कि अब वह हिस्सा भी उन के कब्जे में रहना चाहिए, जहां से वैस्ट्रन रिजर्व बहते हैं। कल शायद यह कहा जायगा कि काश्मीर का हिस्सा भी, जो उन्होंने—तथा कथित आजाद काश्मीर सरकार ने गलत तरीके से, गैर कानूनी तरीके से अपने कब्जे में कर रखा है, उन के कब्जे में रहेगा। मैं यह कहना चाहता हूँ कि इस से मुल्क की प्रतिष्ठा को धक्का लगता है। इस से मुल्क की जनता का भविष्य अन्धकार में पड़ता है। इस तरह के एप्रीमेंट से मुल्क की जनता यह विश्वास नहीं करती है कि हमारी सरकार आज जो कुछ कह रही है, जो कुछ निर्णय कर रही है, वह उस पर अमल कर सकेगी।

यह एप्रीमेंट का हो गया है। उस दिन प्रधान मंत्री महोदय ने कहा कि अभी उस का रेटिफिकेशन नहीं हुआ है।

एह माननीय सबस्य: हो गया है।

श्री बजर्राज सिंह : रेटिफिकेशन हो गया है ? खैर, अगर हो गया है, तो यह भी बड़े अफसोस की बात है। जब पार्लियामेंट बैठ रही है, तो उस को इस बात का मौका नहीं दिया जाता है कि वह

[श्री अजरराज सिंह]

इस बारे में अपने विचारों को प्रकट करे। आखिर एक चुनी हुई पार्लियामेंट की कुछ जिम्मेदारियां होती हैं। देश की जनता को इस बारे में अपनी राय देने का अधिकार होता है। मैं मानता हूँ कि मुल्क की जनतंत्रीय सरकार एक निश्चय ले सकती है, लेकिन खस तौर से जब पार्लियामेंट बैठी हो, उस वक्त ऐसे काम कर देना, जो कम से कम पार्लियामेंट के ज्ञान में तो होना चाहिये। उस को उस का इल्म भी न कराना बड़ा ही दुर्भाग्य पूर्ण है। अगर वह रेटि-फिकेशन पार्लियामेंट के ज्ञान के बाद होता, उस को यह बताने के बाद होता कि हम यह करन जा रहे हैं, जिस के बाद यहां पर बहस होती और पता लग जाता कि इस विषय में विभिन्न रायें क्या हैं, तो अच्छा होता। लेकिन सिर्फ इसलिए कि हम पाकिस्तान के साथ मैत्री रखना चाहते हैं, ये सारी बातें की जा रही हैं।

अन्त में मैं यह कहना चाहता हूँ कि इन सारी कुर्बानियों के बाद, अपने देश के करोड़ों लोगों को भूखा रखने के बाद अगर पाकिस्तान से दोस्ती सही मायनों में कायम रखी जा सकती है, तो मैं समझूंगा कि हम ने बड़ा काम किया है, लेकिन मैं समझता हूँ कि यह आशा निराशा में बदल जायगी, क्योंकि पाकिस्तान की जनता से दोस्ती करने की बात नहीं चलती है—कुछ आदमियों से दोस्ती रखने की बात चलती है। मैं समझता हूँ कि पाकिस्तान की जनता दोस्ती चाहती है—जैसा कि हम समझते हैं कि ऐसा होना चाहिए, क्योंकि हमारा और उनका खन एक है, कल तक हम भाई भाई थे। एक गलत तरीके से देश का बटवारा हुआ है और इस लिए मैं समझता हूँ कि दोनों देश यह चाहते हैं कि हम एक राष्ट्र थे, हम एक राष्ट्र बन कर रहें। लेकिन अगर उस के बावजूद पाकिस्तान की जनता यह चाहती है कि जो पानी अरब सागर में बह जायगा,

वह पानी हिन्दुस्तान के लोगों को न मिल सके, जिन के खेत पानी के अभाव से सूखे रह जायेंगे, तो मैं समझता हूँ कि यह मानने वाली बात नहीं है। मैं नहीं समझता कि पाकिस्तान की जनता कभी भी यह चाह सकती है।

मैं आशा करता हूँ कि इस गलती के बाद सरकार प्रयत्न करेगी कि इस तरह की दूसरी गलतियां न हों और वह यह भी कोशिश करेगी कि जो एग््रीमेंट हो गया है, उसमें भी अगर किसी तरह से अपने देश के फायदे के लिए कुछ किया जा सकता है, तो वह तरीका भी अस्तित्व करे।

डा० कृष्ण स्वामी ने बड़े जोर के साथ वर्ल्ड बैंक के बारे में कहा। अगर वर्ल्ड बैंक एक दानी संगठन हो गया है, तो जो ८३ करोड़ रुपए हम ने पौंड स्टर्लिंग में देना है, उस के बारे में हम आशा करेंगे कि वह रुपया भीख की तरह नहीं, न्याय के आधारा पर बैंक की तरफ से आये, अगर आ सकता है, लेकिन मैं समझता हूँ कि यह बात नहीं हो सकती है। जों भी हो, मैं मानता हूँ कि हिन्दुस्तान की सरकार इस बड़ी गलती के लिए जिम्मेदार है और उस को हिन्दुस्तान के भविष्य की पीढ़ियों के प्रति इस गलती के लिए उत्तरदायी बनना पड़ेगा। मैं आशा करता हूँ कि भविष्य में इस तरह की गलतियां नहीं होंगी और कम से कम १९७१ के बाद एक दिन के लिए भी पाकिस्तान को पानी नहीं दिया जायगा।

Shri Tangamani: The Indus Waters Treaty of 1960 which was signed by our Prime Minister and the President of Pakistan at Karachi on the 19th September, 1960, has evoked considerable interest. Many speakers have already referred to the comments of the newspapers in this country. Particularly, the comments in this country have been critical, and even those

papers which have welcomed this treaty have given only their qualified support. But unlike this, we find that the newspapers in Pakistan have generally welcomed the treaty with all its implications.

I would like to say that the Parliament here was in session till the 9th September, 1960. This treaty was entered into on the 19th September, 1960. Surely, it would have been possible for Government to place before us at least the main purport of this treaty. They could have at least indicated certain provisions and taken into confidence the State Governments concerned, and also the Members of this House as to how it is going to affect us. Assuming that this House could not be taken into confidence, at least, the leaders of the recognised all-India parties could have been consulted, before such a treaty was entered into. I do not say that the Government of India have no right to enter into a treaty with a foreign country and ratify it even without referring it to Parliament. But I submit that in future, the practice that I have suggested would be a very salutary one.

As the House is very well aware, there have been prolonged negotiations ever since 1948 over the sharing of these waters. A formula was suggested by the World Bank in the year 1954. These are the elements of the World Bank's proposals:

- (a) The waters of the three Eastern Rivers (Ravi, Beas and Sutlej) should be for the use of India;
- (b) the waters of the three Western Rivers (Indus, Jhelum and Chenab) should be for the use of Pakistan;
- (c) there should be a Transition Period, during which Pakistan would construct a system of link canals to transfer water from the Western Rivers to replace the irrigation uses in Pakistan hitherto

met from the Eastern Rivers; and

- (d) India should pay the cost of constructing these replacement link canals."

Originally, this transition period, as suggested by the World Bank, was five years, but today it has become ten plus three years.

Coming to the treaty itself, I do not think anyone will have any word to say against the preamble. The preamble to the treaty recognises the need for fixing and delimiting in a spirit of goodwill and friendship the rights and obligations of the Government of India and the Government of Pakistan concerning the use of the waters of the Indus rivers system.

Because of shortage of time, I shall rush through certain points, without developing them. One point which I would like to mention in the beginning itself is that the World Bank did take interest, and the interest can be seen from the fact that simultaneously with the signing of the Indus Waters Treaty, an international financial agreement was also executed in Karachi by representatives of the Governments of Australia, Canada, Germany, New Zealand, Pakistan, the United Kingdom and the United States, and of the World Bank. I am quoting this from a World Bank Release which says:

"This Agreement creates an Indus Basin Development Fund of almost \$900 million to finance the construction of irrigation and other works in Pakistan consequential on the Treaty settlement."

Now, what are the main points in this treaty? Firstly, we are going to contribute Rs. 83 crores. I believe the original estimate of the World Bank came up to only Rs. 61 crores. Already, a supplementary Demand is before this House for over Rs. 8.25 crores. Secondly, we shall go on giv-

[Shri Tangamani] ing the waters from Sutlej, Beas and Ravi for ten years, which is the transition period; and these ten years which commence from 1st April, 1960 may be extended for another three years at the request of Pakistan, if not beyond 1973. Thirdly, the total waters of the Indus system will be distributed in the ratio of 80:20 between Pakistan and India. Fourthly, the western rivers of Indus, Jhelum and Chenab are assigned to Pakistan and the three eastern rivers of Ravi, Beas and Sutlej to India.

There are certain points which have been left out. I would like to mention them briefly. First, I would like to say that there has not been give and take. It has been more of 'give'. Certain outstanding issues like the canal waters dues have not been settled. The outstanding partition debts are yet to be settled, in spite of the talks our Finance Minister has had with the Finance Minister of Pakistan. The Kashmir issue is still pending. We can have flood control facilities only if it does not affect Pakistan. The proposal for a dam over Chenab has been dropped. The Mangla Dam work proceeds in 'Azad' Kashmir. The status of 'Azad' Kashmir is still in the balance. Pakistan expects Rs. 300 crores for its development works. We give Rs. 83 and odd crores for the purpose.

Here, I would like to give a brief quotation from what President Ayub Khan has stated in the *Foreign Affairs Quarterly* of July 1960. He is reported to have said:

"Pakistan has openly and unequivocally cast its lot with the West... We have shut ourselves off almost completely from the possibility of any major assistance from the Communist block. We do not believe in hunting with the hound and running with the hare. We wish to follow, and are following, a clear and unambiguous path.... The English-speaking

world ought to feel a special responsibility to assist Pakistan. It is not a claim. It is in fact the dictate of history".

This is briefly the sentiment expressed by the President of Pakistan. This has been confirmed in his subsequent statements also. I do not want to judge the people of Pakistan from the pronouncements of the President of Pakistan. I am only indicating the trend of the present Government there and why the World Bank has taken special interest in the particular dispute.

Regarding Punjab, the hon. Member who initiated the discussion pointed out how Punjab will be affected as a result of this. Without going into details. I would say that the main problem, which was mentioned at the AICC in Chandigarh also, is the question of water-logging. Experts have stated that for meeting this, we require at least Rs. 50 crores. But what is it that we find? In the Third Plan, only a provision of Rs. 20 crores has been made. An acreage of 35 lakhs is already water-logged; 30 lakh acres are threatened and another 30 lakh acres are still in danger of being water-logged. Nearly 9 million acres of land are going to be water-logged. While the benefit which Punjab is getting is being taken away by this settlement, it is necessary that the attitude of Government must also so change that Punjab is given much more allocation than she is given for preventing water-logging.

Having said this, I would again state that this issue has got to be settled fairly. In the settlement now reached, more weightage is on one side without consequent benefits which ought to accrue to the other party.

Shri Mahanty (Dhenkanal): In the very short time at my disposal, I will merely confine myself to certain points without developing those. But before I begin, I have to quote from the November issue of *Bhagirath*, which

is a journal published by the Publications Division under the authority of the Ministry of Irrigation and Power. This journal in its editorial under the caption 'A memorable agreement' has to say this, about the Canal Waters Treaty:

"India has agreed to concede 80 per cent of the waters of the Indus system to Pakistan and abandoned important projects on the Chenab in Himachal Pradesh, which could provide water for the development of additional areas in Rajasthan. She has given Pakistan altogether a quarter of a century to build replacement works. In addition, she has agreed to make a large financial contribution to Pakistan towards the cost of replacement works".

In another place it is stated that:

"This attitude of steady negotiations have lasted over more than a decade and called for considerable patience and sacrifice on the part of India and involved a heavy gift of money and water supply from our rivers for a further period of 10 years with both of which India could well do for herself in this crucial period of the growth of our economy."

This being the view of the official journal, the limited issue before us today is whether the unconscionable price that India has been made to pay for the doubtful commodity of good neighbourliness has been actuated by realism, whether we have been able to handle this affair in the spirit that we had expected or whether we had surrendered to outside pressure which could have been avoided.

Before I proceed to the next point I would like to invite the attention of the House—and also remind the hon. Prime Minister—to the statement he

made at a Press conference on May 14, 1959, commenting on the World Bank's proposal. He had said this at that point of time.

"Financially very big, and rather overwhelming to our thinking, and the period is rather long."

But, here we find that same overwhelming amount and that same long period in the treaty. We would like to be told for what purpose the Government of India had been made a party to this treaty and the country has been forced to accept a treaty in which an overwhelming financial commitment has been made and the period has been lengthened.

Then, there is another question; and that, according to me, is a very fundamental question. I have not time; I cannot go into the genesis of this. But before the World Bank came into the picture, I believe in 1952 or 1954, the Inter-Dominion Agreement between India and Pakistan which was signed in New Delhi on 4th April, 1948, was the basis. The issue in that treaty was very limited. I would invite your attention to that Inter-Dominion Agreement on Canal Waters, of 1948. In paragraph 2, the issues were specifically mentioned and limited. The issues were:

"East Punjab had revived the flow of water into these canals on certain conditions of which two are disputed by West Punjab."

It arises out of the contention in paragraph 1 which is the rate to be levied of seniorage charges for water and the other is the question of the capital cost of the Madhopur Head works and carrier channels to be taken into account.

I venture to submit that these two issues were limited. One was whether India was entitled to seniorage charges from West Punjab on account of the supply of water from our eastern

[Shri Mahanty]
rivers and the other was the cost of construction of the Madhopur Headworks.

But we find that in this treaty the scope has been much widened; and the seniorage charges—certainly it is not the engineers that can appreciate that problem and they had no business to dabble with these problems and they must have left it to jurists and lawyers and Prime Ministers—surrendered. Seniorage charges are connected with the claim of sovereignty. We had rightly claimed our sovereignty over the eastern rivers. Was it ever disputed? Was it ever disputed that India, juridically constituted as she was, had her full unfettered sovereign rights over the eastern rivers. Therefore, she had claimed seniorage charges. At that point of time, Pakistan insisted that the two issues be referred to the World Bank for interpretation; whether India was entitled to seniorage charges and whether she should pay the cost of the Madhopur Headworks.

At that point of time the Government of India boldly resisted this suggestion. The Government of India insisted that there was no case for interpretation of the agreement. Here what was necessary was implementation of but not interpretation. At this distance of time, I think, the World Court would have been the more appropriate body, it would have been the most judicial body and it could have gone into this dispute between India and Pakistan. It could have gone into the dispute between India and Pakistan. I wonder why the World Bank was entrusted with this job. It pains me to say. I hope the hon. Prime Minister will forgive me that never in the history of two sovereign nations were a group of commercial bankers entrusted with arbitrating upon such issues of great moment. Why was not this left to the World Court to determine? They could determine whether India was entitled to seniorage charges, whether India should be called upon to pay the construction cost of the Madhopur head-

works and carrier channels. Today we are made to pay Rs. 83 crores in Sterling, when our foreign exchange position is bad. I hope the hon. Prime Minister will tell us why it was in Sterling and not in Rupees.

17 hrs.

Again, I would ask whether the Government of India took this House into confidence before entrusting the World Bank with this job. I am going to be told that this appeared in the newspapers and if I did not take care of that it was not their responsibility. But may I say that in a parliamentary form of Government that we are experimenting in this country, the Government has to take Parliament into confidence at every stage. If we have not taken into account what has appeared in the newspapers, it is certainly no excuse for the Government for evading the issue.

Mr. Chairman: The hon. Member's time is up.

Shri Mahanty: Time being short, let me tell him that it has acted against the interests of our country. The Rajasthan canal system will now starve for water. I am told that from 1961 some water will be available for the kharif crops but for rabi crops water can be had only after 1973. You are also going to starve the plains of Himachal Pradesh which needed water. This is a Treaty of surrender which we could have well resisted and I am sorry that the Prime Minister put his signature in it.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I have listened to the speech made by the hon. Member opposite just now and I have read the notes of some other speeches made by hon. Members on this subject with considerable amount of distress. I am distressed that a matter of this importance which has come before this House in the shape of numerous statements, questions, etc.—I do not know how many scores of times—a

matter which is concerned not only the present but the future—should be treated. I say so with great respect—so lightly and casually and in such a narrow minded spirit.

Here is this question which arose more than 12 or 13 years ago and for these long years, we, as a Government, and our engineers and others have been battling with all their intelligence, energy and might over it. From time to time various statements have been made in this House—not very detailed statements because the position has changed there—but short of coming to this House and discussing the actual final terms, the House has been kept informed more or less of all the development. It is a little difficult for me or for my colleague the Minister of Irrigation and Power to discuss this long treaty in detail or any part of it without considering the whole context, because it is the context that we have to consider, not a particular bit. If the hon. Member asks me why Rs. 80 crores and odd, well, I cannot give an answer about Rs. 80 crores and odd except to relate it to the whole context and say whether in that context it was right for us to agree to that sum or not. If the hon. Member asks me why we have agreed to give more water here or there, for this period or that period, again, I say, it has to be considered in the context of things.

Sir, after all these many years of my being connected with this matter—I think from May, 1948—I was also one of the signatories to the statement to which a reference has just been made—being connected with the ups and downs—it has not been a pleasant period and I felt greatly frustrated often—and with all my knowledge about this matter, I should like to say—not that my word should necessarily be the one to be accepted by hon. Members—quite clearly and definitely that it is a good treaty for India and I have no doubt about it in my mind.

Naturally, one can always say that instead of Rs. 80 crores if we pay Rs. 50 crores we will be gainers by Rs. 30 crores and if we do not pay anything at all we will be gainers by Rs. 80 crores. But we are not talking in terms of agreements but in terms of disagreements, of continuing disagreements and taking the consequences of those disagreements. In such matters, water especially and other matters, what one gains is infinitely more than a sum that we may give now or later. The decision that we get a free supply of water after that ten-year period and fairly free supply before that within certain limits is a tremendous gain. It may have been better, I do not know, and there may have been better negotiators—it is a matter on which anybody can have his opinion. But the mere fact that this has taken twelve years would at least convince the House that nothing, not a comma, not a full stop has been accepted without the longest argument and the closest attention to each detail. Certainly, Sir, I was not capable of it. Unfortunately, I did not deal with it in that way, I got only the broad facts, but I have to congratulate those who had to deal with it, specially our engineers who were there and who fought for India's interests strenuously. They knew—they were experts in this matter—how much water is necessary here, there and everywhere, and numerous plans were made and all that.

Therefore, here is this context of a treaty being arrived at after all these long years of dispute and controversy. It should, I submit, Sir, receive a little more friendly treatment by this House—also those who are responsible for it—not I but those who were responsible, those who took enormous pains and who got in the circumstances, I think a very good decision. "In the circumstances", I add, because one can always improve upon it—less money or more money, whatever it is.

[Shri Jawaharlal Nehru]

The hon. Member has referred to the 1948 agreement. If reference is made to that—it was a broad agreement; it was not a treaty in the sense of any details or anything—an approach was indicated in it. I was in it, I signed it and I remember how it was done. The conference had broken up almost when I came into the picture—otherwise I would not have come in. After a little discussion, more or less I dictated that at the conference table. I said, this is a broad approach, we are not giving up any rights, you are not giving up any rights, let us go ahead and deal with it in the future. It was not a detailed examination; it was a broad approach. I regret to say that that approach was not followed later by the other side, as it often happens.

About the World Bank coming into the picture, an hon. Member opposite has said that never in the history of the world has this happened. I am sorry; my knowledge of history is limited. I cannot say; he may be right, but it seems to me a very ordinary thing to happen—not a very unusual thing—for anybody, to do, and to do what? To offer help in the consideration of the problem. They were not becoming arbitrators or anything. They offered. It really came about in this way. Mr. Lilienthal, who was originally connected with the Tennessee Valley Authority and later with the Atomic Energy Commission in the United States, came to India seven or eight years ago and to Pakistan, etc. He was connected with and he was very much interested in matters concerning waters. I met him and other met him too. Then he wrote an article in a periodical giving his impressions about his visit to India and referred especially to this canal waters dispute. In that article he suggested that it might be a good thing if India and Pakistan had the advantage of associating the World Bank with it, with the expert engineers, etc., and that it might help. It was only a question of an attempt, if you like, at the most,

to help in our coming to an agreement between ourselves. They could not impose anything.

Thereafter, this was put to us, to me and to the then Prime Minister of Pakistan, and naturally I agreed, as I would agree in similar circumstances. Again, it would be a singularly ungracious and provocative thing to say, "No, we will not agree to anybody coming and helping us in this and we will stick to it, whatever you say, and talk to nobody about it." That sort of thing is not helpful especially when you seek any kind of friendly settlement or any settlement.

I agreed and said "I will be happy; it might help." I did not think then—it did not come into my mind at all—that this was going to be a very long-drawn out thing for another seven or eight years. I thought it would take six, eight or nine months or a year. But it went on and on and there we were tied up with it. I do not think it would be right for me to blame the World Bank for this, because the World Bank was anxious to get out of it and finish it.

Shri Mahanty: May I interrupt, and mention that this is an agreement between these two countries? How is it that Mr. Iliff of the World Bank is also a signatory to this treaty? That was the question I was asking.

Shri Jawaharlal Nehru: He is a signatory. But it has nothing to do with our relations with Pakistan or payments. He is a signatory because there is the other part of it. All kinds of money are going to be given to Pakistan by the World Bank; he is a signatory in that sense and for that part of it. Not the exact payment or whatever we have to do to Pakistan or they have to do to us: he has no business there.

Shri Harish Chandra Mathur: They also have to pay money to us in case Pakistan fails—In case the time is extended by three years, from 1970 to 1973.

Shri Jawaharlal Nehru: Who has to pay?

Shri Harish Chandra Mathur: The World Bank has to pay to India.

Shri A. C. Guha: The Indus-Basin Commission.

Shri Jawaharlal Nehru: Yes; there are certain clauses. But in the main, the Bank comes in because they are paying money and through them a number of other countries are paying money to Pakistan. Nobody is paying money to us except independently. For the Beas project, the World Bank is going to give us a loan.

So, the coming in of the World Bank into this matter was quite normal; that is what might happen and I believe it has happened and it often happens. I think that looking back at these seven or eight years, the World Bank has been extraordinarily helpful. They worked hard for this and they did not profit by it in any way. They worked hard, because they thought it was a good thing to help in this settlement. The fact of the matter is, whenever anything is happening between India and Pakistan—any major thing—there have been as the House knows, extraordinary difficulties in even getting simple things solved. For the moment I am not blaming anybody, though people are to blame; but the fact is, in the circumstances, the complexities arising out of the partition, the passions, prejudices, fears and apprehensions, neither side is prepared to loosen its hold to a position. It has happened often. Therefore, the coming in of an outsider sometimes helps. Anyhow, I think the coming in of the World Bank has been helpful, as results have shown.

About this argument about consulting Parliament at every step; I should like the House to consider what that means and what that would lead to. I do not think it is possible for any kind of these complicated agreements to be

dealt with, when we have to refer to Parliament. There must have been, I suppose, in this particular matter, dozens of approaches, dozens of plans, discussed, ultimately rejected and something happened. Are we to come at every step and ask Parliament? You cannot carry on any kind of negotiation, even relatively simple ones and certainly not this very difficult one.

Therefore, very wisely, the Constitution and convention lay down that in such agreements, Government has to stake its own judgment, its future, on it. There is no other way. One takes a risk; maybe that Government may go wrong. But there is no other way to deal with it. As it is, in the methods of Parliament's working, a great deal of work comes on the shoulders of Parliament and it is rather difficult to keep pace with all the work one has. If you add to that, that work will suffer; that cannot be carried on. We have agreements, I should imagine, every week or ten days with different countries, on some subject or other; some are more important and some less. But the principle applies to all.

Coming to the actual merits of this, I confess that, reading the notes my colleagues took about the points raised, I have a feeling of extreme depression that any honourable or respected Member of this House should say what has been said. It represents a complete absence of any perspective approach to this problem, any future approach or any benefits as a whole which we derive. It represents an exceedingly narrow-minded approach which may, perhaps, injure the other party, but certainly would injure our own interests also at the same time.

In such matters, there has to be give and take. One hon. Member said, this is the second partition of India. I stand amazed and astounded that anybody should use such loose language, which has no meaning, which is really a perversion of the facts. Partition of what? Of an inch of territory? Partition of a pailful of water? What

[Shri Jawaharlal Nehru]

have we partitioned? Is that the way to approach an international question? This is an international question. That is why I said I was depressed that when we are dealing with mighty things like relationship of nations, the future of India spreading out, the future of Pakistan spreading out, we should talk in this way, which has no relation to fact. What is it? You may say, if you like, We have given a crore or two more or some money more. You may say that we have allowed them water for another two or three years, which we should not have allowed. Those are presumably the two main things. How, I should like to know, is this House now to judge of the quantum of supply of water or the quantum of money to be given. I confess I cannot judge it off hand. Of course, I can say that Rs. 70 crores is less than Rs. 80 crores. That is a question of arithmetic and one could say: if I could give Rs. 70 crores why should I give Rs. 80 crores, whatever the figure might be. But about the relative rightness of the figure nobody can say. When you deal in this matter it is a balance struck after a hundred factors are taken into consideration; it is a balance struck after ten years of long and bitter argument. Something is done because it is considered, in the balance, that is desirable.

As a matter of fact, long years ago—I think about four or five years ago—when first this problem reached this stage it was broadly admitted—it was not even initialled—that in paying probably, right from the beginning the conception is that we have to pay them what they have to replace, because we do not give them that quantum of water. That has been the principle all along.

Some hon. Members have been saying that there was partition, what has happened is none of our lookout, we should not give them anything. That is neither a strictly legal, constitutional or just approach to this problem. If we follow that approach it would mean

turning a great part of West Punjab into almost a wilderness.

17:22 hrs.

[MR. SPEAKER in the Chair]

Of course, in the course of 10 or 20 years other things may have been evolved, but I have not followed them completely. What is more important is not being able to profit ourselves by it, because we cannot build up all these things, if all these remain in a spirit of uncertainty and lack of decision. So that, about the amount to be given I do submit that no person can say year after year we give every rupee for so many acre feet here or so many acre feet there that we have got.

Somebody has asked, I believe, for the presentation of papers here; how I do not know. All those numerous papers will probably fill a cart. You can imagine ten years' papers and if you have to bring them and present them to Parliament you require a truck—huge number of correspondence, this debate, that engineer's estimate etc. running to hundreds of pages. It is a mountain of papers; it is not a few letters exchanged, for a period of twelve years.

But what I would submit is how can the most brilliant and the most accomplished of the hon. Members opposite, how can they come to a conclusion about this matter that we have paid more or less, off-hand. Obviously, it is always better to pay less; no argument is necessary. But by payment you get something in exchange. You can balance the two and you may still say that it is better not to have an agreement, to have conflict instead and to carry on in this way of conflict instead of giving it away. If it is a question of high principle it might be right. But surely the giving of a crore or two of rupees is never a question of high principle, whatever else it may be. It may be right or wrong by your judgment; you may calculate it.

I cannot say. I have not calculated all that. But I must have gone scores and scores of times over these figures, mad suggestions and tried to understand them. My colleague has dealt with them many more times and we felt that in the circumstances this is a right payment. And we purchased a settlement, if you like; we purchased peace and it is good for both countries.

Then hon. Members have asked: why did you not make an overall settlement over the question when you did this? It is an excellent idea to have overall settlement. Possibly the hon. Member, if he had the opportunity to deal with these matters, he might have been more successful. I do not deny it. But I would again respectfully request this House to see what does it mean. We have been struggling with this problem, not we have not wanted to solve it. Slowly we have gone ahead, slowly here and there and then there is the coming back. That is what we have been doing. And all the records of the last twelve years may be considered a record, if you like, of errors and omissions, and some advance, whatever it is; it is a mixed record. But to say that you ought to have done that is merely saying something which is highly unlikely, which cannot be done. We have been struggling to do that and we have been wanting to do that.

Hon. Members said, "Why did you not write off the national debt?" Yes, I should have liked to do it but I could not do it in the circumstances. From the very beginning it was decided—though it was stated only about five years ago but it was clear—that we have to pay for this. According to our own assumption we had to pay. What to pay is a different matter. We calculated that roughly we have to pay between Rs. 60 crores and Rs. 70 crores. Several years ago a rough calculation was made. We had gone into it. Engineers had calculated that we had to pay Rs. 60 crores to Rs. 70 crores. It might have been more, they said.

That was several years ago. It was decided that this we will have to pay in a certain way and it was no good writing it off. That was decided then. If you like, you may say that those were the minimum terms and the matter will be proceeded with. Going further into it, the sum has been somewhat exceeded. By some calculations the sum demanded by Pakistan was about Rs. 300 crores which is a considerably bigger sum, naturally, than whatever we have agreed to. This has been the background and the process.

Now I would like this House to consider the enormous burden on the ministry dealing with this matter and on our representatives there who were dealing with it month after month and year after year. We have had to deal with these constant tussles and struggles and see the whole picture before coming to a decision.

May I say just one word? An hon. Member from a constituency in Bengal referred to the policy of appeasement and surrender of India to Pakistan. He also referred to the question of Berubari. That is not the question before the House and it would not be proper for me to take the time of the House on that question now. When it comes I will do it. But it is a matter of deep regret to me that an agreement, not about Berubari but the whole agreement because again it is part of an agreement, should be forgotten and what we gain by it, and that one should imagine that we shall only look at what we lose by it and not at what we gain by it. We have very substantial and profitable gains by it.

Secondly, I would like to correct an error, which is often being repeated namely, that we came to this agreement without reference to the State Government or the State Government's representatives. That is would and absolutely incorrect.

Shri S. M. Banerjee (Kanpur): The Chief Minister has said that only yesterday.

Shri Jawaharlal Nehru: I am correcting it. There may be a misunderstanding. The State Government's

[Shri Jawaharlal Nehru]

representatives were here throughout. All this period they were sitting here and discussing, not with me but with our Ministry. The External Affairs Ministry and the State Government's representatives constantly discussed this. I was not there and I cannot vouch for personal knowledge what they discussed between them, but everyday they discussed. Then this was discussed with the Pakistan representatives by our Ministry. Whenever any proposals were put before me, I asked the Commonwealth Secretary, "Has this got the agreement of the Bombay representatives?" Because Bombay area was concerned. Only when he said "Yes", did I look into it. So I asked him, "Has this got the agreement of the representatives from West Bengal, Assam and so on?" and he always said to me—that I can vouch for myself—"Yes, they have agreed to this in the balance." It may be that what the Commonwealth Secretary reported to me was due to some misunderstanding. He thought that they agreed when they had not. I was not there personally. Therefore I want to limit my stand to what I think. All these people were discussing daily and I presume that what was reported to me was a correct fact. It was reported to me that they do agree, not that they liked it, in the balance, that this was a better thing and that we may lose the whole area unless we agreed to this. I am not going into the merits, but I merely say that for clearing this matter up because it would be very very wrong for me or for any Government to deal with a matter of this kind ignoring the State Government. It is an outrageous position to adopt for any Government. I can understand, as I said, that there might have been some misunderstanding between the officials. They might have said in such a way that our Commonwealth Secretary thought they had agreed while they had not. It is a possibility. I do not deny that. But the fact is that I based every step that I took on the statement given to me that the Bengal

officials who had come had agreed to this proposal. And when they agreed, I thought they know all about that. I am not going into the details. I am merely clearing it up.

Shri A. C. Guha: From our side, we are in a confused position. The Chief Minister of West Bengal Government and the Bengal Assembly passed a Resolution which was moved by the Chief Minister.

An Hon. Member: Very unfortunate.

Shri A. C. Guha: You say that they have been consulted. They say that they have not been consulted.

Shri Jawaharlal Nehru: I have stated this. There can be no doubt about certain facts; that their officials were here in large numbers throughout this period: point No. 1; that they were daily in consultation with each other: point No. 2; that it was reported to me by my Commonwealth Secretary in regard to each matter that the representatives of the State Government concerned had agreed to it, whether it was Bombay or Assam or Punjab or Bengal. There were four State Governments concerned with separate matters. This I can say with definiteness. I am perfectly prepared to admit that in the course of the long talks, there might have been some confusion in the mind of my Commonwealth Secretary. The Chief Secretary of the West Bengal Government was here. It may be when the Chief Secretary went back, he was asked by the Bengal Government and he might have said, he did not agree. I was amazed when I read this. I had not talked to him. But, this is the report. However, it is unfortunate that this kind of things happen. What I wanted to clear up was this. On no account do I consider it proper for me or for any Central Government to proceed in a matter of this kind without reference to the State concerned. That should not be. I am sorry I have brought in some other matter. I just wanted to clear it up.

Shri Harish Chandra Mathur: Mr. Speaker, may I seek a little clarification from the hon. Prime Minister? He has referred to our speeches. The two important points in connection with this treaty are these. Five million acre feet of water which we were to draw from the Chenab, we have given up. This water we have given up in perpetuity, not for 10 or 5 years, water which would have gone to do a considerable lot for us. On the other hand, Pakistan has got more water than they need and that water is to go into the sea. May I know what are the circumstances which led to it? Secondly, in 1948, when the hon. Prime Minister signed the Inter-Dominion agreement or something like that, there was definitely a question regarding replacement canals. It is perfectly a human approach to which we have all agreed that we must give Pakistan time to have certain alternate sources. But, at that time, there was only the question of time. I would like to know when the question of our making money payment cropped up, how it cropped up, because at that time, they only wanted time. It is quite human that we should give time. These are the two points on which I seek clarification.

Shri Jawaharlal Nehru: I am very much pressed for time. I have got to accompany the Crown Prince in two minutes time. So far as the first point is concerned, I would gladly,—I do not consider myself competent to do so—send the Engineer in charge to discuss this matter with the hon. Member and try to explain to him how he functioned and why he functioned. How can I discuss these technical matters? So far as the second point is concerned, I said there was no detailed consideration in 1948. It was something that I dictated on the spot as an approach and they agreed with it. They repudiated it after that. As the hon. Member knows, again and again various points came up.

श्री बाजपेयी (बलरामपुर) : अध्यक्ष महोदय, प्रधान मंत्री जी के भाषण के बाद भी

सदन के अधिकांश सदस्य इस बात को ठीक तरह से नहीं समझ सके होंगे कि वे कौन से कारण थे, जिन से प्रेरित होकर सरकार ने पाकिस्तान के साथ नहरी पानी के बारे में ऐसी संधि की। सब से बड़ी बात इस संधि में, जिसकी ओर मैं आप का ध्यान आकर्षित करना चाहता हूँ, इंडस कमिशन के बारे में है। इस के अन्तर्गत यह व्यवस्था की गई है कि भारत का कमिश्नर होगा, पाकिस्तान का कमिश्नर होगा, और अगर कोई झगड़ा या विवाद खड़ा हुआ तो फिर वह न्यूट्रल एक्सपर्ट्स को रिफर किया जायेगा। उसके बाद अगर ज़रूरत समझी जायेगी तो ज्वायंट इन्स्पेक्शन होगा। पाकिस्तान के राष्ट्रपति ने इस संधि पर हस्ताक्षर होने के बाद इस बात की घोषणा की है कि ज्वायंट इन्स्पेक्शन का मतलब है ज्वायंट कंट्रोल, और ज्वायंट कंट्रोल का मतलब है ज्वायंट पोज़ेशन। मैं उनके ही शब्दों को आपके सामने रखना चाहता हूँ। पाकिस्तान के प्रेजिडेंट कहते हैं :

“By accepting the procedure for joint inspection of the river courses, India has, by implication, conceded the principle of joint control extending to the upper region of Chenab and Jhelum, and joint control comprehends joint possession.”

अब अगर उनके शब्दों को भी मान लिया जाये तो इस संधि का अर्थ हमारे देश के लिये बड़ा खतरनाक होगा, और अगर हम उनके शब्दों को नहीं मानते तो इस संबंध में हमारी व्याख्या क्या है? हमारा दृष्टिकोण क्या है, इस को स्पष्ट किया जाना चाहिये। कोई भी झगड़ा खड़ा होगा, और पाकिस्तान हर बात पर झगड़ा करेगा, जैसी कि उसकी आजकी प्रवृत्ति है, तो फिर वह मामला न्यूट्रल एक्सपर्ट्स को जायेगा, और बाद में पंच फैसले तक वह चीज जायेगी।

एक माननीय सदस्य : यह कहाँ पर है ?

श्री बजपेयी : जी हां, इसकी भी उसमें व्यवस्था की गई है। मेरा निवेदन है कि सब-मिशन आफ दि डिप्यूट टु दि कोर्ट आफ दि आरबिट्रेटर...

श्री हेडा (निजामाबाद) : जहां से यह नदियां निकलती हैं उस पर पाकिस्तान का कब्जा हो या न हो, यह आरबिट्रेटर के लिये नहीं जा सकता।

श्री बाजपेयी : यह उसका अर्थ नहीं है, मैं आप से सहमत हूँ, लेकिन जब भी विवाद खड़ा होगा वह सब विवाद आखिर में पंच फंसले तक सुपुर्द रहेंगे। अगर संधि एक ऐसा व तावरण बना देती कि दोनों देश नि ट आये हैं तो शायद हम इतनी बड़ी कीमत देने का विरोध नहीं करते। यद्यपि यह बात सही है कि कुछ साल पहले पाकिस्तान केवल ६० करोड़ रुपया चाहता था और वह ईस्टर्न रिवर्स का पानी पांच साल लेने के लिये तैयार था, परन्तु उस समय हमने समझौता नहीं किया और अब हम ८३ करोड़ ६० देने जा रहे हैं। आखिर यह सदन सरकार से पूछने का अधिकार रखता है कि जब यह घोषणा की गई थी कि सन् १९६२ के बाद पाकिस्तान को पानी देना बन्द कर दिया जायेगा, तो उस घोषणा का क्या हुआ। या तो वह घोषणा गलत थी या आज की संधि गलत है। अगर दोनों ठीक हैं, तो समझना चाहिये कि कहीं कोई गलती जरूर है।

राजस्थान को नहर का पानी देने के संबंध में जो प्रतिक्रिया रखी गई है, उसका प्रधान मंत्री जी ने कोई समाधान नहीं किया है। अन्तर्राष्ट्रीय कानून के हिसाब से पाकिस्तान को इतना पानी देने की जिम्मेदारी हमारे ऊपर नहीं है, और इतना पानी आज पाकिस्तान अपने काम में भी नहीं ला सकता। हम अगर चाहते तो पाकिस्तान को इससे कुछ नीची शर्तों पर आने के लिये तैयार कर सकते थे। मगर प्रेजिडेंट अय्यूब खां कहते हैं कि संधि तो होती नहीं, अगर भारत के प्रधान मंत्री उसमें दखल नहीं

देते। इतना आगे आने पर भी मामला ब्रिगड जाता। मैं यह जानना चाहता हूँ कि ऐसा कौन सा गतिरोध था जो दोनों देशों के अफसरों के बीच में था और हमारे प्रधान मंत्री ने उसमें हस्तक्षेप किया और वह मुसीबत टल गई। कौन सी बात थी? और अगर प्रधान मंत्री जी भविष्य की बात करते हैं और दोनों देशों के बीच सद्भावना और मित्रता स्थापित करने की बात करते हैं, तो मेरा निवेदन है मित्रता और सद्भावना स्थापित करने का यह तरीका नहीं है। पाकिस्तान अगर कोई गलत बात कहता है, गलत मांग रखता है, तो उसका विरोध होना चाहिये। और अगर उससे संबंध बिगड़ते हैं, तो आप पाकिस्तान से कभी अच्छे संबंध स्थापित नहीं कर सकते। अच्छे संबंधों का आधार न्याय और तर्क के ऊपर कायम की हुई चीजों को मानने से ही हो सकता है।

मैं यह भी कहना चाहूंगा कि जित्त तरह से यह संधि की गयी और जित्त तरह से पाकिस्तान से समझौते किये जाते हैं, उनके बारे में सदन को विश्वास में नहीं लिया जाता। यह ठीक है कि सरकार को संधि करने का अधिकार है, लेकिन वैधानिक स्थिति से अलग होकर, इतत संज्ञक को भी तो विश्वास में लिया जाना चाहिये कि सरकार क्या करने जा रही है, क्योंकि सरकार के निर्णय केवल प्रशासनिक ही नहीं होते, उनका देश की सुरक्षा से और देश की आर्थिक स्थिति से भी संबंध है।

अभी एक रेल चलाने के बारे में समझौता कर लिया गया और सदन के सामने आकर घोषणा कर दो। बेल्टाड़ों का समझौता कर लिया और नहरी पानी समझौता कर लिया। इस संसद की बैठक चल रही थी मगर इस संसद को विश्वास में नहीं लिया गया। कानून की दृष्टि से यह ठीक हो सकता है, लेकिन जब भारत में लोकतंत्र का विकास हो रहा है तो हमें ऐसी परम्परायें डालनी चाहिये कि शासन इस प्रकार के निर्णय करने से पहले संसद को

और जनता के चुने हुए प्रतिनिधियों को विश्वास में ले, नहरी पानी संधि भारत के हित में नहीं है, पाकिस्तान को हमने अनुचित कीमत देने की कोशिश की है। उसके बाद भी पाकिस्तान की मित्रता हमें मिलेगी यह कोई विश्वास के साथ नहीं कह सकता। इस संधि में अर्ध बढ़ाने का सवाल है और दूसरी और भी चीज इससे जुड़ी हुई हैं। पुराने पानी के लिये पाकिस्तान से रुपया वसूल करने का सवाल और जो पुराने हिसाब हैं उनके चुकता किये जाने के सवाल को भी इसमें जोड़ देना चाहिये।

Hafiz Mohammad Ibrahim: I have heard the discussion on the Treaty which was entered into between India and Pakistan in relation to the canal waters question. Unfortunately, I do not have sufficient time at my disposal to go into so many matters which probably it would have been very necessary to go into. Therefore, I shall select one point which is in my opinion the most important, and that is in regard to the division or the allotment of the rivers as between India and Pakistan.

The Western rivers, namely the Indus, Jhelum and Chenab, of which the total water is 168 million acre-feet are allotted to Pakistan....

Mr. Speaker: How many acre-feet?

Sardar Iqbal Singh: 168 million acre-feet is the total flow of all the six rivers.

Shri Hathi: 135 million acre-feet is the collective water-flow of all the three western rivers; and 33 million acre-feet is the collective water-flow of the three eastern rivers; and the total is 168 million acre-feet.

Hafiz Mohammad Ibrahim: The total water-flow of all these six rivers, both wester and eastern, is 168 million acre-feet, that of the western rivers being 135 million acre-feet and that of

the eastern rivers being 33 million acre-feet. I am going to say one thing which I think will set at rest this controversy that this treaty has done injustice to India because only 33 million acre-feet have been allotted to India as against 135 million acre-feet to Pakistan. The real position is as follows.

The Indus starts from Tibet, enters Kashmir in its hilly portion and then enters Pakistan. It lies Kashmir only in that portion which is hilly. As far as the Jhelum is concerned, it originates in Kashmir and then enters Pakistan. As far as the Chenab is concerned, it emanates from Punjab and then goes to Himachal Pradesh and then to Kashmir and then to Pakistan.

From this, it should be clear that as far as the construction of works for the purposes of irrigation is concerned, because these two rivers, namely, Jhelum and Indus are flowing through Kashmir in an area which is so hilly and the physical features are such as do not permit of the construction of any large irrigation works there. No water could be tapped from that area for irrigation purposes on large scale. As far as other uses of water are concerned, they are allowed to India under the Treaty, as for example, generation of electricity, use of water for industry and other purposes. As far as irrigation is concerned, my point is only this that when it is not possible to construct works there for the purpose of large scale irrigation, it would have been of no use to take any water of those rivers for India.

As far as the irrigation needs of India are concerned within Kashmir, in Himachal Pradesh and in East Punjab, the water which India can take under the Treaty from the Western rivers is enough for the needs of those lands there which are irrigated at present and those which will be irrigated later. For both, sufficient water has been allowed. 7 to 10

[Hafiz Mohammad Ibrahim]

million acre feet is the quantity which may be taken. That is enough for that area. No more water can be used there for irrigation. When we cannot use the water for any purpose there, when we cannot construct works also, one can easily understand how far it would have been profitable for India to have more share out of the water of the Western Rivers. I think it would have been a folly, when as much as we require has already been taken by us. But from the division of water which is agreed upon and which is before you, although it is apparently very inequitable and looks as if a great injustice has been done to India in that so much water has been given to Pakistan and so little to India, the position is as I have stated that it is not possible to make use of it and we have no lands to irrigate with any more water. Whatever land we have can be provided with irrigation with the water which has been taken by us.

Shri Barman (Cooch-Bihar-Reserved-Sch. Castes): Will it be sufficient for Rajasthan also?

Hafiz Mohammad Ibrahim: I am coming to that.

Sardar Iqbal Singh: It has been provided in the Treaty that India in the next few years will increase the irrigation potential by 4,70,000 acres. So it is possible to do that.

Hafiz Mohammad Ibrahim: I could not follow the question.

Shri D. C. Sharma: (Gurdaspur): The hon. Minister should be permitted to go on; questions could be asked afterwards.

Sardar Iqbal Singh: It has been provided in the treaty that India will increase its irrigated area under Jhelum by 4 lakh acres and under Indus by 70,000 acres; and it is possible.

Shri Hathi: That we have taken into account.

Hafiz Mohammad Ibrahim: Wherever we can use water, water has been provided for in the Treaty.

Mr. Speaker: The hon. Member only supports the hon. Minister.

Hafiz Mohammad Ibrahim: Both present irrigation and future irrigation have been taken into account.

There was again the point about the payment of Rs. 83 crores, in order that Pakistan may be able to provide replacement works for purposes of irrigation in her area. It is objected to on the ground that this should not have been given because it was not incumbent on India to make this payment. But, as far as the amount of Rs. 83 crores is concerned, I assure the hon. Members that this amount has been assessed neither by the World Bank nor by the officials of Pakistan. It was assessed by us, by our engineers on the basis of the works being provided most economically. They examined what would be the amount required and came to the conclusion that so much money would be required. Pakistan wanted Rs. 300 crores.

Pandit J. P. Jyotishi (Sagar): Are we responsible for the construction in their country?

Mr. Speaker: The hon. Member attacks the principle itself.

Hafiz Mohammad Ibrahim: Responsibility undertaken at the time of concluding the treaty is one thing; and responsibility undertaken before that is another thing. Long before the treaty was concluded it was announced in this House also by Shri Patil that we had promised to the World Bank that we would give time to Pakistan for the purpose of the construction of the replacement works and the most economic cost of the construction of those works.

Shri Hathi: This was placed before the House.

Mr. Speaker: Was it assessed in terms of the value of replacement of the existing works?

Shri Hathi: Really, there were various estimates prepared as to what it would cost for replacement. The Bank broadly assessed the main principles—eastern rivers to India and western rivers to Pakistan and the transition period to be later on decided; and thirdly, the payment towards costs of replacement to be made by India. These were the three broad principles which formed the basis of the 1954 proposals of the World Bank which have been placed before the House and the House is fully aware.

Now comes the question of detailed costs; whether they would be Rs. 60 crores or Rs. 70 crores or Rs. 80 crores. Pakistan had prepared a scheme which involved a cost of Rs. 350 crores. That was according to us, too much. We evolved our own plan which would replace the waters. According to that, our engineers calculated it at about Rs. 83 crores. This is the amount which we have agreed and not the estimate which Pakistan prepared.

Mr. Speaker: Was this amount needed for the improvement of Pakistan for digging canals where there were none and providing irrigation works where there were none or for replacement of the canals which had already been there and which had fallen into disuse and therefore new ones had to be dug up in their place? It is one thing to say that we shall give them because we purchase water from them, when the water does not belong to us. If the water belongs to us we have got a right to the water that we have now got. Is this Rs. 83 crores the value of the irrigation sources which were in existence or which are in existence today in Pakistan and which have fallen into disuse and have to be replaced or substituted by new ones?

Shri Raghunath Singh (Varanasi): When the hon. Minister is here why not he reply?

Mr. Speaker: Why should the hon. Member alone speak when there are 500 Members here?

Hafiz Mohammad Ibrahim: I have not heard what has been said. It has been asked whether this amount is for replacement or for new works also. The money is meant only for the cost of those works which are to be provided for the purpose of replacement by Pakistan. And, as I said, the cost has been assessed by us. So, we cannot blame, in this connection, anybody except ourselves. Some years ago, it was said that the cost would be Rs. 60 crores. I do not know whether it was a correct estimate or not. This is an estimate which has been correctly made by our engineers and we are going to actually pay it. So many things crop up and some things are done and some things are not done. They are not completed in the same share in which they were expected to be at that time.

Why did we accept that responsibility that the cost of replacement will be given? As far as Pakistan is concerned, they claim it on the basis of an international convention and they may go—I would not have said it but unfortunately I have to say—to some court.

Shri Vajpayee: Let them go.

Hafiz Mohammad Ibrahim: I do not know what would have been the result there, if it had been challenged. But there is one thing that it would have been very cruel on our part. When India was divided, those people who were living in that area were getting these irrigation facilities. Due to no fault of theirs, why should they have been deprived of that convenience? It is not their fault that certain events happened; it is not their fault that India was divided. Again, they

[Hafiz Mohammad Ibrahim]

have been using that water for years and years and under the law here after twenty years' use, there is the right of easement. That becomes an established right. They had been using that water for years and years and they had been provided with water for a long period of time. Now, we want to withdraw water and so we are expected to give some money in exchange for that. I may again point out that this sum of Rs. 83 crores has been given for the purpose of replacement of that water which will come to us and with which our production will increase by about Rs. 100 crores a year.

Mr. Speaker: Is this new water?

Hafiz Mohammad Ibrahim: Yes, Sir. That water was being used in Pakistan previously. As a result of the arrangements that are being entered into, that water will revert to India and India will make use of that water. As a result of this use of water by India production in India will increase by about Rs. 100 crores; the additional yield will be of the value of Rs. 100 crores per year. For that Rs. 83 crores has been accepted by us. I do not know how far this is wrong.

Pandit J. P. Jyotishi: Is the sum of Rs. 83 crores to be spent on canals which are to benefit our country.

Shri Raghunath Singh: No, no.

An Hon. Member: Indirectly.

Hafiz Mohammad Ibrahim: He has put the question and I answer 'yes'. It is to the benefit of India. India will use this water. India has not been using it before. It is still in use by Pakistan. It is in use by the people who are living in those areas. After this, India is going to use it and India's production will be increased by that.

Mr. Speaker: He only wanted to know whether in addition to Rs. 83

crores that we are giving to Pakistan for buildings, canals, restoring taks etc. we have to incur a similar expenditure on our side to get all this water. Is it that none of these irrigation sources will be useful to us?

Shri Hathi: It will be useful to us.

Hafiz Mohammad Ibrahim: Obviously, it is 12 million acre feet of water. It was being used before partition by the people living in that area. It was with the Government of Pakistan and up till now they have been using it. It will now come to India. The entire water will now come to India, India will use it, India's production will go up and that production will be worth Rs. 100 crores per year. I am pointing out all this to show that there is justification for our accepting this sum. It is not a case of throwing money and wasting it recklessly or mercilessly. It has been done for the purpose of achieving some benefit for the country. Supposing there is no treaty the dispute will continue, they will be making use of the water and India will remain without it. Therefore, that benefit is quite clear and it can be very easily understood by anyone.

Dr. Melkote (Raichur): Sir, may I seek one clarification?

Some Hon. Members: No, no.

Shri D. C. Sharma: Sir, it is already ten minutes past six.

Mr. Speaker: When are we to close if hon. Members go on like this?

Dr. Melkote: Sir, according to the statement made here at present the need both for Pakistan as well as for India is limited and they cannot utilise all the waters of these rivers and there is surplus. That surplus instead of remaining in India has been made over to Pakistan. Why?

An Hon. Member: Human considerations.

Hafiz Mohammad Ibrahim: I pointed out just now about two of the three western rivers—Indus and Jhelum. As far as Indus is concerned it flows in Kashmir only in that area which is a difficult one. Without going into the plains it enters Pakistan. If there is India involved in it, India is in Kashmir only as far as this river is concerned. According to this not an inch in Kashmir will be left without getting irrigation. I am, Sir, speaking of water of the western rivers. That will be irrigating the areas in Kashmir; that will be irrigating the areas in Himachal Pradesh and further on in East Punjab. The result will be that neither in Himachal Pradesh nor in Kashmir nor in East Punjab will there be any land which will get no water from these rivers for irrigation. So, all these waters are going to be used.

Shri Raghunath Singh: It is written in history that a century ago Sind water was utilised for South Rajasthan and Saurashtra. So, may I know whether the surplus water of Sind could be given to South Rajasthan and Saurashtra as was done a century ago.

Mr. Speaker: Order, order.

Shri D. C. Sharma: It is very clear.

Mr. Speaker: No more questions. But the hon. Minister may refer to Rajasthan as something was raised about it.

Hafiz Mohammad Ibrahim: Rajasthan will get water. Let me state the position and I request that the House may sit for a minute or two more for that purpose. About the Rajasthan canal, the position is this. Today, this canal is not ready. It is not in existence in that sense, namely, that we can use any drop of water from it. Work on the canal was started two years ago.

Pandit J. P. Jyotishi: Then why should we give up the right?

Hafiz Mohammad Ibrahim: The construction of it started two years ago. It will take at least three years more to take water out of it for purposes of irrigation. And further, the canal above is not enough for purposes of irrigation unless channels are taken to this area or that area, to this side or that side, and the entire area is covered with a network of channels. At any rate, to reach all the people of these areas, it is going to take many years, and after five years—1960 to 1965—as has been recorded in the treaty, more water will be withdrawn from Pakistan. Then where will that water go except to Rajasthan Canals? Even now, during the period from 1960-65, this canal can get water if it becomes ready to take the water. Had it been ready, the position probably would have been something different from the one that we have taken into consideration for this purpose. At present, it is not possible to make use of that water, but as soon as we are able to make use of it, it will become available to us. We will be able to take the water. There is no hitch in the way.

So, as far as Rajasthan is concerned I assure hon. Members of the House that Rajasthan canal will be constructed; that Rajasthan will get water; that Rajasthan will get irrigation; that Rajasthan will get whatever has been proposed for it. Everything will be done and on account of this treaty no suffering will come to pass to the Rajasthan canal, and so we have not given up any rights.

18.09 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 1st December, 1960/Agrahayana 10, 1882 (Saka).