CHAPTER VI

DEBATES -1962 - A CASE STUDY

INTRODUCTION

The Sino-India border dispute has been discussed in the Parliament right from the very beginning. The columns of the Parliamentary Debates, almost every year are found replete with references regarding this immensely important dispute. From 1952-59 the session represented a quieter scene and the criticisms and objections, raised by the Opposition, appeared less enquiring and less penetrating. The general leaning or tendency was towards favouring the stand or postures adopted by Nehru and the Members generally endorsed his views and convictions. The blind and unquestioning support and applause gave way to doubts and questions in 1959, when the news about the construction of Aksai Chin road was formally disclosed to Parliament. The Members of Parliament grew more and more concerned with and particular about the secrecy with which the whole issue and its handling had been so far surrounded, on the usual pretext that publicity was not in the public interest. The number of questions raised, the fear of incursions, the demand for reorientation of the entire foreign policy structure, the desire for more clear-cut and pertinent statements and the number of no-confidence motions sharply increased during this period. The year 1962 witnessed the massive Chinese invasion. In the history of the Parliamentary Debates, specially the Lok Sabha, it was a year of special import. The scrutiny of
the debates of both the Houses, gives an impression that the Debates in the Popular House were more comprehensive, lively and informing than that of the Rajya Sabha. This Chapter aims at providing a detailed examination of the 1962 Parliamentary Debates regarding the Sino-India border dispute, which illustrates the actual use made of the instruments and the parliamentary control already described in the Chapter III.

In parliamentary life, the year 1962, saw the resignation of V.K. Krishna Menon, the Defence Minister. Nehru took over the Defence portfolio. Menon was a man of outstanding merit, vast energy, drive and purpose, in a sense, a dedicated person as was his successor. His brinkmanship was for more agile and astute than that of late John Foster Dulles.¹ He was quite well versed in foreign affairs. The overall consideration of the issue in the Rajya Sabha happens to look like a repeated performance of what has been said and done in the Lok Sabha. The Rajya Sabha paid appreciable attention to it in 1959, through independent Motions.

The first parliamentary process is the Presidential Address, delivered at the opening joint-session of the Parliament. In 1962, it peeped into the issue afresh. The President said,

"India's uneasy relations with China remain unsolved. The Officials' Report, which was placed by the Government before Parliament in 1961 has not yet been published in China". He also referred the Indo-Tibetan Agreement of 1954, which was to expire on June 2, 1962. The Parliament was informed that the Government of China had offered to negotiate a new agreement to replace it. The Government of India was believed to have rejected the latest Chinese plea for consideration of the 1954 Panchsheel Agreement and the Indo-Tibetan Trade Treaty separately from the boundary dispute. 1 The Indian Government asked for a reversal of the aggressive policies pursued by China and for the restoration of a climate of peace on the basis of the strict observance of the Five Principles. 2 The reference was, however, scanty, if not perfunctory and foresaw no significant or spectacular developments in the near future. As usual the discussion followed on the Address by the President, during which Nehru disclosed to the House that so far as the situation on the border was concerned, since October 1961, there had been no material change. This House often learnt about India's protest to China and about what they have done. They did not

1. The Hindustan Times, (New Delhi), 15.4. 1962.
often receive the large number of protests that the Government received from China about what they thought we did on the borders. He also admitted the inability of the Government to answer all the questions that were raised on the floor, for the reason that they could be a help to the contending party, China. He, however, affirmed that it was not his desire to conceal things from the House, "In fact, we have given practically everything. But, as it has so happened that the information we give in the floor of the House has been used against us by the Chinese government, so it was necessary not to disclose every detail in the House." 

QUESTIONS IN THE 1962 LOK SABHA:

The questions are the most brisk and important mode of securing information by the Parliament and thus the analysis of questions is desirable and pertinent. During the 14 days opening Session of the XIVth session of the Lok Sabha in 1962, the number of questions asked was as follows:

1. Starred ... 324
2. Unstarred ... 513
3. Short Notice . 63

3. For details see Appendix-I, showing the position of questions raised in general and on the boundary question in particular.
The total time consumed in all activities was 78.3^4 hours. out of this multitude of questions asked in the Lok Sabha only 5 questions were related to the meeting of the two Prime Ministers and Air Space violations and the minor incursions relating to the border dispute. In the Rajya Sabha three questions were asked with regard to the Chinese nationals' evacuation from India, wrong news leasing out of Aksai Chin to China and the Sino-Indian correspondence. Out of 6 short notice questions, none was with regard to it.

The most important question which happened to be the second question in the session of 1962, was with regard to the possibility of incursions. This oral question No.2, raised in collaboration by 5 members, asked the Prime Minister to state the pace of further Chinese incursions. Nehru told the House that since his last Statement in 1962, there had been one incursion of a Chinese border-patrol, 12 miles from the Chinese Check-Post on the Chip Chap river, about which India had protested to the Chinese on October 31, 1961. The Government had asked them to abandon such incursions on the Indian soil. During the same question P.C. Deb, enquired Nehru if the Chinese had captured Longju. Nehru replied in negative. Brij Raj Singh added if India had vacated the possession of Longju, Nehru said, "so far as I know, I am not quite sure, it has not been taken possession of by us". 1

However, the House seemed to be at ease when Nath Pai, with an air of relief, said that it was the first opening session since long, in which they were not told of fresh incursions. The Parliament welcomed it. He doubted if it was the result of the fact that the Chinese had captured all the land they claimed or due to the firm policy of the Indian Government. Nehru reaffirmed that the Chinese had not occupied all they claimed in Ladakh or the Northern Sector. They claimed large chunks of territory in the NEFA area, which had not been so far captured by them. It was obvious that the policy that the Government of India had followed so far indicated no reversal of the policy approved by the Parliament. This question and its answer covering the seven columns of the debate, mirrored the attention that the Members of Parliament have paid to this issue of national importance. It also confirmed that the Members clamour for more information if they are less informed.

During the I Session from April 19, 1962 to June 22, 1962, 1637 oral and written starred questions were raised, 3845 were Unstarred and 24 were Short Notice Questions. On May 21, 1962, Mrs. L. Menon, Minister of State for the Ministry of External Affairs, had to face an, "angry opposition" in the Lok Sabha while answering interpellations on the anti-India propaganda being carried on by the Chinese Embassy through
its Journal China Today. The Speaker, Hukum Singh quietened the angry Members of the Lok Sabha by proposing an early solution through the Government. Hem Barua, "agitatedly remarked", that the Government did not take notice of what appeared in China Today, "unless its attention is drawn in this House, it does not work, it does not function". Mrs. Menon, passified them by promising the earliest action. 1 During this period "angry scenes" 2 and "strong feeling of resentment" 3 against the delay on the part of Government were a regular feature of the House proceedings. The Times also reported that the "Angry opposition members, called on the Government in the Lok Sabha...... to take immediate action". 4 The Debate on the Chinese Embassy Journal, China Today was "brief though exciting". 5 It led to "... an almost hysterical excitement of an internecine warfare (of words) between the Government and the PSP Opposition in the Lok Sabha today (May 23, 1962). There was half an hour "full throated vitriolic exchange". 6

1. The Hindustan Times (New Delhi), 22.5. 1962
2. The Indian Express, (New Delhi), 22.5. 1962
3. The Hindu (Madras), 22.5. 1962
4. The Times (London), 22.5. 1962
5. The Hindustan Times, (New Delhi), 24.5. 1962
6. The Indian Express, (New Delhi), 24.5. 1962
On the whole, 17 questions were related to the border dispute. Out of these questions, mostly were with regard to the movement of troops, the Chinese claim on an area of Pak-held Kashmir, figures of Indian and Chinese casualties, Techno-Economic-Survey, Hospitals on border, construction of roads in NEFA, the Chinese note dated May 31, 1962, and the settlement of the Sino-Indian border dispute. The oral question No. 1325, raised on June 6, 1962, was, however, pertinent and detailed, raised by Hem Barua and P.C. Barooah, with regard to the Chinese protest against alleged Indian intrusion into Longju. Nehru replied in the negative about the prospects of war by China. Speaking at a News Conference a little later Nehru said, "That is a question of opinion Sir, I do not think any total war is a prospect in view". On June 11, 1962, Nehru said that diplomatic ties would stay. He also analysed the nature of war as a "war of nerves".

There appears to be a sharp contrast of opinion expressed publicly on the floor of the House and expressed privately as a genuine feeling. To keep the morale of the public high, Nehru negatived that any aggression by the Chinese side is

1. For details see, Appendix 2, enclosed therewith.
4. The Hindu. (Madras), 12.6. 1962
imminent whereas, in reply to an interview held as early as 1954, Nehru gauged the Chinese intentions. He stated, "..... say in twenty years time, when they are strong and modern, then the picture would be quite different and they will probably be a menace...." On the contrary, on June 22, 1962, the Deputy Minister in the Ministry of External Affairs, Dinesh Singh, affirmed the chances of imminent clashes between India and China. He was speaking in response to an oral question No.1637, raised jointly by Bhakt Darshan and P.C. Barooah. On the part of the Government of India it was a clear cut acceptance of the ups and downs of relations. Dinesh Singh categorically admitted that aggression was imminent. The question therefore arises why the Government was not prepared to face aggression which it had anticipated? The Rajya Sabha's First Session continued from 14-6-1962 to 11-5-1962, where 9 questions in general figure dealing with the Trade Agreement, Discussion on Indians in the National People's Republic of China, the Chinese suggestion for common vigilance over Air-Space regarding publication of certain objectionable articles in the China Today. The questions raised and answered shed no direct light on the border dispute.


In 1962 there was a tendency to furnish the Lok Sabha with day to day information. In a reply to a written question number 747 raised by Rishang Keishing, Nehru said that in NEFA, 317 miles 4 furlongs of all weather and fair weather motorable roads were constructed. 1 The reply showed a sharp contrast to the concealment of information about the construction of the Aksai Chin road.

During the II Session of III Lok Sabha which was held from August 6 to September 7, 1962, 25 meetings were held, the number of questions admitted was as follows: 2

1. Starred ... 869

2. Unstarred - including starred questions converted into unstarred questions -2508

3. Short Notice Questions - 14

The preceding Tables bear a testimony to the lack of interest or adequate appreciation of the gravity of the border dispute by the Members of the Lok Sabha during the mid 1962 debates. There were lesser interruptions during this 25 working-days session from August 6 to September 7, 1962. Out of a total of 2548 unstarred questions 862 fell in oral category. However, only 7/questions pertained to the Sino-Indian

2. Ibid., Col. 5254.
border dispute. Within its purview fell the topics like—
the Chinese attitude towards Indian Traders in Tibet, nature
of dispute, the number of minor clashes between the forces
of the two Governments, the police withheld by the Chinese
on the border and the photographs of Indian border being
taken by the Chinese. The period presented a dull picture
of a lull in Lok Sabha. The situation on the border both
diplomatically as well as militarily was fast deteriorating
but there was not a single short Notice Question in Lok
Sabha during this period, whereas on various subjects 14
Short Notice Questions were raised, replied and recorded.¹

Side by side, in the Rajya Sabha, the next session
commenced on 14.6.1962 and ended on 26.6.1962. The record
of questions raised in the Rajya Sabha indicated considerable
interest with regard to China. There were 9 questions, but
the questions hardly bore any relation to the border dispute.
The highest number of questions in the Rajya Sabha was
recorded during the following session of the Rajya Sabha
falling from 6.8.1962 to 7.9.1962. The questions ranged
from anti-Indian propaganda in the Chinese newspapers to
Indian students in China. There were eleven questions in all.

¹. For details see Appendix-3.
When the aggression took place a special Session of Lok Sabha was held but there was no alarming rise of questions during the next Session between November 8 and December 11, 1962. However, not a single question pin-pointed the border dispute. 1 5 questions which were with regard to relations as such were related to the Chinese espionage-activities, Indian POWs in China, the Chinese propaganda, injured Jawans in the hospitals and Afro-Asian solidarity in Colombo, resulting in the Colombo-Proposals. The official record of questions raised and admitted was as follows: 2

1. Starred ... 359

2. Unstarred including Starred Questions converted as Unstarred 853

3. Short Notice questions 15

The Rajya Sabha's official record also presents no better picture of interest, shown by its Members during the last session of the year between 8.11.62 and 12.12.1962.

During the end of III Session, on November 22, 1962, Vishnu Kamath raised a question with regard to the cease-fire on the Sino-India border. He vigorously asked for a discussion 1. For details see Appendix-IV.

on the Chinese Government's latest note of November 20, 1962. But no discussion took place on that note and Kamath appeared satisfied with his expressed opinion in the House. Nehru again limited the scope of parliamentary intervention by plainly telling that a detailed discussion on such matters would not occur as only fundamentals were to be decided in the House, which is the forum to urge views and make suggestions. The Government he added, drew its path through the light shed by the Parliament. Bagri reacted to it and suggested that during sessions all matters should be first discussed in the House. This would also give satisfaction to the masses that on the boundary issue, the House had thoroughly guided the Government. However, this demand to hold public discussions on the boundary problem went unheeded and the Speaker, Hukum Singh, concluded the question by refusing to welcome any subsequent question or suggestion. The next day, on November 23, 1962, Vishnu Kamath with greater vigour asserted that the Parliament should lay down the policy and principles, "It is all the more necessary in this context that Parliament should consider how far even a hypothetical

1. Lok Sabha Debates, Third Series, Vol. X, No.12, Nov.22 1962, Third Session, Cols. 2922-23, ".. before the House adjourns will the House have opportunity of, if not discussing at least, expressing its views on the Chinese Government's note".

acceptance of the proposal would mean or entail a serious 
departure from the policy laid down in Resolution...... 
adopted unanimously .... by the House.¹

DEMAND FOR GRANTS:

The general discussion of policy and assessment of the 
work of respective Ministries is also made through the 
motion on Demands for Grants. Such a discussion takes place 
only in the Lok Sabha. The Rajya Sabha is constitutionally 
denied the right to originate or discuss such a motion. On 
May 12, 1962, the Demands of Grants for the Ministry of 
External Affairs were raised and discussed and the proceedings 
occupied no less than 255 columns of the printed debates 
(Cols- 4035-4280) wherein the Opposition tried to pull the 
leg of the Government on the Sino-India border dispute. Nehru 
was vociferous in condemning Frank Anthony's demand to de­
nounce non-alignment. He said "heatedly" that India would be 
damned and doomed if she changed this policy. "Amidst 
thunderous applause", he declared "The whole idea is horrible, 
intolerable..."² The suggestion of Frank Anthony to make an 
outright rejection of non-alignment "surprised" Nehru.³ All

¹. Ibid., Third Series, Vol. X, No. 13, November 23, 1962, 
Third Session, Col. 3181.

². The Times of India. (New Delhi), 15.5. 1962

³. The Hindu (Madras), 15.5. 1962.
the members expressed their grave concern over the Sino-India relations and demanded for an amelioration of relations. They urged the Government to make an early settlement of the border dispute, the Government in response reassured the House to resolve the dispute at their earliest. "What added to the excitement of the House", was Nehru's remark in Parliament that some Indian posts were established by the side of the Chinese posts. On May 13, 1962, this motion was not discussed, however, on May 14, 1962, the Demands for Grants were approved without any cut. "In Lok Sabha today several members voiced their criticism against the Chinese Government's attitude to the border dispute. During this debate, the members pleaded for suitable action. This Demands for Grants Debate was charged with emotions. There was considerable stir in the House and the Opposition parties were divided in their attitude towards the trend of the Chinese diplomacy and the policy of the Government of India in relation to it. The focal point of the speech of Nehru was a pleading for or defence of the policy of non-alignment. "The border conflict, however, occupied only a small portion of Mr. Nehru's attention and that too towards the close of his

1. K. Rangaswami, "Chinese Bang the Door" Ibid.
2. The Hindustan Times (New Delhi), May 14, 1962.
reply to the debate on the Demands for Grants. Thus "What occasioned a mild excitement was the open advocacy of retaliatory action against China.¹ In short, the Demands for Grants Debate was a "spirited defence of Government's policy of non-alignment" in which a "detailed reference"² was made to the border dispute.

**PAPERS LAID ON THE TABLE**

All important documents, letters, notes and memoranda are laid on the Table of the Lok Sabha and consequently placed in the Library. It is one of the parliamentary processes to bring the administration to book and lime-light. However, this method does not bear any direct or indirect influence over the issue, as no formal discussion takes place over such papers. White papers were also laid on the Table on March 16, 1962, covering the official correspondence between the Governments of India and China from December 3, 1961 to February 13, 1962.³ During the Opening Session the White Papers were the only documents to be laid on the Table.⁴

**THE DEBATES ON MOTIONS.**

The Lok Sabha happens to be not only a committee to

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1. Ibid., 20.5.1962
2. Ibid., 15.5.1962
4. See Appendix -V
ventilate public grievances or the watch-dog of the overall complex network of the administrative set-up but also a debating society. The floor of this public forum was occupied by the elongated debates on the Sino-Indian border dispute in the later half of 1962. However, the first half of 1962 presented a quiet scene. The concern that the Members of the Parliament showed to the dispute was more evidenced by other parliamentary modes such as questions, demands for grants and ministerial statements. The specific motions were not designed to focus attention directly on the border dispute. During the opening session of the Lok Sabha from March 12 to 30, 1962 and the First session from April 9 to June 22, 1962, no separate motion was moved to discuss the situation on the Sino-Indian borders. Though there were reported minor incursions, espionage activities, propaganda against the Governments of India and China, secret movement of troops and police-patrolling across the border, the debates of the Lok Sabha did not pay adequate attention to it. On July 18, 1962, while speaking at a meeting of the Punjab Civil Secretariat Employees Union, the Defence Minister, Menon, admitted that the Chinese were at better and advantageous position at present, "He declared amidst cheers that on the northern border there are no parts of our area where Chinese encroachments still existed." After the aggression in Ladakh

1. The Times of India (New Delhi), 19.7. 1962.
region, Nehru moved a Special Resolution in the Lok Sabha on August 13, 1962, over which a long discussion occurred from August 13 to 14, 1962, covering 143 columns of the printed debate. It was a heated and emphatic discussion analysing the ups and downs of relations, tracing the past history of incursions. It was the first annual assessment of the border situation made in 1962.\(^1\) The House presented an uproarious scene specially over withholding information from the Parliament and not taking it into confidence. There were repeated interruptions and the speeches of all the 23 Members, who participated in the debate on August 13, 1962, were marked by the volley of questions, regarding the latest situation on the border and want of confidence in the House. The Opposition hurled criticism over the non-alignment policy and asked for a more strict stand with regard to China. However, the policy of the Government of India with regard to the border dispute was accepted and adopted the next day. Nehru realised the need to reassure the House of the utility of its confidence. He emphasised the need of informing and consulting the Parliament. In a vigorous tone, Nehru said, "... first of all nothing can happen without this House being informed...."\(^2\)

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motions were moved and negatived and two more amendments remained unconsidered. The purpose behind this particular debate was such to create more faith in Nehruite policy. The speaker, Hukum Singh, concluded the debate by expressing staunch faith in Nehru that everybody in the House dittoed and supported everything that had been expressed by Nehru.¹

After August 14, 1962 till the massive invasion occurred the Lok Sabha did not move or discuss any new motion regarding the border situation. The Cabinet as the Chief Executive, handled the problem and the Members of Parliament remained busy with 'legislation' and other domestic issues. In the wake of the Chinese aggression there was a general feeling that it, "may be necessary to convene Parliament earlier than the scheduled time, though it is not too early to talk of a national government. Parliament will reflect the unanimous resolve of the representatives of the people to repel Chinese aggression, making it clear that it is futile for her to seek friends in India".² However, on October 20, 1962, when the aggression was launched no special session of the Parliament was convened, no debate was held, perhaps such general debates during an aggression would have been fruitless. On October

1. Ibid., Col. 1782
26, 1962, the President proclaimed the Emergency under clause (1) of article 352 of the Constitution. On November 8, 1962, a separate motion was moved and the House approved of the Proclamation of Emergency. "There was a long burst of applause as Mr. Nehru warmly praised the courage and endurance of the soldiers on the battle front". A long and passionate discussion took place lasting for 6 days in which 166 Members participated covering a total of 1108 columns of the printed debate.

<table>
<thead>
<tr>
<th>In the month of November</th>
<th>No. of members spoken</th>
<th>Time consumed (Hours)</th>
<th>Cols. covered</th>
<th>Resolutions adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 8</td>
<td>10</td>
<td>12.25-17.01</td>
<td>106-218</td>
<td>2 resolutions moved by Nehru.</td>
</tr>
<tr>
<td>(2) 9</td>
<td>14</td>
<td>12.53-17.36</td>
<td>386-500</td>
<td>Not concluded.</td>
</tr>
<tr>
<td>(3) 10</td>
<td>25</td>
<td>12.11-19.25</td>
<td>633-830</td>
<td>Not concluded.</td>
</tr>
<tr>
<td>(4) 12</td>
<td>40</td>
<td>12.12-20.16</td>
<td>916-1134</td>
<td>Not Concluded.</td>
</tr>
<tr>
<td>(5) 13</td>
<td>44</td>
<td>12.30-20.23</td>
<td>1253-1452</td>
<td>Not concluded.</td>
</tr>
<tr>
<td>(6) 14</td>
<td>33</td>
<td>12.01-17.39</td>
<td>1532-1680</td>
<td>Concluded. 19 Amendments negated and unanimously adopted.</td>
</tr>
</tbody>
</table>

6 166 36.09 1108 Unanimously adopted

1. The Hindustan Times (New Delhi), 9.11. 1962
2. Ibid., III Series, Vol. IX, No.1, November 8, 1962
3. Ibid., No. II, November 9, 1962.
4. Ibid., No. III, November 10, 1962,
5. Ibid., No. IV, November 12, 1962.
7. Ibid., No. VI, November 14, 1962.
"The discussion that followed was not calculated to emphasise the gravity of the occasion. Interruption as during Mr. Nehru's speech also took away some of the seriousness that tried to invest the debate....". 1

The first resolution 'amidst' thunderous applause adopted the Proclamation of Emergency and the other one regretted the Chinese aggression on the Indian soil, appreciated the valour of the soldiers and resolved to drive out the enemy. These resolutions, however, did not approve the policy of the Government of India. ".... amid cheers from all parties", Nehru said that India would meet the challenge with unflinching determination. His utterance was greeted with applause, the "Opposition shouted" as well as expressed its sense of appreciation. The Opposition also availed itself of every opportunity at this critical juncture and showed their reaction and resentment by tabling a no-confidence motion on account of Government's "inactive and unprincipled foreign and defence policy". Due to certain procedural details the motion got abandoned. Under the pressure of public opinion Menon resigned on November 1, 1962. 3

During the Proclamation of Emergency Debate, the Members used

1. The Hindustan Times (New Delhi), 9.11. 1962.
2. The Indian Express (New Delhi), 9.11. 1962.
abusive language against the Chinese people like Maurya. said that the Chinese were a bloody race, opiumites and sons of Chanez Khan. However, the Speaker, Hukum Singh, requested the members to be calculated while delivering speeches and not to use abusive and unparliamentary language. Side by side, there were "uproarious scenes" and occasional "laughters" in the House though a grave issue was under consideration. The beginning of the debate was passionate, speeches were heated and off and on interruptions were there. However, when the debate was on the verge of conclusion, less interruptions were noticed and the noisy atmosphere of the House was replaced by calm and moderate speeches by the Senior Members. The policy of the Government of India so far pursued was approved on December 10, 1962, through a separate motion regarding the border situation, resulting from the invasion.

<table>
<thead>
<tr>
<th>Date</th>
<th>No. of speakers</th>
<th>Time</th>
<th>Columns covered</th>
<th>Motions moved and adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.12.62</td>
<td>21</td>
<td>12.15½ to 17.48 hours</td>
<td>5088-5228</td>
<td>Moved by Nehru, concluded and adopted the same day. 10 amendments were proposed.</td>
</tr>
</tbody>
</table>

2. Ibid., Col. 642, (Shrimati Renu Chakravarti's Statement invited laughter in the House).
3. For details see Appendices.
4. Lok Sabha Debates, III Series, Vol. XI, No. 25, December 10, 1962, "This House having considered the border situation resulting from the invasion of India by China approves of the measures and policy adopted by the Government to meet it."
Nehru reviewed in the House, the situation of aggression at Sela and Walong, future of Colombo-proposals and date-wise assessment of the cease-fire. He narrated the contents of the letters sent by him to the Chinese Government, which till December 10, 1962 had rejected the proposal for September 8, Status quo ante. After the cease-fire was declared, there were three major questions to be considered by the Government of India: (1) To agree to the cease-fire, (2) to withdraw 20 kilometers each from the November 7, 1957 line of actual control and (3) to negotiate the issue.

Nehru, in full put forth the past history of incursions. Before September 8, 1962, there was no active aggression in NEFA except in Longju. The Chinese Government repeatedly assured the Indian Government not to cross the McMahon Line. When after the October invasion, the Chinese suggested unilaterally to cease-fire, India agreed to it. However, India desisted from reliance on Chinese verdicts and endeavoured to curb their Nehru expansionist-designs/reiterated India’s regard for non-alignment and faith in pacific methods. Hirendra Nath Mukerjee praised Nehru and categorically supported non-alignment. P.K. Deo considered October 20, 1962, as the turning point of Indian history, ending the chapter of disillusions. He did not support the Indian Government’s September 8, 1962 stand. He proposed reappraisal of non-alignment and suggested that India should be aligned with either bloc. U.N. Dhebar, Surendra Nath
Diwedi, A.P. Jain, Yajnik and Desappa, supported the Government policy. Surendra Nath further stressed the desirability of building a better military position. Almost all the speakers harped on the same strings. Frank Anthony thought that the ceasefire was a calculated piece of Chinese diplomacy. Nehru was at his wits end with regard to implications in the spate of correspondence in the garb of the White Papers. The Lok Sabha would have been of immense importance had it discussed the White Papers at least in this crucial year. But these letters, notes and memoranda, exchanged between the two Governments, were never debated and discussed in separate motions. There was no demand as such to discuss them. On the Defence of India Rules Bill debate, a motion was moved by A.K. Sen on which an elongated debate occurred. Members of the Opposition, like H.N. Mukerjee, D.C. Sharma, U.G. Chaudhry, A.C. Guha, H. Barua and R.D. Pande, with genuine interest referred to the cease-fire proposal of the Chinese Government for consideration by the House.

The Debate that took place during 1962, had shed ample light on the nature and scope of interest which the Lok Sabha took in the border dispute. The debates and discussions were long enough to consume enormous time of the House but their standard was not low. They would have been more worthwhile
if they had been held frequently as the crisis was developing and had been more concerned with failure and failings of the Government and suggestions for meetings both militarily and diplomatically, the Chinese aggression that was in the offing. The debates were in the nature of a post-mortem on what had happened and of course had no magic power to undo the decision of the Government. However, these debates were useful in the sense that they led Nehru to become more realistic in his idealistic diplomacy with regard to China and other disputes. The debates also pressurised Nehru to confirm the desirability of confiding more in Parliament, consult it more occasionally and furnish it with timely information.

The Rajya Sabha debates during this period were less detailed. The longest debate occurred on 23.9.1962, where the Sino-India border dispute was referred occasionally. Most of the points were mere repetition of the Lok Sabha debate.¹ On November 9, 1962, Nehru responded, as always, to the calmer atmosphere of the Upper House. As compared to November 8 debate in the Lok Sabha, Nehru was more restrained in the Rajya Sabha in both voice and metaphor.²

**CALLING ATTENTION MOTIONS:**

The Parliament utilizes the mode of calling attention motion to draw the attention of the Government to any neglected

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² The Times (London), 10.11.1962.
matter of urgent public importance. In response to such a Motion, the Government had to express its clarifications and justifications. This mode pinpoints an issue and focusses the interest of the members of Parliament to it. In the opening session of the Lok Sabha from March 12 to 30, 1962, however, no such motion was passed. In the first session from April 19 to June 22, Hem Barua asked for such a motion pressurising Nehru to make a statement upon the reported decision of Pakistan and China to negotiate alignment of boundary between Kashmir and the Chinese Sinkiang. In response to such a motion, Nehru stated that the Chinese claimed that the borders between India and China were never demarcated. It was a false Chinese claim. Narayan Das asked Nehru if the whole boundary had been discussed. Nehru replied that he could not exactly say. The Members of Parliament indicated more interest by raising a number of supplementary questions to the motion under discussion. However, the Speaker, Hukum Singh, asked the Members not to raise more questions. The time of the session was already allotted to discuss all the matters on the agenda. He had told the members that no more questions would be welcomed. ¹ P.K. Deo, tabled another motion on May 22 against the alleged entry of some of the Chinese into Indian territory. Smt. L. Menon, made a

statement thereon. And also, "Prime Minister Nehru assured anxious Members of Lok Sabha that there has not been any attempt for incursion by the Chinese along the Mc Mahon Line on NEFA except for a minor one at NEFA. In response to this calling attention notice by Rama Chandra Vilhat Bare, the SSP Members were intervening off and on. Hem Barua drew the attention of the House to the reported intrusion into Gorakhpur and Basti. On June 13, 1962, P.C. Barooah called attention of the Defence Minister to the reported move of the Chinese tanks and armoured vehicles, Indian air attacks in North Ladakh and the Chinese convoys of military vehicles in southern Sinkiang to Qizil Jilga in occupied Aksai Chin. This was a critical juncture when the "stormy scenes" were witnessed in the Lok Sabha. The P.S.P. member, S.N. Dwivedi remarked that the Prime Minister was surrendering the country to the Chinese to which Nehru contended that the questions asked by some Members with regard to the borders, did not help building up the morale of the country. This "led to stormy scenes in Lok Sabha today marked by sharp and heated exchanges". "In a voice quivering with indignation", Nehru asked if it was proper to say that he was surrendering the nation to the Chinese. "Tempers were frayed on both sides for nearly 15 minutes", when the P.S.P. Members demanded Nehru to withdraw

1. The Hindu (Madras), 23.6. 1962
his statement that questions on border would let down
the country's morale. The Congress Members were equally
agitated over Dwivedi's observation that the Prime Minister
was surrendering the country to the Chinese. "Despite the
Speaker's repeated appeals for maintaining decorum, sharp
exchanges continued for some time". When Nehru said that
the Members were not helping in building morale, the remark
provoked loud protests from Mr. Dwivedi and other P.S.P.
members. "While there were cheers from the Congress
benches P.S.P. members stood en bloc angrily gesticulating
at the treasury benches". "As the noise subsided, Nath Pai
resented that we are not interested in breaking public morale".
He said, "we are here to exercise our legitimate and element-
tary duty which justifies our presence in the House. Whenever
we ask for a simple information, the charge is levelled that
we are interested in breaking the morale". Some Congress
members tried to "shout down" Nath Pai. "It was a matter of
great regret that the Prime Minister lost his temper whenever
certain matters seemed to them legitimate were raised in the
House". On June 16, 1962, there was furore over India's
China policy. "In tumult that broke out in the Lok Sabha this
week on the calling attention motions members from the treasury

1. The Hindustan Times (New Delhi), 14.6. 1962.
2. Ibid.
benches glared balefully at their opponents. It was the first frontal P.S.P. attack. The uproar was during reply to a motion on the reported movement of Chinese vehicles in the Chinese occupied territory in NEFA and Ladakh.¹

On June 22, Bare called the attention of the Prime Minister to the reported occupation by China of Indian territory in NEFA.² Nehru explained in the House, "In NEFA area there has been a single incursion etc., except for the fact that two years ago or three years ago there was this Longju incident and except for the fact that two officers—not a force—came down half a mile to that village Rai.... He was sure that there had been no other incursion on the McMahon Line."³

HALF-HOUR DISCUSSION:

The matters of urgent public importance are also discussed under this head in the Parliament. However, the Sino-Indian border dispute was never discussed through this process. In the opening session, no such discussion occurred.

¹. Ibid., 17.6. 1962
³. Ibid., Col. 12494-12498.
During the First Session, nine such discussions took place but none of them had any relation to the problem under study. 

During the second session also, there was no discussion on the border problem though there were five half-an-hour discussions. The half-an-hour discussion process was, thus, not utilised as a means to focus attention on the Sino-India border problem.

**ADJOURNMENT MOTIONS:**

Attention of the Government is also drawn to a particular problem through a motion to adjourn the House. These motions are the best mode of ventilating public grievances. It is a point of significance that two adjournment motions were given notice by Nath Pai and Yogendra Jha and five calling attention notices by Nath Pai, Barooah, Krishna Pal Singh, R.V. Bade, Mrs. Maimoona Sultan— regarding the Chinese ultimatum, demanding the withdrawal of the Indian patrols from the two check posts, were taken together.

During the first half of the Lok Sabha Debates, the language of the newspapers appears to be mild and less comments are traceable. On May 10, 1962, the Opposition in the Lok Sabha

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2. Ibid., Vo. VIII, No.25, September 7, 1962, Col. 6937.
presented such a motion in resentment against the failure of the Government to place before the House, the Note of the Chinese Embassy, of the same month. However, the Speaker dispelled such a motion. The House and the Members quelled themselves by showing their "resentment" against the anti-social activities, attributed to the Chinese missions in India. Nehru replied to these motions seeking to know about the nature of the latest note of May from China. Nehru told "audience Lok Sabha" that whatever may be the Chinese threats, India would hold on its posts in Ladakh and elsewhere. During the opening session thirty three motions were received and 12 were brought before the House. During the first session from April 16 to June 22, 1962, ten such notices were brought before the House. One was admitted but leave was not granted by the House. One was ruled out of order; for ten consent was withdrawn by the Speaker. For five minutes Hem Barua called for such a motion regarding reported Chinese incursion into Indian territory. The members of the Parliament expressed gratitude

1. The Statesman (New Delhi), 11.5. 1962
2. The Hindustan Times (New Delhi) 4.5. 1962. Contra. The Hindu, (Madras), 4.5. 1962. "Nehru's statement in the Lok Sabha yesterday has been generally reported without any comment".
over the adjournment motion called by Hem Barua which furnished required and relevant information to the House about the improved border situation. During the II session, the situation obtained as follows:

1. Brought before the House ... 15
2. Admitted but leave not granted ... 1
3. Ruled out of order ... None
4. Consent withheld by the Speaker ... 14

However, on June 20, the Speaker withheld his consent to such an adjournment motion.

MINISTERIAL STATEMENTS:

In the opening session from 12.3.1962 to 30.3.1962, no Statement on the Sino-Indian border dispute is to be noticed. Though 37 notices were received as statements made under Rule 197, calling attention to matters of Urgent Public Importance, 8 statements were made by the Ministers, where no statement was on the border dispute. First statement was made by the Prime Minister, in response to a Calling Attention Motion on May 7, 1962, regarding the border alignment by China.

and Sinkiang border on May 11, 1962. Nehru made a statement regarding the firing on an Indian Policeman from the Chinese Trade Agency in Kalimpong on March 22, 1962. ¹

In the first session, a spectacular rise is to be noticed in the number of statements when 600 notices were received and 65 statements were made by the Minister. ² In the Rajya Sabha, from April 17, 1962 - May 11, 1962, one statement of no significance was made. During the second session, 358 notices received for it but only 23 were made. ³ On September 3, 1962, Mrs. L. Menon made a significant statement regarding the establishment of 30 new posts in the Ladakh region by the Chinese troops. ⁴ However, in the Rajya Sabha, no ministerial statement was made. On November 11, 1962, during the III Session, Nehru made a short statement in the Lok Sabha regarding the reported Chinese offer to ceasefire. He regretfully traced the development that had occurred. China offered a unilateral cease-fire on November 21/22 and the forces were to withdraw on December 12, 1962. The offer was in the air but so far no official confirmation

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³ Ibid., Vol. VIII, No. 25, September 7, 1962, Col. 6937.
was received. India's demand was to restore the September 8, 1962, position. This statement by Nehru was evaluated by Hari Vishnu Kamath who, on a demand of clarification and information suggested that the Parliament should remain in session till the emergency lasted. He said, "The Chinese Government seems to be adept at their game of fraud and deception and when the situation could be so fluid, I would request in you, the leader of the House will agree, ... that/this parliamentary democratic set up, the Parliament of the Nation must continue to be in session and have the privilege of advising and guiding the Government in this emergency."

Reminding the House of the statement made by Nehru, Vishnu Kamath reiterated that India would not negotiate until the land was cleared of the invaders, "and Parliament has had the privilege of endorsing whole heartedly that declaration and I hope that he will today give a categorical assurance to Parliament, to the nation that he will stand firm, by the policy which has been clearly enunciated by the Government and endorsed by the Parliament of the nation and there will be no departure from that policy." The continuous interest showed by the members

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1. Ibid., III Series, Vol. X, No. 11, November 21, 1962, Third Session, Col. 2689-2702. Also see, Ibid, Statement by Shri Ranga and Ram Sevak Yadav inCols. 2968 and 2695 respectively.

2. Ibid., Col. 2691.
encouraged the government. Moreover, they urged the Government to take all aspects of the problems into consideration vis-a-vis the confidence of the House. Nehru, though desirous to stand by the Parliament and guided by the general principles discussed in the House, was sceptical about the advisability of discussing the communications between the two Governments in the House. The general practice is not to discuss such communications as the White Papers or Protest Notes in the House. During this particular statement period, one fact was noticed that the Speaker was not allowing the Members to express themselves beyond certain limits. He said, "I would ask hon. members to give only their reactions or any suggestion and not to press the Prime Minister to make any statement at this time. That is what I would advise hon. members that they should also restrain themselves." The members demanded to hold a secret session and desirability of more parliamentary consultations, to which no attention was paid.

In the second session there were Statements on the border dispute regarding the situation in Ladakh, India's absence from the San Francisco Peace-Conference and the

1. Ibid., Col. 2693 "we all would like to know, and everyone of us is interested in knowing what will come off of these things" (statement by Tyagi).
2. Ibid., Col. 2693 (statement by Hem Barua).
3. Ibid., Col. 2701.
4. Ibid., Col. 2692.
5. Ibid., Col. 2698 (statement by H.N. Mukerjee).
re-establishment of 30 new posts in Ladakh by the Chinese troops. P.K. Deo made a statement regarding inaccuracy in the Prime Minister's speech on the border situation made on August 14, 1962. On November 20, Nehru made a very pertinent statement regarding the situation in NEFA and Ladakh. He regretfully informed the House of the fall of Bomdila and Chushul.¹ Through statements also, Nehru emphasised the oft repeated plea of secrecy in foreign policy. He said that despite the desire to make every thing clear to the House and keeping the Lok Sabha specially informed of all developments, the Government had to adopt a policy of secrecy as disclosure is not a regular practice, for foreign policy issues. It is neither advisable nor fruitful but perilous. The Speaker agreed to it and asked the Prime Minister to reply only those questions as did not jeopardise the interest of the Nation.²

In fact, the policy of secrecy is one of the most important factor which restrict the role of Parliament in foreign policy matters.

The very next day, as a matter of information, Nehru made another statement regarding the development in respect of the Chinese aggression.³ Within 26 minutes he informed the

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². *Ibid.*, Cols. 2453-68
House of the Chinese Radio broadcast to cease-fire from mid-night of November 21/22, 1962. The ceasefire proposal, both inside and outside the Parliament, had been underrated in unflattering terms. Some labelled it as the ultimatum, some called it a perfidious strategem, a Trojan horse sent into our midst to scatter our reason, weaken our defences and a vicious trap.¹ The withdrawal was to occur on December 1, to which no official confirmation had yet been received. The last statement of this period was made on December 7, 1962, by Nehru about his visit to Assam and "other matters" from 12.11. hours to 12.54 hours. There was a volley of questions on this statement on border situation,² Obviously the term "other matters" referred to border dispute. In order to keep it confidential, ambiguous term was used. Hem Barua, in response to Nehru's statement regarding situation in Ladakh and NEFA said, "I agree completely with you that there are certain matters of strategy that must not be disclosed in this House, but at the same time, there are certain matters that do not have any hearing directly on matters of strategy. Those things are to be disclosed here because the country is anxious to know about them. The purpose of this Parliament is to

voice the opinion of the country and to enlighten the country also in matters that do not directly affect the strategy or defence preparations...

The overall objective analysis of 1962 Parliamentary Debates leads to certain conclusions. The Parliament devoted enormous time to discuss the border problem. However, in the light of its gravity and being the very first dispute to be tackled by the Government of India, the time allotted to the issue was not sufficient. The Debates were not designed to set the guidelines for the foreign policy. Mere discussion over a fait accompli leads us nowhere. Long Debates presented a boring picture of the House where members dozed or hurled criticisms (and even chairs) at each other. The debates merely attempted the dispute in the general assessment of historical perspective, criticised certain failures of the Government. Throughout the year, however, only one specific motion was discussed otherwise the reference to the dispute was made here and there whenever the resolution regarding the international situation and the policy of the Government of India in regard thereto was discussed. There were occasional interruptions and laughter. However, these debates and criticisms of withholding all relevant information from

1. Ibid., Vol. X, No. 20, 1962,Cols. 2458.
Parliament received significant attention of Nehru. Before 1962, Nehru was never so emphatic in assuring the House to take Parliament into confidence. The discussions and pinpointed answers to questions were more informative and valuable than the day-long review of the entire international scene. Thus, in general foreign policy debates, the reference to the dispute was rather disappointing since the subject matter of a foreign policy motion was general. What one member said had little or no relation to the preceding speeches. They appeared to be a mess of disconnected discourses. There were only a few noteworthy speakers, like Minoo Masani, Hiren Mukerjee, Nath Pai, Kripalani, Asoka Mehta and Menon whose speeches sparkled with wit and wisdom. Their criticisms were often pertinent and constructive and focussed attention on the weaknesses of the minor or major policy decisions. Most of the speakers were divided in their opinions. There was no organised and unanimous Opposition to the Government's policy. The 6-day-discussion over the President's order of Proclamation of Emergency was of no avail. What is needed is to ask the Members to be brief and to the point, thereby curbing the futile length of their speeches. They should put forth certain concrete suggestions and guidelines to the Government.

One of the factors which limit the role of the Lok Sabha in this dispute was the failure on the part of the Members of Parliament to hold discussion on the papers laid on the Table.
with regard to the dispute. Had the Members paid due attention to and showed more interest in the dispute, side by side held discussion over the White Papers, their contribution could have been lucrative and pertinent. However, occasional references were made to them in abundance but no separate Motion was proposed to discuss them.

Nehru had been at the height of his power and popularity until the Chinese aggression showed of nothing else than the 'gentle colossus' had feet of clay, and, though he was spared, his close confidant and colleague, Krishna Menon had to leave the Cabinet. The 1962 debacle caused a severe blow to his prestige and health and he could not be the same person again. His declining health and popularity enabled the Opposition to gave both credibility and respectability in the period before the Fourth General Elections. Incidentally the Parliament also gained in stature as the focal point of Indian political system. Nehru was more than usual on the defensive and deferential in his attitude towards the Parliament. But the Parliament could not overcome the in-built limitations of a parliamentary system. Besides, the charismatic personality of Nehru was too towering and dominating to be damaged or tarnished by those who were elected as his votaries.
CHAPTER VII

ROLE OF PARLIAMENT

CONSTITUTIONAL POSITION:

The Parliament, the Union Legislature under the Indian Constitution is constituted on the basis of bicameralism. Since the Constitution establishes a federal Government, the framers of the Constitution were unanimous for achieving a balance between the direct representatives of the people and the states as the units of federation.

The Lok Sabha (or the Lower House of the Parliament) is directly elected by the people whereas the Rajya Sabha (the Upper House), is indirectly elected. The Constitution provides comprehensive study of its structure. The President is an integral part of the Parliament which includes the above mentioned two Houses. It is in conformity with the parliamentary

1. This elaborate description in the Constitution is vigorously criticised and commented upon by the Members of the Constituent Assembly and others like Sir Ivor Jennings in Some Characteristics of Indian Constitution, 1952. Those who wanted to save the Constitution makers from this slur, justify it on the ground of containing articles on state Legislatures also. Ambedkar said that Indian democracy was, "only a top dressing soil which is essentially undemocratic", and the "Constitutional morality" of which Grote spoke, was not yet effectively diffused through the people, it required an elaborate constitution, Constituent Assembly Debates, Vol. VII, Col. 38.
system. It lays stress on the intimate relationship and interdependence of the Executive and the Parliament. The Cabinet functions as the grand Committee of the Lower House. The Parliament legislates, controls and directs internal administration and also controls the purse. Sovereignty of Parliament is a political myth which is derived from the political theory of Government, voting money.¹

Though the foreign policy-making and execution, as a rule, is regarded the prerogative of the Executive,² a measure of parliamentary supervision and control exists. The foreign policy making is an organised function of the Secretaries, the Ministry of External Affairs, Divisional Officers, Committees and Sub-committees of the Parliament and the Ministry of External Affairs. It is annually disclosed and discussed in the Parliament's opening-sessions by the Presidential-Address. This discussion and laying down the broad outlines of policy in the House is in conformity with the operation of the parliamentary system. The principle of Separation of Powers does not exist in India hence the Parliament is not 'excluded' from


sharing the responsibilities of the Executive and the Vice-Versa. The Council of Ministers and the Cabinet, en bloc is collectively responsible to the Lower House of the Parliament.¹ The formulation and initiation of foreign policy is conducted by the Executive. In form of Resolutions or Motions it is put forth the Parliament for approval. The Government has a free hand in implementing the approved policy and the Parliament has the privilege of scrutinising this policy at all stages.

Article 246 of the Indian Constitution empowers the Parliament to legislate on all aspects of foreign affairs. Item No.10 of Article 246 in the Seventh Schedule says that the Parliament would legislate on "Foreign Affairs; all matters which bring the Union into relation with any foreign country".² This list also includes the paraphernalia of foreign affairs such as Defence, Naval, Military and Air-Force works, diplomatic consular and trade representations to the UNO and other international conferences, security of India, war and peace, foreign jurisdiction, citizenship emigration etc.

¹. The Constitution of India, op. cit., p. 20, "The Council of Ministers shall be collectively responsible to the House of the People". Article 75.

². Article 246(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I of the Seventh Schedule". The Constitution of India, 1957
Since the parliamentary supervision and control of all executive enactments is inevitable, the Parliament can exercise the two way control. Firstly, by conducting a detailed examination of governmental activities either through preliminary intervention i.e. before the policy is proposed or adopted secondly, an ex post facto supervision. In the context of foreign policy, it exercises the latter kind of supervision.

MEASURES OF INFLUENCE:

As described in the Chapter III the first measure of influence is the Question-Hour. It can be quite effective if it is flexible enough. This procedure was introduced in France, specially and precisely to facilitate the supervision of foreign policy. It was realised that the general debates would be dangerous due to their public character and extempore nature of many statements. The procedure of Question-Hour can lead to enquiries and enlarge area of information, it can not lead to debates. Pin-pointed questions relating to foreign affairs and policy can be useful enough. Sometimes the questions miss the important issue. They enable the Ministers to keep in touch with the public opinion. Questions, if they repeatedly

hammer at a particular problem can act as catalyst and force the government to frame a definite policy. The procedure of Short Notice Questions and Supplementary Questions facilitates the process. The Question-Hour is the most practical way through which the Parliament gets the opportunity to scrutinise the Executive decisions.

Debates on Motions and Resolutions regarding foreign policy are the next mode of parliamentary enquiry and discussion. The 1959 session debates confirmed that there was unanimity over non-alignment. Ministerial Statements keep the House informed of the latest developments in international relations. These statements enable the Government to discuss the trends in Opposition. They also enable the Ministers to answer criticism and register parliamentary support to them. There is also scope for voluntary communiques, publishing reports and summaries, on which fruitful discussion occurs. However, in India, the interpellation system is not in vogue. It is some sort of initiative of Parliament itself which is quite effective, as it gives rise to a general debate. It culminates in motions approving the action of the Government.¹ Ministerial statements serve a variety of purposes. When the Parliament is in session these statements enable it to be kept informed of the latest international developments. They provide publicity

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¹ Parliaments, op. cit., p. 287.
for explanations, elaboration of Ministerial policy and create a focus of scrutiny for Ministerial action. It enables the Ministers to face criticisms. There is one more "constitutional right" in the hands of the Member of Parliament. During 1966, the trend of Lok Sabha has shown that the House has successfully established the right that till the No-Confidence Motion is disposed off, no substantial policy be admitted and debated in the House. During the debate on such a motion the Members at large enjoy the right to question policy or any action of the Government. 1

Demands for Grants is an indirect kind of control. If a Motion regarding reduction of Grants and funds, token or total is approved, it would amount to a Vote of Censure and necessitate Cabinet resignation. It is a device, which the Members of Parliament use to oblige the Foreign Minister to give explanation on specific points. Budget Debate also brings the implications of foreign policy to book. It is confined to the financial implications of foreign policy carried out by the Government. Thus in regard to such debates, the role of the Indian Parliament becomes paramount. It provides opportunities for parliamentary scrutiny over the Governments conduct of foreign affairs through its essential power over the foreign affairs by obliging the Ministers to seek approval of their

1. Shankdher, op. cit., p.366
estimates. The record of Demands for Grants does not show any cut in grants. A Want of Confidence Motion or a No-Confidence Motion is a direct method of launching an attack on the Government. The Parliament can also exercise its supervision through its fact finding enquiry—Commissions and Committees. A detailed account of the utilization of all these parliamentary processes has been dealt in the other chapter.

**Parliament and International Treaties:**

Treaties are the formal expression of the relationship established between or among the states. It is, in fact, the concrete embodiment of their foreign policies. In most Constitutions, the Treaty-making is a prerogative of the Sovereign body, Legislature. Without any prejudice to this constitutional common place, each country seems to have evolved its own way for the ratification of treaties, agreements and pacts. There is no system of ratification. On the basis of the seat of the actual treaty-making power, the treaty-making can be categorised into the following three types:

(i) The Chief of the State may draw up and ratify treaties, largely unchecked by other branches;

(ii) The power is divided between the Executive and the Legislature; in general, the approval of the latter being necessary for ratification of treaties.

(iii) A compromise, by which, limitation is placed on the Chief of the State in making certain types of treaties.¹

Article 253 of the Constitution stipulates, "... Parliament has power to make any law for the whole or any part of the territory of India for implementing any Treaty, Agreement or Convention with any other country or countries or any decision made at any international conference, association or other body". Moreover, under Article 246, the Parliament is empowered exclusively, to legislate upon "Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and convention with foreign countries." Since independence, India has entered into countless treaties, agreements, conventions and declarations. The procedure of treaty-making starts with the Executive initiating the negotiations, through appropriate diplomatic channels and when the negotiations mature, the agreement is finalised and is duly signed by the Chief of the Executive or its subordinate officer. Such an agreement is then placed on the table of both the Houses and the Members are allowed to raise questions. The procedure of formal ratification does not operate here. This is also a British convention in origin. In India, the silence of Parliament on a treaty signifies approbation. To the extent it has been so, it has been the result of the happy experience of legislature-executive

1. The Constitution of India, op. cit., p. 71
2. Ibid., p. 140;
relationship. On the basis of the majority that the Government commands in the Parliament, it makes all its decisions acceptable to the Parliament. Barring a few instances, the Parliament in India has remained informed of the conditions leading to fresh agreements. It has also enjoyed the power of discussion over a treaty. The treaty-making process saves the time of the Parliament, as the Parliament only partakes discussions but does not initiate, ratify or decide. There is an appreciable number of minor agreements over which Parliament could not form a judgment except by going into the details of the provision of a treaty. This is an important factor that an agreement, once signed by the Executive, can not practically wait for Parliament's approval, which may cause unnecessary delay. It has often been questioned how the Indian Constitution, under which all matters bringing the Union into relations with any foreign country are subjected to complete and exclusive authority of Parliament, leaves the initiation of treaty-making as an Executive-prerogative.

THE PARLIAMENTARY COMMITTEES AND THEIR ROLE:

The Parliamentary Committees also function as controlling and supervisory agents of Parliament. They are a medium of direct contact of administration with Parliament. G. Mavalankar made a speech before the Public Accounts Committee of Parliament on April 10, 1950, wherein he explained that in a set-up of freedom where the Government had to be responsible to the
Parliament, the Committees have four main objectives:

"(i) to associate with and train as large a number of members as possible, not only in the ways in which the administration is carried out but also to make them conversant with the various problems that Government have to meet from day to day;

(ii) to exercise control on the executive so that they do not become oppressive/arbitrary;

(iii) to influence the policies of Government; and

(iv) to act as a liaison between the Government and the general public".  

Parliamentary Committees are miniature of Parliament. On the working of the Parliamentary Committees no one would suggest that it should question a policy laid down by Parliament. The Committees are not made to do so, neither have they done it. They serve only as instruments of Parliament. What they examine and question is the Government policies. The Government lays down the policy and the task of the Committees is to peer into policies, criticise, analyse and advocate alternative policies if desirable.

CONSULTATIVE COMMITTEE:

After independence, the system of Standing Committee was done away with and the informal Consultative Committees were


set up in different Ministries and the major Departments of the Government. Before such a Committee was formed, there was a group of 25 Members of Parliament with whom Nehru used to have periodical meetings to consider foreign policy. In June 1969, this innovation was attempted. The word 'informal' was dropped and the Consultative Committees were created for all Ministries.

ORGANISATION:

The Consultative Committee of the Ministry of External Affairs is constituted in such a manner that the entire political mosaic of Parliament is represented in it. There are 20 members on the Consultative Committee, attached to the Ministry of External Affairs, 11 from the Lok Sabha and 9 from the Rajya Sabha. With regard to its functions Para II of the 'Guide Lines' lays down, "Members of Parliament are free to discuss any matter which can appropriately be discussed in Parliament". Efforts have been made to curb its powers and influence, to the extent that it does not become more powerful than the Cabinet and the Executive itself. A lot of care has been taken to prevent the Committee from becoming more effective than what the Executive considers necessary and desirable.¹

The Committee includes people from all shades of opinion, belonging to different political parties, in proportion to their strength in the Parliament. The Foreign Minister is the *ex-officio* Chairman of the Committee. The 1970 Committee has got 32 members from both the Houses of Parliament, including the Minister of External Affairs and the Minister of State for the same. The Deputy Chief Whip is the in-charge of the Committee and at the beginning of every Parliament, he calls their n. twice during each session, to advise the Extern. Ministry on foreign policy problems. It is an extra-constit and purely conventional organisation. Other similar Committ., having some connection with foreign policy are the Consultative Committee for the Ministry of Foreign Trade, Ministry of Information and Broadcasting and the Ministry of Atomic Energy. The Consultative Committee of the Parliament for the Ministry of External Affairs in India, is a transmission belt between the Foreign Ministry and Parliament. It conveys the Government Official policy from one centre to another. Its Members receive detailed explanations about the policy. They are privileged to have significant say with regard to the same. In the functioning of this Committee, a new trend has developed. Though expected to meet twice during every session, it met twice between the summoning of Parliament after the Fourth General Elections, that is on October 27, 1969 and February 10, 1970. During its first meeting, the agenda
consisted of problems relating to Nepal and South-East Asia but with an uproar, it dealt with the Rabat-Fiasco. Even in its next meeting, excluding the agenda, it discussed India's nuclear policy vis-a-vis Chinese stance. It reduced it "playing a relatively effective agitational, if not consultative role, in the making of India's Foreign Policy". There were other active Consultative Committees. Most notable is the Committee for the Ministry of Foreign Trade, the meeting of which was held on July 6, 1969. The Committee put forth various suggestions, with regard to export promotion. Further, the Consultative Committee for the Ministry of Information and Broadcasting, met on March 3, 1970 and expressed resentment against the massive propaganda carried on by foreign missions in India. In the same manner, the Consultative Committee of the Ministry of Atomic Energy in its meeting of March 31, 1970 made the Government enquire into and prepare a report on the cost of developing nuclear weapons. This pressure exerted by it, supports the view that the role of Committees can only make a marginal difference to the generally less effective role played by our Parliament in this regard. In the words of Chagla, the Committee is, "more of an agency for getting the policies accepted and meeting criticism than for influencing foreign policy". In the 1970 Committee, the Members showed

1. Bandyopadhaya, op. cit., pp. 135-6
balanced outlook. They were neither rash in youthfulness nor timing on account of their age. In exceptional situations also, the Members expressed their mature and well informed opinion in the realm of foreign policy. Their educational qualifications were encouraging as the 90% of the Members had the opportunity to have University education. The Members had a high parliamentary experience, the majority of them consisted of those who had seen the foreign policy from close quarters and were well aware of the Parliamentary Procedure and the working of its committee.

TABLE I

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 40 years.</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>Between 40 and 60 years.</td>
<td>17</td>
<td>57</td>
</tr>
<tr>
<td>Over 60 years.</td>
<td>8</td>
<td>27</td>
</tr>
</tbody>
</table>

TABLE II

| Without University Education | 3 | 10 |
| With University Education   | 27| 90 |
| Studied abroad.              | 8 | 27 |

TABLE III

Parliamentary Experience:

| One term.                  | 5 | 17 |
| More than one term         | 25| 83 |

FINANCIAL CONTROL OF POLICY THROUGH COMMITTEES:

There are three different Committees of the Government.

2. Estimates Committee.

These Committees are inter-related. The First one has given a go-by due to which there is a serious lacuna in the Parliament. Supplementary Demands for Grants are often presented to the Estimates Committee. The Public Accounts Committee makes a post mortem scrutiny. In the absence of the Standing Committee, such demands escape the examination, the Constitution wishes them to undergo. The work in the Committees is more concentrated and effective than the work in the House. There is more solidarity and substance in the work of Committees.

FACTORS ECLIPSING THE ROLE OF PARLIAMENT:

The above mentioned ways of control and supervision of foreign policy by the Parliament are subject to certain limitations. The Parliament functions under lobbies and pressures from within and without. Nehru had his own 'personality-cult' and enjoyed the confidence of the masses. He was all in all while arriving at decisions. There was a dis-jointed and disorganised Opposition in working. The Parliament is not a body that plans things in isolated tranquillity. The Members are not free or independent to decide the policy or initiate it at any stage. Their freedom is impeded by their party-
affiliations. The discussions of the Members are influenced by the Members' contact with each other. The extent of the influence of the organised pressures within Parliament depends upon how important the Parliament is within the system of Government it operates and what position does the Parliament occupy collaterally in relation to the Executive or Cabinet.

In India, the Parliamentary system in practice has established the Cabinet as an institution, wielding more power than Parliament. It is not Parliament which controls the Cabinet but it is the latter which is more influential. For the Congress-Cabinet, it was easier to overpower the Parliament, due to its thumping majority. Secondly, Nehru's universally accepted charismatic personality, his habit of taking decisions himself and the absence of strong Pressure Groups became more pronounced with regard to the Executive, which was the real decision-maker. Parliament is like a debating society and public forum. The Cabinet in India is relatively strong in position but it is also sensitive to parliamentary pressures and accountability. Parliament can be more effective, if there is strong Opposition with multi-party system. In India, despite the multi-party system, a single Party dominated the political scene and the Cabinet made the Parliament subservient to its policies. The Parliament is less emphatic in affecting foreign policy

1. K.C. Wheare, op. cit., p. 64.
as it sits intermittently and its personnel keeps on changing. The Cabinet also changes but the inner circle of the experts and secretaries as well as the members of various Committees and their sub-divisions, form the permanent Executive. The task of making and implementing foreign policy is left to the Executive and Parliament approves of the proposed policy as a rubber-stamp, after discussing it at length. It is too clumsy and large a body to be convened during emergencies. Secrecy in foreign policy matters is the next factor that imposes a limitation on the Parliament's influence. The policy framers escape to disclose it even to their party members in the Parliament. Public discussion of the delicate international issues and confidential negotiations will lead to harmful consequences. Hence, mostly detailed and timely information is withheld from the Members of the Parliament, on the ground of secrecy and public-interest. Thus the Parliament is utterly impotent if the Government makes secret agreements.

The Members of Parliament allocate less time to the study of foreign affairs and policy. To most of them the problems affecting their constituencies are more important. There is lesser pressure from the constituencies to concentrate on international issues. It leads one to believe that as compared to domestic issues, the foreign policy attracts lesser attention and time of the Members of Parliament.

The hallmark of foreign policy and diplomacy is, negotiation rather than legislation, the chief function of the Parliament. Negotiation and diplomacy hardly involve legislation. The Members have rather a very limited scope for initiation and playing a decisive role in foreign policy-making. Over-participation on the part of Parliament in this regard tends to hinder diplomacy. International events occur so suddenly that the policy decisions require immediate actions in response to events abroad. Immediate and urgent decisions cannot be taken by or in Parliament as it is a gigantic body, consisting of people of diverse interests and opinions. Parliament finds itself at a disadvantage when it tries to deal with international problems. It is more pertinent and desirable that the Cabinet Ministers, who are the spokesmen of the National Government decide the policy. A smaller body is more fit to take measures of this sort. The force of Parliament behind them, facilitates the quick approval of their proposed decisions and approved policies. The Indian Constitution has empowered Parliament to legislate on foreign policy matters and foreign affairs, but it fails to provide it any opportunity to give directives or guidelines in foreign policy. The power to legislate leaves little scope to control foreign policy. There has been a demand that Parliament should prescribe the objectives and guidelines of policy.\(^1\)

\[^1\] Frank Morries, "The Duty of Parliament", The Indian Express (New Delhi), 13.4. 1964.
Often the criticism of the Members of Parliament, appears vain and for the sake of criticism of a policy they themselves endorse. Speaking over an election gathering, on February 17, 1962, V.K. Krishna Menon expressed his concern over the useless foreign policy criticism. "He said that years after years, Parliament had discussed the policy and endorsed it. He told critics of policy that they were attacking not only peace in the world, but also the very decision they had taken in Parliament". 1

The efficiency of parliamentary measures of control is often questioned. While the debates on foreign policy occur, the Members of Parliament keep them restrained and their difference of opinion is expressed with less zeal and zest. Their opinion carries negligible value for election purposes. These measures are hardly calculated to hamper the freedom of action of the Government, which is left completely independent except for a few such checks and limitations, as arise out of its political accountability in general.

Foreign affairs give rise to relatively small amount of legislation, the greater amount of time is devoted to this subject is spent on general foreign policy debates, questions, Ministerial-statements and calling attention notices and motions.

Choosing, sending and instructing the delegates to be sent to attend any international conference falls within the Executive domain only. Such cases are beyond the Parliamentary control. Attempts are made to include the Members of the Parliament in such delegations which can lead to constructive collaboration or Parliament-Executive liaison.

For efficiency in administering foreign policy and unity of command and decision, it is more desirable that the Executive takes immediate decision but on grave national issues, discussions should be taken after proper parliamentary consultation. Certain people suggest that control of foreign policy by Parliament which democratizes it, is not feasible. The control of foreign policy by the Council of Ministers, in a word "Executive" is equally democratic. Barring the area where the Constitution stipulates the necessity of parliamentary legislation and control, it is more practicable that the Executive forms and drafts the policy, on which the Parliament puts its seal of approval.

Taking into consideration the role of Parliament vis-a-vis treaty-making, we find that it is neither legally nor practically possible for Parliament to take part in negotiations leading to treaties. It is simply the ex post facto enquiry that the Parliament does into the contents of a treaty. It is often objected on the democratic grounds that there is no provision for the ratification of treaties by Parliament. In Czechoslovakia,
Denmark, Indonesia, Japan, Laos, Luxembourg, Netherlands, Norway and Switzerland, parliamentary authorisation is a must before ratification process. The Presidential system that operates in the U.S.A., facilitates the best example of the intervention by a parliamentary body. 1 Treaties represent only a small proportion of the diplomatic measures, agreements and declarations. Most of them are beyond the parliamentary authorisation. 2 Under the Indian federal system, the Units or states can not enter into any treaties with the foreign countries.

It is also noticed that the treaties and agreements are subject to less detailed scrutiny and survey by Parliament than other domestic affairs and legislation. The extent to which the treaty-making in India has been insulated from the parliamentary influence is evidenced by the fact that not a single agreement or treaty including those with China, Nepal, Sikkim and Pakistan, political or economic, had been originally discussed and debated in Parliament in advance. Important information about its contents has been withheld from Parliament on the ground of not being in the public interest. The Panchsheel Agreement of 1954, was not placed before the Parliament in broad outlines. The Chinese skirmishes started shortly

2. Ibid., p. 292.
after this Treaty of Trade was formally signed but Parliament remained oblivious of them till 1959.

With regard to the functioning of the Parliamentary Committees, it is suggested that the Members do not meet in a spirit of discussion and understanding, which can be helpful in evolving sound national consensus on the main lines of policy. The whole idea of having a Consultative Committee gets defeated. Its Members can be more instrumental in the policy-planning process by developing more understanding of all problems. The limited success that it attained is due to the fact that its Members discussed some specific matters. They had the occasion to extract a little more information than was hitherto available and the Government got the opportunity of educating Members on some issues. On the political level such a Committee can play a useful role in the process of foreign policy-planning. The Relations Committee of the Senate and the Foreign Affairs Committee of the House of Representatives in the United States of America are perhaps the most influential and effective Parliamentary Committees of the world. Such a Committee-system cannot be transplanted in Indian Parliamentary system.

In order to expedite the business of such Committees, their structure and functioning should be improved. Its membership should be evaluated and analysed. The ceremonial sessions of the Parliament should be decreased as it is an
essential condition to ameliorate Committee work. The Committees should be patterned subject-wise and the scope of their work should also develop on an extensive scale. *Ad hoc* and sub-committees should also be formed to deal with specific issues to which considerable attention may be given.

It is at the instance of the Executive that the parliamentary policy is evolved and given final shape. There is an intimate relationship between the Government and the Parliament because of which, it is the Government's policy with some minor changes here and there that is approved of. In the process of arriving at decisions, the Cabinet and Parliament help one another and it is at this time that Parliament influences foreign policy. There is an obligation over the Cabinet to be alive to Parliament's opinion, to anticipate its views and to be sensitive to its moods. The equilibrium in foreign policy is maintained through the delicate balance between the Cabinet and Parliament.

The first requisite to the effective supervision of the Executive by Parliament is to furnish it with timely information regarding the foreign policy decisions. The Parliament has got a right to obtain all relevant information on the activities of the Government. However, if the information can be of help to the enemy country, it is bound to be secret. In order to expedite parliamentary control over policies, it is also essential that all policies approved by Parliament should be stated in
clear terms. As a matter of principle, Parliament has not defined as to what our foreign policy should be. Almost in every session, Parliament debates it, expresses its views, criticises certain actions and reactions of the Government, with regard to policy matters, but no definite resolution, specifically giving details of our policy and setting the guidelines to the Executive, has ever been passed. It had so far debated and approved the policy, chalked out by the Government. In order to make Parliament more effective, it is pertinent that it sets certain principles, which may form an essential ingredient of the policy, defined and proposed by the Executive. In an era when the Executive 'dictatorship' is gaining momentum and the convention of delegated legislation is widening the scope of Executive influence, Parliament and its functioning needs a thorough enquiry to strengthen its hands, in dealing with foreign policy. The increased control of foreign policy by the Parliament would be in conformity with democratic supervision. The rules of procedure under which the Parliament functions should be revised so as to give more opportunity to parliamentary control. On the plea of general public interest, it is often suggested that the public debate of international affairs and foreign policy during wars is not advisable. With the result, the Executive becomes correspondingly more powerful and the influence of Parliament
suffers a decline; India till now faced many blows to its foreign policy—during the Sino-Indian border dispute and the Chinese invasion, India-Pakistan war over Kashmir in 1965 and the war over Kutch in 1968 and the recent-Bangla Desh war in 1971. During the war periods Parliament receded into background. In 1958, when the Indian Parliament was in the recess and the world was on the brink of another war, the Cabinet and the Prime Minister took important decisions. In order to give a measure of extraordinary control to Parliament, emergency session should be held. It would democratise our foreign policy and encourage the 'national direction' and control of the same. During the Chinese invasion also, it was pertinent to enlarge the scope of parliamentary control.

In the Inter-Parliamentary symposium at Geneva in November 1965, the participants analysed the role of Parliament under different categories namely, as the supreme legislative body, controller of purse and as a body controlling foreign affairs and policy. An extensive discussion took place. On the one hand, there were arguments presenting a theoretical and unrealistic picture of a Parliament closely associated with the conduct of foreign policy. The other section of people emphasised that Parliament should be invested with more power, other than
approving or rejecting the most important political treaties or conventions, implying the implementation of new internal legislation, exercising control through all the parliamentary measures of control.  

PARLIAMENT AND PRESS:

In the Parliamentary life the Press also plays a noteworthy role. Parliament enjoys much prestige in public due to the Press. It is through public-opinion that Parliament keeps the Executive within reasonable limits. The Press is often labelled as an extension of Parliament and it is the Press which struggles to unearth the administrative failings. Official high-handedness, Government's lapses and shortcomings and public grievances are brought out by the Press. Due to the force of public-opinion, the Government tends to identify itself with the general-will. It is through the media of Press that effective, favourable or ineffective public-opinion is formed, about Parliament and the Government. Much ado can be raised about minor and petty misgivings and carelessness on the part of the Government. "Most of the raw-material, for parliamentary questions, motions, debates and discussions comes from the daily press and this is an important instrument on which a Member relies."  

2. Shankdher, op. cit., p. 368.
of what is happening inside Parliament. This is a two-way traffic which enables the press to maintain an important as well as strong link between the Public and the Parliament. The administration is always sensitive to public opinion. The Press is an indirect mode of control. It does not hold any legal authority but it can help to educate and arouse public opinion.

PARLIAMENT AND THE SINO-INeIAN BORDI DISPUTE:

Despite the extensive debates over the Sino-Indian border dispute in Parliament, the role of Parliament has not reached upto the mark. Its role is limited by the information available to it from the Government sources. It can influence the Government or direct it only on the basis of the information fed to it from the Parliament. Places in Ladakh, Longju, Barahoti, Bomdila, Chusul and Aksai Chin, where the major war occurred, were mostly unknown and their location is difficult to identify. Parliament's contribution is limited to temporary excitement when India loses territory or the enemy crosses the borders. The information can be elicited to them to a very limited extent for the obvious reason of secrecy in such matters on the plea of public interest. In the Consultative Committee, the Opposition Members tried to seek information but they have to contend themselves with whatever Nehru reported to them. Though the Opposition often regretted the lack of timely information, the feeling among them was 'Pandit Ji knows best'. The Members of
Parliament, generally speaking, took very little interest in the intensive study of border problems, hence the absence of any spirited and exclusive debates over the White Papers which were occasionally placed in the Library or laid on the Table. Had the members taken more interest in analysing the border problem in detail, their contribution would have been genuine and significant. It is also due to lack of political education of the electorate and the Members of Parliament in general. On most of the criticisms, the Opposition was divided in itself. The political parties do not have a programme of educating their constituents on the issue of relations of India with the outside world.

Parliament was a stooge of Congress in the light of its thumping majority during the Sino-India border dispute. Moreover, in the presence of Nehru, nobody could dare exert greater control and influence. The foreign policy was a singleman's policy. He was not prone to consultations, either of the Members of Parliament or his Cabinet colleagues. Moreover, the Sino-India border dispute was the first major foreign policy issue to be confronted by the Parliament and Government. The role of Parliament was negligible so far as the border dispute was concerned but it paved the way for more parliamentary indulgence.

**INFLUENCE OF PARLIAMENT:**

From the discussion of various instruments of parliamentary control, the role of various Committees of Parliament and the Ministry of External Affairs, it can conveniently be concluded
that the very nature of foreign policy-making leaves little scope for the Parliament to exercise control. Parliament is more of a talking-shop, which is basically constituted to legislate. Due to its numerous strength it is not suited to make policy. Though, Parliament retains considerable power which no Government can afford to overlook, the *ex post facto* nature of enquiry conducted by Parliament makes it effective to a limited extent. In a variety of ways, the Parliament remains concerned with foreign policy discussion. Lengthy debates occur during the debates on the Presidential Address, Grants of the Ministry of External Affairs, general and specific motions on foreign policy or separate disputes. Apart from them the Members are free to raise foreign policy issues through various kinds of other opportunities. Till 1962 when Nehru's sway over Parliament was unparalleled, Parliament's role and influence was not of much significance in addition to its being indirect. Views were vividly expressed on the floor of the House but they did not serve the cause of characterising public-opinion, which can consequently influence the Government. After the Chinese attack Parliament grew more sensitive and critical of foreign policy decisions, defence preparedness and more cautious to the blows to India's status. Parliamentary consultations subsequently increased. Shastri grew more equivocal in consulting and informing the Members of Parliament on significant issues. The Congress showed signs of weakness after 1969 split till Mrs. Indira Gandhi consolidated her leadership and consequently the influence of Parliament began declining. To what extent Parliament would be an effective instrument of control, depends
on the stature of leadership. The gigantic personality of Nehru set forth a precedent in the realm of foreign policy. The role of President in this regard is negligible. In short, the Parliament exercises its influence on the Government through all the above mentioned means. Its primary business is to supervise rather than to initiate, to legislate rather than to negotiate, to set up guidelines rather than to register them and to approve of the Governmental policy rather than to make it.