

**Tibetan Refugees in Mismaria Camp**

**621. Shri Arjun Singh Bhadauria:** Will the Prime Minister be pleased to state:

(a) what is the total number of refugees in Mismaria Camp at present; and

(b) what is the total amount spent so far on its running?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) 3,138 (as on 19th November, 1959).

(b) Rs. 14,73,562-08 nP.

12 hrs.

**MOTIONS FOR ADJOURNMENT****INDO-PAK BORDER DEMARCATION**

**Mr. Speaker:** Regarding the adjournment motion relating to the five villages, which was held over yesterday, the hon. Prime Minister said that he would make a statement about it today. The hon. Prime Minister.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** I enquired into this matter. This area is near the Patharia forest. It is 1·8 square miles, and not five square miles as was suggested yesterday.

This area, according to the Radcliffe Award, falls definitely in Pakistan. This is a fact admitted by both parties, and no one has challenged that. It, however, remained in Indian possession, because we said Pakistan was holding on to other areas, which it should not, and if other matters were settled, and Pakistan gave them up, then we shall do so. So, there was no dispute about the maps or anything about this area, clearly. When all these other matters have been settled, there was no point left for India holding on to it. In fact, this point

was so far clear that it was not even discussed at the last conference. It was an admitted fact.

Now, in accordance with that, it is proposed to demarcate this, and then to hand it over. There has been no demarcation yet. There is no question of handing anything over today. Our military people who are in charge had a meeting, and it is proposed to start demarcation on the 15th December. I do not know how long it will take; whether it will be two weeks or three weeks, I do not know. Till, then, the territorial jurisdiction of India will remain. All that has been done in this area thus far is for the removal of one check-post that we had there. That has been withdrawn.

Even after demarcation, according to the ground rules agreed upon at the last conference, necessary time should be allowed to farmers to harvest their crops, before transfer of territorial jurisdiction. Also, there are clauses in those ground rules about the special responsibility of the party concerned for the protection of person and property of the population, so that their interests might not be prejudiced.

Now, if any kind of territory has to be exchanged and handed over as a result of an award, decision or whatever it is, obviously, the people living there are affected by it. Now, three things happen. In this case, you will be pleased to notice that in effect, the decision was taken not today but by Mr. Justice Radcliffe many years ago, eight or nine years ago; but because of various complications and conflicts, it was not given effect to as in other cases. Now, the people are affected. The people can have a choice of three things. One, of course, is that they choose to become the nationals of the country to which that little area goes. The second is that they remain Indian nationals but continue living there as foreign nationals. The third is that they change their habitant.

These are the facts that I have been able to obtain.

**Shri Braj Raj Singh (Firozabad):** May I know whether the possession is not being handed over today at 4 P.M.?

**Shri S. M. Banerjee (Kanpur):** Since the hon. Prime Minister has clarified the position, I would like to know only one thing, namely whether it is correct that there are 370 families in this area. Secondly, if they want to remain in India and have Indian nationality, then they are actually displaced persons, because they were living in this area thinking that the land belonged to India. May I know, whether they will be given rehabilitation loan or they will be rehabilitated in other places? That is one thing. Another thing that I would like to know is for how long this will be done.

**Mr. Speaker:** What the hon. Member wants to know is this. If there are 370 families or families round about that number and if they want to come back to India, would they be rehabilitated here with particular grants and so on?

**Shri Jawaharlal Nehru:** Till the exact demarcation is complete, we cannot say how many villages or people are involved. Normally, of course, one does not expect large numbers of people to come across. They have their lands etc. They should remain there, even, if they like, as Indian nationals; they can remain there. If any come across, what the hon. Member has suggested will naturally be considered.

**Shrimati Renu Chakravartty (Basirhat):** In the past, the hon. Prime Minister has been good enough to give this sort of assurance that the matter would be considered, if the people who are there want to come over; if they want to remain there in Pakistan, they are welcome to remain there. Whenever this mat-

ter has come up before the Rehabilitation Ministry, they have always said, that this is a matter of policy and unless the Government of India decide on it one way or the other, they cannot do anything.

Therefore, I would like the hon. Prime Minister to state whether if anybody chooses to come over to India, he will be entitled to the full benefits of rehabilitation which the other refugees have received. That is the point which everybody wants to know.

**Shri Jawaharlal Nehru:** No. I am quite clear about it. This matter will have to be considered *de novo*. There is no question of old benefits being attracted by it. They dealt with other questions, other circumstances. Here are people, who, I presume, are in possession of land. It is open to them to continue in that land, to remain there. If they want to come away, they may try to sell the land if they like. There is no pushing about, I mean; in given circumstances, they can either remain there, as I said, as Indian nationals or as Pakistani nationals or come away. If they come away, they can sell the land; they can make some provision, or whatever it is; conditions are quite different.

As I said in reply to the previous hon. Member's question, this matter in the shape in which it comes up will, no doubt, be considered by the Bengal Government. But I want to make it perfectly clear that the old rules etc. affecting the refugees will not apply to them.

**Shri Khadiikar (Ahmednagar):** On a point of constitutional clarification. When these agreements are reached, they are covered by entry 14 in List I of the Seventh Schedule of our Constitution. It is not a question of

[Shri Khadi[kar].

Bengal Government or Assam Government. Entry 14 reads thus:

"Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries."

That is a right of the Union Government. I want to know from you whether when this is finalised, it would be placed before the House for ratification, because treaties and different from this sort of agreements. On this point, the Constitution is not quite clear. So, this becomes a precedent.

**Shri Jawaharlal Nehru:** I venture to say that this is not even a part of the recent arrangement. On the 16th of this month, I placed a bundle of papers, decisions of this joint conference between India and Pakistan, agreements etc. This is no part of that, because it has been admitted all along that this belongs to Pakistan because of the Radcliffe Award. So this type of question does not arise.

The other papers—about the other part of it—have been placed before the House.

**Shri A. C. Guha (Barasat):** The Prime Minister has suggested three courses of action for those people who are residing there. The first is to remain as Pakistan nationals. I do not think they would like that. The second course is to remain as Indian nationals. That is not practicable. That is not possible for them to do. So the only thing open to them is to migrate.

**Shri Jawaharlal Nehru:** Why is it not possible?

**Shri A. C. Guha:** It would require the intervention of the Government of India for the sale of their property. Without that, it will not be possible for them to sell their property and

come over here. So it would be better for Government to give some sort of assurance that if they try to come over here after selling their properties, the Government of India would intervene for the sale of properties, and would give them all facilities for rehabilitation.

**Shri Jawaharlal Nehru:** If I may add another word, I cannot rule out the possibility of their or anybody else's not having fair chances of living there. But after the agreement that has been entered into, the kind of pressures that were brought to bear upon the minority communities will not presumably be there. Apart from this fact, I am told that about 60 per cent. of the population of these villages is Muslim. All these factors come in and there is no particular reason why those people, at any rate, should want to come over. I cannot say more on this. If in spite of this, some people come over, their cases will be considered favourably.

**Mr. Speaker:** In view of the statement made by the hon. Prime Minister, I do not think it is necessary for me to give my consent to this adjournment motion.

Regarding the other matters, the hon. Prime Minister has said that after the demarcation is effected, if any difficulties arise in the matter of adjustment, they will be considered.

As regards a discussion on this matter today, it is an old affair. So far as the general proposition is concerned, agreements are not discussed except when it is the desire of the whole House to discuss the matter. I do not know how far this is such a serious matter. This only follows from what has already been done. It is a matter for consideration. I am not called upon to give any opinion now.