

NOTIFICATIONS UNDER ALL INDIA SERVICES ACT

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under sub-section (2) of Section 3 of the All India Services Act, 1951, a copy of each of the following Notifications:

- (1) G.S.R. No. 764 dated the 6th September, 1958.
- (2) G.S.R. No. 765 dated the 6th September, 1958 making certain amendment to the Indian Police Service (Uniform) Rules, 1954. [Placed in Library. See No. LT-916/58.]

COIR INDUSTRY (REGISTRATION AND LICENSING) RULES

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): I beg to lay on the Table, under sub-section (3) of Section 26 of the Coir Industry Act, 1953, a copy of the Coir Industry (Registration and Licensing) Rules, 1958 published in Notification G.S.R. No. 47 dated the 22nd February, 1958, [Placed in Library. See No. LT-912-58.]

AMENDMENTS TO COMPANIES (CENTRAL GOVERNMENT'S) GENERAL RULES AND FORMS

Shri Satish Chandra: I beg to lay on the Table, under sub-section (3) of Section 642 of the Companies Act, 1956, a copy of Notification No. G.S.R. 750 dated the 30th August, 1958 making certain further amendments to the Companies (Central Government's) General Rules and Forms, 1956. [Placed in Library. See No. LT-913/58.]

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Estate Duty (Amendment) Bill, 1958, which was passed by the Lok Sabha at its sitting held on the 1st September, 1958, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.17 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

RESULTS OF TALKS HELD BETWEEN THE PRIME MINISTERS OF INDIA AND PAKISTAN ON THE 9TH AND 10TH SEPTEMBER, 1958.

Shri S. M. Banerjee (Kanpur): Under rule 197 I beg to call the attention of the Prime Minister to the following matter of urgent public importance and I request that he may make a statement thereon:

"Results of talks held between the Prime Ministers of India and Pakistan on the 9th and 10th September, 1958."

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, as the House knows the Prime Minister of Pakistan visited Delhi at our invitation. He came here on the 9th of this month and left yesterday morning.

In the course of his stay here, we had talks with each other in regard to border problems principally. At the end of his stay here, a statement a brief statement, was issued which has already appeared in the daily press this morning. If you wish I can lay a copy of that Statement on the Table.

Mr. Speaker: Yes.

Shri Jawaharlal Nehru: That statement states that a number of border problems relating to the eastern region have been solved, or agreements have been arrived at. Some other matters still remain for further consideration, and some procedures have been laid down.

I am not quite sure if it will be easy for me to explain, and for the House to understand, the specific border problems of villages here and there. Nevertheless, I shall endeavour to refer to them.

In the eastern region there was a boundary dispute between West Bengal and Pakistan, between the district of Murshidabad and the district of Rajshahi including the thanas of Nawabganj, Pakistan, and Shivganj, which was earlier, in the pre-partition days, Malda District. This was No. 1 of the Bagge Award.

I might mention here that just before the actual partition took place, Mr. Justice Radcliffe was appointed to determine the exact line of partition of the frontier. He did so, and that was very largely accepted, but some disputes arose as to the interpretation of the Radcliffe Award. Some time thereafter, another tribunal was appointed presided over by Mr. Justice Bagge and having a Judge from India and a Judge from Pakistan. This Bagge Tribunal considered the disputes in the eastern region, and made certain recommendations or awards rather. Again, most of these were accepted and acted upon. But, unfortunately, some doubts still persisted, and some arguments and controversies went on in regard to some areas, and that has continued all these years. So, on this occasion, we considered some of these disputes still persisting. And one of the decisions arrived at was in regard to this, what is called, Bagge Award No. 1, which I have just related, and another one, Bagge Award No. 2 between West Bengal and Pakistan, concerning the common boundary between a point on the River Ganges where the channel

of the river Matabhanga takes of according to the Radcliffe Award and the northernmost point where the channel meets the boundary between the thanas of Daulatpur and Karimpur; this has been decided previously; it has been settled that exchange of these territories should take place by the 16th January.

Then, there was a dispute called the Hili dispute, also between West Bengal and Pakistan. Pakistan gave up or dropped this dispute, and, therefore, the position has been decided and remains in favour of India.

The fourth was the Berubari Union No. 12. That is also between West Bengal and Pakistan. It was decided to divide the area under dispute by half and half, half going to India and half going to Pakistan.

The next one is about two Cooch-Bihar chitlands, on the border of West Bengal, which, it has been decided, should go to West Bengal.

The next was some disputes about that border between the 24-Parganas in Khulna and the 24-Parganas in Jessore. It was decided again here that the mean position should be adopted in both these, taking the river Ichamati as a guide, that is, as far as possible, pursuing this river. These are in regard to the border disputes between West Bengal and Eastern Pakistan.

Then comes the dispute between Assam and Eastern Pakistan. There was the Bholaganj dispute. In regard to this, Pakistan gave up its claim.

Then, there are the two rivers, the Piyain river and the Surma river. It has been decided to have a demarcation made according to notifications made, that is, previous notifications; therefore, we cannot be sure where this demarcation will be, but it has been decided that wherever the demarcation may be, full facility of

navigation should be given to both sides. That is in regard to navigation in these rivers.

Then, we go to the Tripura-Pakistan border. There was a small bit of territory, a few acres, near the railway, where the railway passes. We have agreed to give this small territory to Pakistan because it is near their railway.

Another Tripura dispute is about the Feny river. This has been decided to be dealt with separately. The course is being laid down.

There is one thing more, which has been long causing us, and I believe Pakistan, a great deal of trouble. These are the Cooch-Bihar enclaves. The Cooch-Bihar State had little bits of territory all over, and some of those fell in Pakistan and some in India on partition, as Cooch-Bihar State itself. Therefore, the result is that we have some territory in Pakistan, little enclaves, little islands, and they have some here, which is very awkward. They cannot deal with their territory inside India, and we cannot deal with our territory inside Pakistan. In fact, nobody deals with those territories. In law, we cannot, in practice, we cannot, and they are just odd bits, usually the home of smugglers and other fugitives from the law. So, it has been decided ultimately that we should just exchange them, that is, our Cooch-Bihar territory in Pakistan goes to Pakistan, and their enclaves in India come to India.

All these changes involves some exchanges of territory; in some cases, India gains a little territory, and in others, they gain it. These are more or less the decisions arrived at.

Then, I might mention those problems that are left over for decision. One is the Patharia hill reserve forest in the eastern region. According to us, of course, that belongs to us. But there has, nevertheless, been some dispute there. We have decided that we should ask the two conservators

of forests, that is, of Assam and of East Pakistan, together with the two Chief Secretaries, to meet to draw up provisionally some line there, even previous to a settlement of that dispute, so that there might not be friction. As a matter of fact, nobody lives in this forest. Disputes arise because of timber; people go over in the other area. So, in order to avoid this overlapping, some temporary line may be drawn till such time as we can settle that matter.

Then, there is another matter, and probably one of the more important ones in Assam, on the Assam-East Pakistan border. This was also referred like the Patharia reserve forest to the Bagge Tribunal. This is in regard to the course of the Kushiara river. The Bagge Tribunal decided about the course of the Kushiara river, but, according to us, some points have not been cleared up and are due to some confusion about maps etc. And this point has remained. It is an area, containing, I believe, or consisting of, about 30 villages. That is in our possession at present, and has been, in fact, all along in our possession. These will have to be decided, that is, both these matters which pertain to the eastern region—in fact, these are the only matters pertaining to the eastern region—have to be decided still, apart from one of the small ones.

On the western side, the points to be determined are these; in effect we did not decide anything about the west. There are the Suleimanki and Hussainiwala areas. Both deal with headworks, canal headworks. It is not a question of any large area, but nevertheless, dealing with how the headworks are to be worked, and who should have the bunds. And they are of certain importance not in area but otherwise. In regard to these two, we have suggested that the two Secretaries should consult their respective engineers the two Secretaries meaning the Commonwealth Secretary of India and the Foreign

[Shri Jawaharlal Nehru]

Secretary of Pakistan, and after joint consultation with the engineers, should report to us. Then, there is a small area of three villages in the Lahore-Amritsar border, Sarja Marja etc. And another matter which we had not considered was in dispute. But, nevertheless, Pakistan has referred to that. It is... No, I beg your pardon. There is one matter which concerns Chak Ladheke, a small tongue of land there in the Punjab area. Then, there is Chadbet in Kutch; Pakistan raised this question two or three years ago; and we did not do anything; we thought that there was no dispute about it, and we sent them a rather lengthy reply to which their answer really came about ten days ago, after two years. Anyhow, because they claimed something, this is also a matter to be considered. Therefore, the position is this. Quite a number of matters which were leading to irritation between the two countries have been disposed of. Naturally, that is a matter for satisfaction, for each little thing creates confusion on the border and people there suffer.

In regard to one—which might be called somewhat—bigger matter, of Assam, that is, following the course of the river Kushiya, that is yet to be considered by us. The Patharia Forest question is really not a difficult one, but because the one to which I have just referred, the 'Kushiya' has not yet been settled. Pakistan wanted to attach that also for consideration in future. On the western side, there are these headworks etc. and some bits of land.

We thought, and we still think, that the best course to decide any remaining matter, which cannot be decided by talks between ourselves, is to refer it to some independent party—tribunal—to decide, because there is no other way. Either we come to an agreement ourselves or ask somebody else to advise and we will accept whatever decision is arrived at, whether it is in our favour or

against us. For the present, the Pakistan Prime Minister was not agreeable to this being done in regard to one particular matter. But the matter is open for consideration. In our statement that has appeared in the Press, it is said that these matters are reserved for future consideration between us.

There are two other things. One is that we have said in regard to the exchange of small territories that we do not want migration from them, as far as possible, and we advise the people to continue living where they are.....

An Hon. Member: It is impossible.

Shri Jawaharlal Nehru:..... and accept the country to which they will now belong. In any event, it is not a question of large numbers. But we see no reason why this idea of people migrating should be encouraged there.

Further, we have said that we hope to keep in touch with each other and try to reduce the areas of difference in this way and find out some way of deciding the points that remain. On the whole, therefore, I think that the result of our meeting has been satisfactory.

I also lay on the Table a copy of the communique issued after the talks. [Placed in Library. See No. LT-917/58.]

Shrimati Renu Chakravarty (Basirhat): May I ask one question on a point of information? I want to know whether any discussion took place regarding exchange of prisoners. We had heard that on the 9th there would be exchange of prisoners. But except in Tripura, we have not heard of any exchange of those who have been arrested along the borders.

Shri Jawaharlal Nehru: My impression was that the exchange of

prisoners had taken place. I really do not know if it has actually taken place.

Shrimati Benu Chakravarty: Those who were arrested and taken away—have they all been released?

Shri Jawaharlal Nehru: I will try to find out. The lists exchanged between Pakistan and India about prisoners were not identical, that is to say, according to us, if they had 15, according to them, they had only 10. The admitted ones were released. In regard to the others, those that are mentioned in our lists, we will try and find out. Those that were mentioned in both the lists were released. There is no doubt about their release. The point is of finding them out.

Shrimati Benu Chakravarty: The hon. Prime Minister knows that we have been trying to negotiate for certain people along the 24-Parganas border who were arrested over the last five or six months. They have not yet been released. That was why I asked this question.

Shri Jawaharlal Nehru: I do not know about some old prisoners, how they are affected. The hon. lady Member says that they were arrested six months ago. Anyhow, I will try to find out and let her know.

Shri Hem Barua (Gauhati): On a point of information....

Mr. Speaker: It is not usual to ask questions after a statement is made in reply to a Calling Attention notice. Hon. Members will kindly read the statement of the hon. Prime Minister.

Shri A. C. Guha (Barasat): I want a clarification just in regard to one village Turkergram. It was under Pakistan occupation. Nothing has been stated about that. What is the position of Turkergram village?

Shri N. E. Ghosh (Cooch-Bihar): Half of Beru Bari is going to be given

to Pakistan. That portion is inhabited by 10,000 people who migrated from Pakistan and who were rehabilitated there. What will happen to them? In the exchange of enclaves, could that not be adjusted?

Shri Jawaharlal Nehru: Half of what? I could not follow what the hon. Member said.

Shri N. E. Ghosh: When the enclaves were exchanged, we were to get a bigger area as our enclaves are much bigger than theirs. We are now going to make over half of the Beru Bari to them. This half is actually inhabited by 10,000 refugees who migrated from Boda and other areas now in East Pakistan. They had rehabilitated themselves there by their own efforts. These people are going to be refugees again.

Shri Jawaharlal Nehru: I cannot answer that question.

The first question presumably relates to the so-called Cooch-Bihar enclaves.

Shri A. C. Guha: No, Sir. It is not in Cooch-Bihar enclaves.

Shri N. E. Ghosh: Half of Beru Bari is being given to Pakistan. This is in the Jalpaiguri Thana. This portion was alleged to belong to Pakistan. When this area was being given to Pakistan, could this not have been adjusted against the surplus area which we were to get by the exchange of enclaves without making a gift of the surplus area to Pakistan? What will happen to these 10,000 refugees?

Shri Jawaharlal Nehru: The hon. Member, when he uses the word 'enclaves' refers to Cooch-Bihar enclaves. It is true that the area of the Cooch-Bihar enclaves is about 11 square miles of territory or so. There is more of it in the enclaves we give. But in some of the other enclaves that I have referred to, we get more land from Pakistan. It has been, to some extent, adjusted, not precisely and

[Shri Jawaharlal Nehru]

exactly. We get more in some of these exchanges and they get more in others. There is no other way of coming to an agreement.

Shri N. K. Ghosh: That portion actually was not occupied by any refugees, but this portion of Beru Bari is inhabited by refugees.

Raja Mahendra Pratap (Mathura): May I ask why did not the hon. Prime Minister take advantage of this opportunity to settle the broader question, and do away with the frontiers altogether?

Some Hon. Members rose—

Mr. Speaker: I am not going to allow any questions.

Shri Raghunath Singh rose—

Mr. Speaker: Order, order. Hon. Members know that after a Call Attention Motion has been answered, there are no questions allowed. If any hon. Member has got a doubt and wants to ask some questions, I will allow them later on in the usual course; the questions will come up if they are of very great importance.

श्री रघुनाथ सिंह (वाराणसी) : अध्यक्ष महोदय, मैं कोई सवाल नहीं पूछना चाहता हूँ। मैं एक निवेदन करना चाहता हूँ और वह यह है कि कम से कम दो घंटे के लिये इस विषय पर यहाँ डिबेट होनी चाहिये ताकि हम लोग अपने विचार इस पर प्रकट कर सकें।

Shri Jawaharlal Nehru: I do not quite know whether the hon. Member wanted a debate on this, on what I have read out. The hon. Member also wanted debates on one or two other matters in the course of the last half hour! I do not know what there is to debate about this. Of course, if the House wants to have any more clarification, I am prepared to give it. But the House will realise that we have come to an agreement and I have to

honour that agreement—we have to honour that agreement. If I have made mistakes, I can be censured. But I have got to honour it, so far as I am concerned.

श्री रघुनाथ सिंह : सैंडबोर करने का सवाल नहीं है। एजीमेंट में कुछ हिस्से हैं जो बाकी हैं और उन के बारे में हम लोग कुछ सजेशन देना चाहते हैं। हम कोई डिबेट करना नहीं चाहते, केवल सजेशन ही देना चाहते हैं।

Mr. Speaker: Order, order. This is unusual of Shri Raghunath Singh.

Shri Jawaharlal Nehru: Surely a debate in the House is the worst possible medium to give suggestions for future negotiations. I do not understand why hon. Members want a discussion on this like that on the canal waters. One does not, when one has to deal with another country, have a public debate as to how to negotiate.

श्री रघुनाथ सिंह : अध्यक्ष महोदय, हम कोई डिबेट

Shri Tyagi (Dehra Dun): On a point of order on the clarification (Interruptions). According to the Constitution, no territory of India could be transferred out without the sanction of this House. I, therefore, want a clarification on this issue as to whether all these agreements arrived at shall be put before the House for obtaining the approval of the House.

Shri Jawaharlal Nehru: That is a constitutional matter which the hon. Member has raised. So far as boundary adjustments are concerned, all these are interruptions or the like of the Radcliffe Award or the Bagge Award. I do not think this would require any such thing. It may, I do not know how far; but so far as the Cooch-Bihar enclaves are concerned, they might, perhaps, require a kind of reference. I shall ask my colleague, the Law Minister to look into that.