

[Shri Tridib Kumar Chaudhuri]

and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the later dispute (Ichhamati river)."

Similarly, with regard to item (7), the Piyain and Surma river regions have yet to be demarcated, yet to be ascertained, measured as to what would be the actual extent of territory that would be coming to us. Even with regard to the Cooch Behar enclaves, whose boundaries are fairly well known and can be ascertained from the old records of Cooch Behar State, we only find mention of the enclaves, we do not find any mention of the extent of territory that is coming to us.

If I may refer to you to an old Act passed by the provisional Parliament, the Assam Alteration of Boundaries Act, Act 47 of 1951, there nearly 32 sq. miles of Assam's territory and India's territory was transferred to the State of Bhutan. There it was precisely stated that the strip of territory measuring so much, with the boundaries indicated, was to be ceded to the State of Bhutan. But here we find...

Shri Tyagi: On a point of order, Sir. As far as I understand, the merits of the Bill can be gone into only when you are pleased to say that the Bill is under consideration. You have not yet been pleased to announce that the Bill is under consideration. So, this is not the stage for a detailed discussion of the merits of the Bill. He can raise objection—I can understand that but he is going into the merits of the Bill. Is this the stage to go into the merits?

Mr. Speaker: Rule 72 reads:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory

statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:"

He is opposing the motion, and says that the Bill ought not to be introduced. If the motion giving leave to introduce the Bill is carried, his objection will not stand. I am not allowing him to argue. He has referred to three points. The third is that the boundaries have not been properly demarcated. On this ground also he says the Bill has to be thrown out, leave ought not to be given. We will come to it later on, but at this stage points on which the House has to come to a conclusion whether to give leave or not can be considered. He need not develop any argument.

Shri Tridib Kumar Chaudhuri: I wish to say that this Bill is vague and imprecise and bad in law and will be thrown out as in the case of some land laws and civil laws.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith."

The motion was adopted.

Shri Jawaharlal Nehru: I introduce the Bill.

13.07 hrs.

CONSTITUTION (NINTH AMENDMENT) BILL*

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to move for leave to

†Introduced with the recommendation of the President.

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introduce a Bill further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan.

Shri Tridib Kumar Chaudhuri (Berhampur): I wish to oppose the Bill.

Mr. Speaker: He has already given the arguments.

Shri Tridib Kumar Chaudhuri: Not on this Bill.

Mr. Speaker: Let me place the motion before the House.

Motion moved:

"That leave be granted to introduce a Bill further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan."

Shri Tridib Kumar Chaudhuri: I have already stated, in connection with the other Bill, two of the principal arguments, that is, that the Indo-Pakistan agreement violates every canon of democracy and consigns about 17,000 of our people to the tender mercies of a military dictatorship ruling in the theocratic State of Pakistan. I have already referred to the vagueness of the Bill. That applies to this Bill also.

Thirdly, although the Bill purports to follow the opinion of the Supreme Court, the manner in which the Supreme Court's judgment has been interpreted and the Constitution has been interpreted and the manner in which the Bill has been couched, I feel, would amount to a fraud on the Constitution.

Shri H. N. Mukerjee (Calcutta-Central): I oppose the introduction of the Constitution (Ninth Amendment) Bill not because I am not eager for an agreement with Pakistan on as cordial a basis as is possible, but because I feel that Government in this matter has proceeded precipitately and without understanding the issues involved. I am very keen to see, and we have said this in this House over and over again, that all our differences with Pakistan are resolved as soon as ever that is possible, but that is no reason why the interests of our people should be sacrificed in a careless fashion. Almost in a fit of absentmindedness our people are now being carted away from one allegiance to another without any reason that warrants itself to the conscience of this House as far as I can interpret it. This matter has a long history, and there has been a reference to the Supreme Court. And the finding of the Supreme Court, as far as we can understand it, is very clear on this point, that at the time when the negotiations were going on with Pakistan, there was an understanding on the part of our Government that it was only the question of boundary disputes which were going to be settled one way or the other, and because it was a matter merely of adjustment of boundary disputes, very probably, in 1958, sufficient attention was not given to this proposition. The Supreme Court has made it very clear—and at this point of time, I am not going to refer to its judgment in any detail—that the argument which was strenuously and earnestly put forward by the Attorney-General on behalf of the Government was wrong, that it was not a matter merely of the adjustment of a boundary dispute but it was in fact a question of cession or alienation of a certain part of our territory.

It so happens also from a purely human point of view that the territory which is now proposed to be given over has a population where the majority community is very largely composed of the people who have

[Shri H. N. Mukerjee]

already once been uprooted from their homeland, and who are now facing the eventual possibility of rather another uprooting.

In view of the finding of the Supreme Court that this was not a mere boundary dispute, that it was not a mere adjustment which was being sought to be satisfactorily settled by the Prime Ministers of India and Pakistan in 1958, but that it really amounted to a cession or alienation of a certain part of Indian territory, I feel that *ab initio* the agreement was arrived at in a condition which vitiates the entire proceeding, and that is why I wish that the matter should be held up, though, after all, we want in India and in Pakistan settlement and peace, particularly, in our border regions; even in the border regions, if a settlement which is so egregiously unfair to the inhabitants concerned takes place, naturally there would be no peace. I say also that as in the nineteenth century when Matternich and the Congress of Vienna were operating, people were treated like human cattle to be transported from one allegiance to the other, here without any reference to the people of the area concerned, who were obviously unanimously opposed to this kind of a change of allegiance, this decision has been arrived at by Government. I feel that Government has done things in a huff. I feel that if the Prime Minister comes and tells us that it is an issue of the prestige of the country, because the Prime Minister of India has given his word which has got to be honoured, he is not really posing the prestige of the country and of himself in the proper perspective. The prestige of India and of the Prime Minister will rise higher in the world, if the Prime Minister says today that it was on the basis of a misapprehension that in 1958, in so far as the Berubari transfer was concerned, he had come to an agreement with Pakistan. That is why I say that it does not hurt our prestige at all if we reconsider the matter,

hold the things up and have a real proper agreement with Pakistan which would settle matters and which will not leave a hang-over of frontier disputes and troubles of the sort which I am sure will follow from the proceedings which the Prime Minister is trying to initiate in this House.

Shri Hem Barua: May I say a few words?..

Shri Mahanty: I wish to oppose this motion for a different reason....

Mr. Speaker: Shri Mahanty.

Shri Mahanty (Dhenkanal): I wish to oppose this motion for a different reason. Under Entry 14 in List I of the Seventh Schedule of the Constitution, the Government of India are entitled to enter into any kind of decision in any kind of international conferences or agreement with any kind of foreign Powers. This Bill has been framed on the basis of the Nehru-Noon agreement, of which mention has been made in the Statement of Objects and Reasons. We are going to implement the Nehru-Noon Agreement by means of this Bill, but this House was never been afforded an opportunity to discuss the Nehru-Noon agreement, much less to ratify it; the House has never been given an opportunity to discuss the pros and cons of that agreement and its merits and demerits, and it is on the basis of that agreement that this Bill has been framed. We feel it very improper on the part of Government to have come forward before this House with this Bill for implementing an agreement which the Parliament had no opportunity to discuss. Therefore, it has been my painful duty to oppose this motion.

Mr. Speaker: The hon. Member has got only a right to state his point, and he has done so. He has stated that the agreement ought to have been ratified by this House and thereafter

only this Bill should have been brought forward. The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan".

The Lok Sabha divided.

Mr. Speaker: The result is on the Board. Has any hon. Member's vote not been recorded?

Shri Abdul Latif (Bijnor): My vote is not recorded. I voted for 'Ayes'.

Shri C. D. Pande (Nainital): There is no light on my table.

Division No. 6]

Abdul Latif, Shri
Achal Singh, Seth
Achar, Shri
Alva, Shri Joachim
Ancy, Dr. M. S.
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Atchamamba, Dr.
Ayyakannu, Shri
Babunath Singh, Shri
Barman, Shri
Barupel, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bholi Sardar, Shri
Bist, Shri J. B. S.
Borooh, Shri P. C.
Chaturvedi, Shri
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Damani, Shri
Dasappa, Shri
Datar, Shri
Daulta, Shri P. S.
Dube, Shri Mulchand
Ganapathy, Shri
Gandhi, Shri M. M.
Ghosh, Shri Aruiya
Ghosh, Shri M. K.
Guha, Shri A. C.
Gupta, Shri Ram Krishan
Harvani, Shri Anwar
Mathi, Shri
Heda, Shri

Hem Raj, Shri
Hukam Singh, Sardar
Iqbal Singh, Sardar
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jedhe, Shri G. K.
Jhunjunwala, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Jogendra Singh, Sardar
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Keshava, Shri
Khadiwala, Shri
Khan, Shri Osman Ali
Khan, Shri Sadath Ali
Khwaja, Shri Jamal
Kistaiya, Shri
Krishna Chandra, Shri
Krishnappa, Shri M. V.
Lahiri, Shri
Mafida Ahmed, Shrimati
Maiti, Shri N. B.
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Malvia, Shri K. B.
Manaen, Shri
Mandal, Dr. Pashupati
Maniyangadan, Shri
Manjula Devi, Shrimati
Mathur, Shri Hariash Chandra
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri R. R.

Shri Jhunjunwala (Bhagalpur): I voted for 'Ayes'. But the machine has not worked.

Shri Pramathanath Banerjee (Contai): I voted for 'Noes'. But my vote is not recorded.

Shri Radha Mohan Singh (Ballia): I voted for 'Ayes'. But it is not recorded.

Shri Jawaharlal Nehru: My vote has not been recorded.

Mr. Speaker: The hon. Prime Minister's vote has not been recorded!

The result of the division is as follows:

'Ayes' 169*; 'Noes' 46.

AYES

13·18 hrs.

Mishra, Shri S. N.
Mishra, Shri B. D.
Mohammad Akbar, Shaikh
Mobiuddin, Shri
Morarka, Shri
Murty, Shri M. S.
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Nanda, Shri
Narasimhan, Shri
Narayanasaamy, Shri R.
Naskar, Shri P. S.
Nayak, Shri Mohan
Negi, Shri Nek Ram
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Neswi, Shri
Onkar Lal, Shri
Palaniyandy, Shri
Palchoudhuri, Shrimati Ila
Pande, Shri C. D.
Pandey, Shri K. N.
Parmar, Shri Deen Bandhu
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri R. D.
Patil, Shri T. S.
Pattabhi Raman, Shri C. R.
Prabhakar, Shri Naval
Radha Mohan Singh, Shri
Radha Raman, Shri
Raghubir Sahai, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri

*This figure was subsequently corrected as 170, vide Debates dated 19th December, 1960.

Bill

Ram Subhag Singh, Dr.	Samantsinhar, Dr.	Sinha, Shri Satyendra Narayan
Ramakrishnan, Shri P. R.	Sambandam, Shri	Sinha, Shrimati Tarkeshwari
Ramaswamy, Shri S. V.	Sankarapandian, Shri	Sinhasan Singh, Shri
Ramaswamy, Shri K. S.	Sarhadi, Shri Ajit Singh	Snatak, Shri Nardeo
Ramaul, Shri S. N.	Satiah Chandra, Shri	Sonavane, Shri
Ranbir Singh, Ch.	Scindia, Shrimati Vijaya Rajee	Subramanyam, Shri T.
Rane, Shri	Shah, Shri Manabendra	Sumat Prasad, Shri
Rao, Shri Hanmanth	Shah, Shri Manubhai	Swarao Singh, Sardar
Rao, Shri Jaganatha	Sharma, Pandit K. C.	Tariq, Shri A. M.
Rao, Shri Thirumala	Shastri, Shri Lal Bahadur	Tewari, Shri Dwarikanath
Raut, Shri Bhola	Shastri, Swami Ramanand	Thakore, Shri M. B.
Reddy, Shri K. C.	Shivannajappa, Shri	Thomas, Shri A. M.
Reddy, Shri Narapa	Shree Narayan Das, Shri	Tiwari, Pandit D. N.
Reddy, Shri Rami	Shukla, Shri Vidya Charan	Tyagi, Shri
Reddy, Shri Viswanatha	Siddanajappa, Shri	Upadhyay, Pandit Munishwar Dut
Roy, Shri Bishwanath	Siddiah, Shri	Upadhyaya, Shri Shiva Dett
Rungung Suisa, Shri	Singh, Shri D. N.	Verma, Shri B. B.
Sadhu Ram, Shri	Singh, Shri D. P.	Verma, Shri Ramsingh Bhai
Sahu, Shri Rameshwar	Singh, Shri K. N.	Vedakumari, Kumari M.
Saigal, Sardar A. S.	Sinha, Shri Gajendra Prasad	Wadiwa, Shri
Samanta, Shri S. C.	Sinha, Shri Satya Narayan	Wasnik, Shri Balkrishna

NOES

Assar, Shri	Jadhav, Shri Yadav Narayan	Patil, Shri U. L.
Banerjee, Shri Pramatha	Kar, Shri Prabhat	Pillai, Shri Anthony
Barua, Shri Hem	Khushwaqt Rai, Shri	Prodhan, Shri B. C.
Brij Narayan "Brijesh", Pandit	Kodiyan, Shri	Punnoose, Shri
Chandramani Kalo, Shri	Kunhan, Shri	Rajendra Singh, Shri
Chaudhuri, Shri Tridib Kumar	Mahagaonkar, Shri	Ram Garib, Shri
Das Gupta, Shri B.	Mahanty, Shri	Ranga, Shri
Dasartha Deb, Shri	Majhi, Shri R. C.	Sampath, Shri
Deo, Shri P. K.	Mehta, Shri Asoka	Seth, Shri B. C.
Dwivedy, Shri Surendranath	Mohan Swarup, Shri	Shastri, Shri Prakash Vir
Elias, Shri Muhammed	Mukerjee, Shri H. N.	Sugandhi, Shri
Ghosal, Shri Aurobindo	Mullick, Shri B. C.	Supaka, Shri
Ghose, Shri Bimal	Pandey, Shri Sarju	Tangamani, Shri
Godsora, Shri S. C.	Panigrahi, Shri Chintamon	Thakore, Shri M. B.
Gupta, Shri Indrajit	Parvathi Krishnan, Shrimati	Vajpayee, Shri
		Verma, Shri Ramji

The motion was adopted.

Shri Jawaharlal Nehru: I introduce the Bill.

13.22 hrs.

INDIAN TARIFF (AMENDMENT)
BILL

The Minister of Industry (Shri Manubhai Shah): I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration".

Shri Yadav Narayan Jadhav (Mahagaon): No time has been allotted to this Bill.

Mr. Speaker: I think 2 hours have been allotted.

Shri Naushir Bharucha (East Khandesh): We are only going to