

Mr. Speaker: I am not going to allow.

12:27 hrs.

ACQUIRED TERRITORIES (MERGER) BILL AND CONSTITUTION (NINTH AMENDMENT) BILL—
Contd.

Mr. Speaker: The House will now take up further consideration of the following motions moved by the Prime Minister on the 19th December, namely:—

“That the 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, be taken into consideration.”

“That the 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, be taken into consideration.”

Out of 7 hours allotted for the consideration stage, 4 hours and 50 minutes have been taken. Balance will be 2 hours and 10 minutes.

Shri Braj Raj Singh (Ferozabad): The time may be extended. All those who want to speak may not get a chance if the time is only 7 hours.

Shri Khadilkar (Ahmednagar): There is very little in clause by clause consideration.

Mr. Speaker: We have allotted 3 hours for clause by clause consideration.

Shri Khadilkar: 2 hours will be enough for that.

Mr. Speaker: All right. No hon. Member need take part in the third reading. I will put it to the House.

Shri Khadilkar: Yes.

Shri Dasaratha Deb: It is a very important question, Sir. Secondly, was it also a fact that none of the eleven refugee families who were reported to have purchased the land from the jotedar was present when the incident took place and the reported murdered person was one of those who had been hired by the jotedar to drive the Mag tenants out of the field? May I know if any person from the jotedar's side has so far been arrested and if not why not?

Shri G. B. Pant: All these are covered by the statement I have laid on the Table.

12.26 hrs.

STATEMENT RE: SITUATION IN
LAOS

Shri G. B. Pant: May I make the statement on behalf of the Prime Minister?

Mr. Speaker: Yes.

Shri G. B. Pant: After severe fighting in Vientiane, there appears to be now some lull and the forces of General Phoumi Nosavan appear to be in control of the Vientiane. We have received information that the embassy personnel is safe. Some of the women and children of the embassy personnel managed to leave Vientiane and reach Bangkok. A party of them who were flown out from Bangkok reached Delhi on Saturday, 17th December, 1960. Our embassy in Bangkok has been authorised to give the evacuees any assistance that may be necessary.

Mr. Speaker: Let it not be said that somebody wants to speak at that stage. Time will be extended by 1 hour more. So, we will have 3 hours 10 minutes. For the clauses, at least for one of them, a special majority is necessary. We must finish this by 3.45. Shri Vajpayee may continue his speech.

Shri Vajpayee (Balrampur): May I know why the Prime Minister is not present?

Mr. Speaker: He will come.

Shri Vajpayee: When will he come?

Mr. Speaker: The Home Minister will take notes.

Shri Vajpayee: Is it the Home Minister who is going to reply to the debate or is it the Prime Minister?

Mr. Speaker: It is too much for any hon. Member to expect that at all times and all hours, the hon. Prime Minister or any Minister should be present here. There are occasions when they may not be able to be present. There is the other House also, and there is other work also, so far as the Prime Minister is concerned. Therefore, notes will be taken by the Home Minister and the Prime Minister will be informed.

The Minister of Home Affairs (Shri G. B. Pant): The Prime Minister is taking part in the debate on the international situation in the other House. He cannot be present in both the Houses at the same time.

Shri Vajpayee: Then that debate should not be held on these two days.

Shri G. B. Pant: That has been fixed by the other House.

Mr. Speaker: The hon. Member has already taken two minutes on this discussion. I will reduce it from his allotted time.

Shri Vajpayee: No, Sir. That should not be done.

अध्यक्ष महोदय, कल मैंने निवेदन किया था कि नेहरू-नून समझौता करने से पूर्व प्रधान मंत्री जी ने इस सदन को विश्वास में नहीं लिया। इससे पूर्व भी अनेक अवसर ऐसे आये हैं जब विदेशों के साथ महत्वपूर्ण प्रश्नों के ऊपर इस संसद को विचार करने का अवसर नहीं दिया गया।

12.31 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

प्रश्न केवल बेरूवाड़ी का ही नहीं है। अंग्रेजी सरकार के जाने के बाद भारत को तिब्बत में जो अधिकार मिले थे उन अधिकारों को हमने छोड़ दिया और उस विषय में कभी भी संसद की स्वीकृति के लिये उस प्रश्न को उपस्थित नहीं किया। तिब्बत में अपने अधिकार छोड़ते समय हमने इस बात को भी ध्यान में नहीं रखा कि उस प्रश्न को सीमा के विवाद से जोड़ दें और हमारा जो भी सीमा का स्यायित्व है, उसके संबंध में हम चीन की पुष्टि कर लें। बर्मा के संबंध में भी हमारे प्रधान मंत्री जी इसी प्रकार की अनुचित सुविधा देने के दोषी हैं। जब देश स्वाधीन हो गया तो बर्मा के ऊपर हमारा ४८ करोड़ का कर्जा था। उस कर्जे को माफ करने से पहले इस संसद को विश्वास में नहीं लिया गया। वहाँ के जो भारतीय हैं, उनकी सम्पत्ति जो आज कठिनाई में पड़ी हुई है, उन प्रश्नों का भी विचार नहीं किया गया। बाद में हमने २० करोड़ का ऋण बर्मा को और भी दिया। मैं समझता हूँ कि समय आ गया है जबकि सरकार को अन्तर्राष्ट्रीय संधियाँ और समझौते करने का जो अधिकार दिया गया है, उस अधिकार को प्रतिबन्धित किया जाये। अगर संविधान में संशोधन होना चाहिये तो बेरूवाड़ी को पाकिस्तान को सौंपने के लिये ही नहीं बल्कि सरकार को ये जो संधियाँ इत्यादि

[श्री वाजपेयी]

करने का अधिकार है, इसको लेकर संशोधन इस तरह का होना चाहिये कि वे संविधानों तब तक मान्य नहीं होंगे जब तक कि इन संविधानों के ऊपर संसद की स्वीकृति प्राप्त नहीं कर ली जाती। संविधान करने का जो अधिकार दिया गया है, उसका दुरुपयोग किया जा रहा है और समय आ गया है कि इस अधिकार को मर्यादित किया जाये। बेल्वाड़ी का सवाल हो या पाकिस्तान से नहरी पानी समझौता करने का सवाल हो या पश्चिमी पाकिस्तान से पूर्वी पाकिस्तान को रेल गाड़ी ले जाने का सवाल हो, सरकार को संसद के विचार जानने के बाद ही कोई काम करना चाहिये।

दूसरी बात मैं यह कहना चाहता हूँ कि कल अग्रज महोदय के निर्देश पर लाइब्रेरी में कुछ नक्शे रखे गये थे और अनेक सदस्यों ने जाकर उन नक्शों को देखा। एक नक्शा तो वह था जिसे पश्चिमी बंगाल सरकार ने तैयार किया है और एक नक्शा ऐसा था जिस पर कि जस्टिस रैडक्लिफ़ के दस्तखत बताये जाते हैं। उन नक्शों के साथ जब हमने रैडक्लिफ़ एवार्ड में दी गई व्याख्या को पढ़ा तो हम यह समझने में असमर्थ रहे कि आखिर बेल्वाड़ी को पाकिस्तान को देना प्रधान मंत्री जी ने क्यों स्वीकार कर लिया। मैं यह भी जानना चाहता हूँ कि वह कौन सा नक्शा था जिसको सामने रख कर भारत और पाकिस्तान के प्रधान मंत्रियों ने बातचीत की। किस नक्शे को सामने रख कर बेल्वाड़ी का विभाजन करने का फैसला किया गया। यह भी स्पष्ट किया जाना चाहिये कि आखिर कौन से कारण हैं जिन के आधार पर हम यह समझते हैं कि अगर किसी अन्तर्राष्ट्रीय पंच को हमने फैसले के लिये पाकिस्तान द्वारा उठाये गये बेल्वाड़ी के विवाद को सौंप दिया तो पूरा बेल्वाड़ी चला जायेगा? हमारा जो केस है उसमें कहां कठिनाई है। कल नक्शे को देखने के बाद और रैजिलफ़ एवार्ड पढ़ने के बाद हम लोगों का तो यही मत बना कि भारत

का केस मजबूत था और हमें किसी भी स्थिति में आधा बेल्वाड़ देना तो देने के लिए तैयार नहीं होना चाहिये यद्यपि अगर मामला अन्तर्राष्ट्रीय पंच को जाता तो इस बात की पूरी संभावना थी कि हमारे पक्ष में ही फैसला होता। कौन से ऐसे कारण हैं जिन से प्रेरित होकर सरकार ने बेल्वाड़ी को पाकिस्तान को देना स्वीकार कर लिया।

इस बात का भी स्पष्टीकरण होना चाहिये कि जब आधा बेल्वाड़ी पाकिस्तान को देना मान लिया गया और प्रधान मंत्री जी के सामने स्पष्ट था कि वहां पर पूर्वी बंगाल से उजड़े हुये बंधु रहते हैं जिनको कि एक बार फिर से बेचरबार होना पड़ेगा, तो क्या पाकिस्तान के सामने इस बात को रखा गया था पाकिस्तान से कोई आश्वासन लिया गया कि उनकी सम्मति सुरक्षित रहेगी या उसका उन्हें पूरा मुआवजा मिलेगा? जैसा कि प्रधान मंत्री जी ने कहा है कि अगर उन्होंने पूर्वी पाकिस्तान में जाने का निर्णय किया तो उनके साथ उचित व्यवहार होगा, मैं जानना चाहता हूँ कि क्या पाकिस्तान से इस बात की गारण्टी ली गई है कि वह उनके साथ उचित व्यवहार करेगा? क्या दोनों प्रधान मंत्रियों ने इस समझौते को कार्यान्वित करने के बाद जो छः हजार व्यक्तियों पर असर पड़ेगा, उनका क्या होगा, इस बारे में भी विचार किया है?

प्रधान मंत्री जी का यह कहना कि इन विस्थापित होने वाले व्यक्तियों का हम स्वागत करेंगे, आज की स्थिति में कोई बड़ा अर्थ नहीं रखता। पूर्वी बंगाल से जो विस्थापित आये हैं, उनके प्रति भारत सरकार अपने कर्तव्य का पालन नहीं कर सकी है....

श्री विभूति मिश्र (बगहा) : पालन किया है। मेरे जिले चम्पारन में ही चालीस हजार विस्थापितों को बसाया गया है। मैं आपको.....

उपाय महोदय : अब आप भी तो नियमों का पालन करें ।

श्री वज्रयोगी : मैं जानना चाहता हूँ कि जो बसाये जा चुके हैं उनके अलावा ऐसे कितने विस्थापित हैं जिन को अभी बसाना बाकी है । और आप बसाने के लिये दण्डकारण्य ले जायें, तो इससे किसी का समाधान नहीं हो सकता । लेकिन जो विस्थापित अब भारत आयेंगे, उनकी सम्पत्ति का क्या होगा, पाकिस्तान कितना मुआवजा देगा, इसकी भी मांग क्या पाकिस्तान से की गई है ? उन्हें अपनी सम्पत्ति साथ लाने की छूट होगी या नहीं अगर वे पाकिस्तान में रहने का फैसला करते हैं तो उनके साथ पाकिस्तान किस तरह का व्यवहार करेगा, क्या ये सब चीजें पाकिस्तान के साथ समझौता करते समय उठाई गई थीं और अगर नहीं उठाई गई तो आज किस आधार पर कहा जा सकता है कि वे पाकिस्तान में रहना चाहें तो भारत के नागरिक रह कर भी पाकिस्तान में रह सकते हैं ? अगर वे पाकिस्तान वे पाकिस्तान में रह सकते होते तो एक बार उड़ कर पाकिस्तान से आते नहीं ।

मेरा निवेदन है कि इस समझौते को कार्यान्वित करने से पूर्व इस बात की आवश्यकता है कि इस के सम्बन्ध में जनमत लिया जाये । मैं ने एक संशोधन उपस्थिति किया है कि जनता की राय जानने के लिये इन विधेयकों को प्रचारित किया जाना चाहिये । आम चुनाव निकट आ रहे हैं । नेहरू-नून समझौते को अमल में लाने का काम अगर डेढ़ दो साल तक रोका जा सकता है तो इन विधेयकों को वैधानिकता का जामा पहनाने के काम को भी रोका जा सकता है । कल प्रधान मंत्री जी ने बताया कि नेहरू-नून समझौते को कार्यान्वित करने के लिये कोई डेट-लाइन नहीं है, कोई तिथि निश्चित नहीं है जिसके अन्तर्गत यह समझौता कार्यान्वित होना ही चाहिये । मेरा निवेदन है कि यह सदन

बड़ी गलती करेगा, इस सदन के प्रति जनता ने जो विश्वास रखा है, उस विश्वास को झुठलाया जायेगा अगर ऐसे महत्वपूर्ण प्रश्न पर जनता की राय जाने बिना कोई फैसला कर लिया जायेगा । इसलिये मैं सदन से अपील करूंगा कि इन विधेयकों को जनमत जानने के लिये प्रचारित करने का जो मेरा संशोधन है, उसका स्वीकृत कर लिया जाये ।

Mr. Deputy-Speaker: Acharya Kripalani. I have to make one request. There is a very large number of hon. Members who desire to speak still and the time is very limited. Therefore I will request hon. Members to condense their remarks. Probably they will agree to the time limit of ten minutes, at the most in some cases fifteen minutes.

Pandit K. C. Sharma (Hapur): Ten minutes are enough.

Acharya Kripalani (Sitamarhi): Mr. Deputy-Speaker, Sir, we are discussing today two very delicate questions. One is connected with an agreement made by our Government with a foreign power and another, arising from it, is the change in our Constitution. In a democracy, unlike in a dictatorship, power is not concentrated in one individual, in one centre or in one department. All democracies work through, what are called, balances and checks. We have a written Constitution and in that Constitution the power that each person is to exercise is limited. The power of the President, as the Executive is very anxious to tell us, is limited. So, the power of the Prime Minister is limited, the power of the Cabinet is limited, the power of the judiciary is limited and the power of this House is also limited excepting when it changes the Constitution and even when it does so, those who framed the Constitution decided that this must be done in a particular manner which is difficult because the framers of the Constitution were contemplating that there will be two

[Acharya Kripalani]

parties, or at least two parties, equally balanced and it will be found difficult to change the Constitution; that it is necessary that the Constitution be changed rarely and also that it should not be changed just to support what the Executive in its folly, in its carelessness, in its indifference has done.

Today we have in India a dominant party. It has a crushing majority. It uses that majority in a crushing manner to justify its actions after they have been committed. If this goes on then all the democracy that we have will be, in parliamentary language, to tell the Executive that it is foolish, it is unpatriotic, it does not think in terms of the advantage of the nation.

Shri Tyagi (Dehra Dun): The word 'foolish' is unparliamentary. It may be unwise.

Mr. Deputy-Speaker: It should be decided in the context in which it is used. Foolish is not a word about which it can be said that it is always unparliamentary or always parliamentary. He has taken it in an abstract sense. Therefore we should not object to it.

Acharya Kripalani: Moreover I said that it can be told in parliamentary language that it is foolish, it is unpatriotic, it does not love its country.

Shri Tyagi: What is this?

Acharya Kripalani: All the freedom that we have is that when we tell them these things they cannot physically liquidate us. Is that enough for a functioning democracy, namely, that we should be able to call them fools in parliamentary language? I do not think it is enough. We must proceed further and make democracy to function not negatively but positively. That means that the Opposition must have influence on the Government and the Government must not use its majority to change the Constitution so frequently as it has been doing.

The question of Berubari is a very plain question. It is not a very complicated question. There were two arbitrators appointed one after the other. Whether before the first arbitrator or before the second arbitrator, no question of Berubari or any portion thereof was raised. I think the executive could have told the opposite number in Pakistan that this question was never raised. Even if there had been a mistake in the award, whether it was a mistake due to law or to fact, an award is an award and must be carried out. But here that question also does not arise. There was no dispute about this matter and yet the Executive tell us that we wanted to bring about peace between India and Pakistan so that the raids from Pakistan may cease.

Today it is the question of Berubari. Tomorrow the raids may go on and Pakistan may raise the question of Calcutta itself. Then I suppose our Government will make an agreement that in order to bring about peace between Pakistan and India and to avoid the raids Calcutta may be given over to Pakistan. This is a strange way of arguing. Questions that were never raised are purposely, deliberately and viciously raised by our opponents and we succumb to their reasoning and allow it. How did we allow it?

The hon. Prime Minister said in Parliament that the Executive had the right to do so. He also said that there was no necessity in his mind to refer the matter to the judiciary. Afterwards when agitation was raised and the matter was referred to the High Court of Calcutta, it was found that the Executive had exceeded its authority and a reference was made to the Supreme Court. The Supreme Court consisting of seven or eight judges have given a unanimous report that the Executive have exceeded their power, that no question of Berubari should have arisen and that it should not have been taken into consideration because it was not a

matter under dispute. The judiciary in order to facilitate the Government said that their illegal act could be legalised only by a change in the Constitution. So, we have here the Bill to change the Constitution. It is not only the Schedule but it is the first article of the Constitution that is sought to be changed and we are in an unfortunate position that whenever we argue an international matter our hon. Prime Minister has a habit of giving an argument to rebut the arguments of the Opposition. In order to rebut those arguments he gives reasons which are always favourable to our opponents and enemies. When we talked about the aggression of China on India, he held us that in the occupied areas, not a blade of grass grew and not a man lived. I went to foreign countries and people who had nothing to do with China or India, or who were even favourable to India, told me, what are you fighting about, your Prime Minister has said that not a blade of grass grows and not a man lives there, you call yourself a peaceful nation and you are going to quarrel with China and keep up that quarrel on that issue. There was no reply that I could give. I was put in an awkward position. Not only are we put in a awkward position, but it gives advantage to our enemies and our opponents. In order to rebut our arguments, I hope the Prime Minister will be more careful. He is not here only to reply to the arguments of the opposition, he has also to see that he does not give an advantage to our enemies at our expense.

Yesterday, he said that this transfer of Berubari is not only good for India, but good for Bengal. So far as Bengal is concerned, I think it is adding insult to injury. I am only sorry to say that Bengal fully deserves it. It wants to ride two horses. The Bengal Members belonging to the Congress in this House create an agitation in Bengal and oppose the transfer of Berubari. But, when they come here, they sing another tune and wholeheartedly support the Govern-

ment. One cannot have any sympathy for a province like that whose representatives excite the people in Calcutta and come here and support the Government for what they have excited the Bengal people about. This is not the way then to complain that Bengal is isolated and nobody cares for Bengal. Bengal is a depressed province and it is always treated unfavourably.

There are two questions that arise from this. One is, can we repudiate this unfavourable agreement. This is an agreement by which we give our territory which was never in question and we also deprive our citizens of their fundamental rights which they enjoyed in India, especially people who have once left Pakistan and settled there. They did not like Pakistan Government then. I think they would like it much less now. Then, there was at least a nominal kind of democracy. That has also disappeared. They have expressed their opinion that they do not like this transfer. It is also a territory where there is an overwhelming majority of Hindus. Yet, we want to transfer this territory. Can we refuse to do it? Can we repudiate the Government?

I think this House is competent enough to repudiate the Government if it feels that it has done wrong. But, unfortunately, the majority does not want to do it and the opposition has no power to do it. Therefore, this question of repudiation does not arise from that point of view. If a Government has committed something that is wrong and anti-national, it can be repudiated. But, it can be repudiated only if you repudiate the Government that has done that. Here, we are in a position that we cannot repudiate this Government, because the majority supports the Government and the minority has no power to repudiate the Government.

The other question is, is it advisable, under the present circumstances, to repudiate our Government. This is an international agreement and an international agreement has certain

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repercussions. If we repudiate this agreement, there will be a grievance on the part of Pakistan. I am also afraid that we will be misunderstood in the international world, and the neutrals would also say that our Government made an agreement and it was not prepared to carry it out. So far as Pakistan is concerned, we can say that it has repudiated many agreements made with India and if we repudiate this agreement, nothing is lost. But, even in international matters, we cannot take our political morality from our opponents whom we condemn. We have, therefore, to fulfil this agreement. I am sure this agreement is not going to bring about peace between India and Pakistan. There will always be something or the other in the foreseeable future which would bring about conflict between India and Pakistan.

Raja Mahendra Pratap (Mathura): On a point of order, Sir, he is a great leader of great experience. I want his opinion on this subject. We took the oath of allegiance to the Constitution.

Mr. Deputy-Speaker: My opinion on a point of order or his?

Raja Mahendra Pratap: If it is amended, will we be bound by this amended Constitution? We never took oath for this amended Constitution?

Mr. Deputy-Speaker: Order, order; the hon. Member may now try to conclude.

Acharya Kripalani: I have already said that it is not good for the executive because it has an overwhelming majority to change the Constitution frequently. I said that I also knew that technically they have the power to change it. I do not deny that. But, in changing it, they are violating the spirit of the Constitution. If they

frequently change it, the Constitution will have no value. In a sense, I agree with Raja Mahendra Pratap. But, unfortunately, the law as it stands, authorises the executive to change the Constitution through the Parliament. They have such a overwhelming majority that they can get the requisite number of Members to vote for them. That is our misfortune. Therefore, I said, our democracy is to denounce the executive, that is all.

I was saying that this is an international agreement and it can be repudiated only when we change the Government. One part of the House has no desire to change the Government and the other part of the House has no ability to change the Government. I also said that this is an international agreement by which our Government has bound us. We may not like it. But, we cannot help it. In the international world, to repudiate an agreement that the executive has made is a very dangerous thing. I have also said that it will give one more point to Pakistan to quarrel with us. Not that the quarrels will cease. I do not expect that. If it does, it would not matter. Even the Berubari people would not have minded it. But, I am sure that this question with Pakistan is not going to be settled. I am afraid that tomorrow, there may be some other portion of the country which they may go on claiming in spite of the agreement. Even then, I am clearly of opinion that we must respect this agreement. Only I say that our present Government which never benefits from experience, which commits the very same mistakes over and over again, will at least for once learn a lesson that they have not to do these things in a haste, that they have not to do things that require legal acumen by themselves. I do not think any legal person was associated with the conference that took this step of settling territories as between India and Pakistan.

Pakistan. I hope we will not be presented with accomplished facts and afterwards asked to change the Constitution to accommodate the executive.

13 hrs.

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): I am thankful to you for giving me the opportunity to intervene in this debate, as indeed I am most grateful to my Prime Minister for kindly permitting me to speak in my individual capacity as a Member representing a Bengal constituency, even though I am speaking from the Treasury Benches.

Acharya Kripalani: Can a Member of the Treasury Benches speak in his individual capacity?

Mr. Deputy-Speaker: Yes, I have permitted him. So, that is presumed.

Shri Vajpayee: What about collective responsibility?

Shri Braj Raj Singh: Has he resigned from Government?

Shri Anil K. Chanda: That will be known at the time of voting. The country has had to pay a price for our Independence. Unlike in other countries, it was not merely the lives of the fighters for freedom, but it was much more than that for we had to pay, by the cruel mutilation in the body of our motherland. The blow has been severest, I think, with regard to Punjab and Bengal, and perhaps, it has been more severe for Bengal, for the reason that whereas in the western sector, there has been much more of loss of life. . . .

Acharya Kripalani: What about Sind?

Shri Anil K. Chanda: Sind has come over to India completely and very well reinstated!

Though in the Punjab sector, there has been tremendous loss of life and

also considerable loss of property, there has been some compensation, possibly, in the fact that quite a large number of Muslims from our western areas had migrated away to Pakistan, leaving behind some of their property and all their lands. Therefore, it was comparatively easier for these people to be rehabilitated in those lands.

On the other hand, so far as Bengal is concerned, there has been hardly any migration from West Bengal into Pakistan. As against the 60 lakhs of people, that is, Hindus, who had to leave Pakistan and come over to India to seek shelter, I do not think if even 600 Muslims from West Bengal had gone away to Pakistan. And even those who in the first flush of enthusiasm had gone became wiser quite soon, and came back quicker than they had gone. All this has created a very tremendous problem for Bengal. The hurt on Bengal has been severe, and the wound is yet raw.

With regard to the division of undivided Bengal into Pakistan and India, it has been in most sectors, very artificially done, in the sense that there has been no natural feature like a river which would divide this country from that, with the result that, very often, in East Bengal and on our side, one will come across cases where in a household the cowshed has gone to Pakistan, and the cooking-shed is in India.

A position like that creates innumerable difficulties. Whereas a theft in any other part would be, if I may say so, an honest and simple theft, in that area, it becomes an international problem. Therefore, very often, it creates a tremendous difficulty both for our administration, and I dare say, for the Pakistan administration also.

It was therefore a very wise move that some time ago, the then Pakistan Prime Minister Sir Feroz Khan Noon and our revered Prime Minister decided to sit down at a round table and thrash out all these problems, and grapple with the problems in all

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their details. On the 10th September, 1958, certain agreements were made between our Prime Minister and the Pakistan Prime Minister, and later on, on 23rd October, 1959 and again on 11th January 1960, these border difficulties were sought to be solved by coming to certain mutually accepted decisions.

One of the items of this agreement is with reference to Berubari Union No. 12. The Bills which our Prime Minister has presented before Parliament are really emanating from the agreements which had been drawn up between our two Governments, beginning from 10th September, 1958. I shall restrict myself only to Berubari Union No. 12. The Prime Minister, yesterday, in his speech, had referred to a peculiar difficulties in this connection. With regard to this Berubari question, it is question which has got four aspects. There is the constitutional aspect; Secondly there is the legal aspect; I am not really competent enough to refer to the legal and the constitutional aspects; then, there is the political aspect, and finally there is the human aspect.

I would restrict myself to the political and the human aspects of the question. Our Prime Minister, yesterday, in the course of his speech, had referred to some peculiar difficulties in that area, that is, with regard to what is known as enclaves. A number of our small territories are scattered in certain parts of East Bengal just as some of their territories, though their enclaves are smaller in number, are scattered in our areas. The total area of our enclaves would be, roughly speaking, about 19,000 acres, and the area of the Pakistani enclaves is about 12,000 acres, that is, we have an excess of about 7,000 acres, so far as the enclaves are concerned.

The administration of these enclaves has been a terrible headache for our administration. Some of these

enclaves are merely two or three home-steads. We cannot reach them, because we have to pass through Pakistan territory. Even in the worst days of rationing, it was not possible for us to reach to them kerosene or sugar or cloth. In fact, these Indian citizens, practically all of whom are Hindus, are denied the benefits of our administration. Because of the peculiar geography of these enclaves, we have really not been able to reach our administration to these areas. We have not been able to extend to them even ordinary protection against lawlessness or against law-breakers. If there is a theft or dacoity, it takes several weeks before information could be reached to our administrative headquarters, and possibly, it will be several months later that our police can appear on the scene, because previous permission of Pakistan is necessary, before they would permit our police force to traverse through their areas.

I remember, when I was in the External Affairs Ministry, I used to receive very often very piteous appeals from our people who were our citizens unfortunately residing in those enclaves. From time to time, approaches had been made to Pakistan that something should be done about the redress of these difficulties by a process of exchange, but we were in a difficult position, so far as negotiation was concerned, because, firstly, our area was larger—as I have already said, we had 7,000 acres more—and secondly, the Pakistani enclaves were in areas predominantly populated by Muslims. So by means whether legal or otherwise, having a friendly hinterland, the Muslim citizens of the Pakistan enclaves in our territory could reach to their administration or go over to their mainland. But so far as our enclaves are concerned, the people are all Hindus surrounded by a sea of unfriendly Muslims of Pakistan. It was impossible for them to get into touch with our administration. Pakistan, as I said, is in a better position

so far as the enclaves are concerned. They always insisted that the exchange should be on a basis of the enclaves as they are, that is, Pakistani enclaves to be transferred to India *en bloc* and Indian enclaves to be transferred to Pakistan *en bloc*. We naturally wanted some sort of compensation either in money or in land for the excess of 7,000 acres which would pass on to them by this process of exchange. They had not agreed to it. Recently, under this agreement of 10th September 1958, we have finally accepted the position that we would exchange our enclaves with theirs *en bloc*. We need not shed any tears because we give away 7,000 acres of our land, because, as I have already said, it was most unfortunate that these enclaves were areas where we could not make our administration effective. By this process of exchange, even though we have given away 7,000 acres to Pakistan, we have at least saved these people from the uncertainty of living without any administration.

Then I come to Berubari, an area which is in our possession and which, in our opinion, is within our territory. There is also Hili which we think is ours. But in both cases, Pakistan had been stoutly claiming that these areas were hers. By the agreement of 10th September 1958, Pakistan has finally given up completely her claims to Hili and we have decided to divide Berubari on a 50:50 basis. It is not a judicial pronouncement where every argument and every fact has been weighed in the scales. It was, really speaking, an executive *bandobast* arrived at by two Prime Ministers....

Acharya Kripalani: Bungling.

Shri Anil K. Chanda:..... so that the difficulties on the border could be got rid of. We would know exactly what our borders are just as they would be sure of their borders. Also these continuous, little, petty difficulties about theft of cattle, occasionally about kidnapping of people, dacoities, difficulties regarding harvesting etc. would be got over. It

was, as the Prime Minister had said, part of a package deal, and we must accept it as such.

As a result of this agreement, we lose 4,375 square miles of our territory or, roughly speaking, on the basis of 640 acres to a square mile, 2,800 acres. The population involved is, I believe, about 6,000. The 1951 census report refers to the population of the whole of Berubari as nearly 6,000. Only a few of them are Muslims. Practically all of them were Hindus. By a recent estimate of the West Bengal Government, it seems the population of Berubari Union No. 12 is about 12,000. So *pro rata*, I think the number of people involved would be about 6,000, most of whom are refugees who had sought shelter in that corner after having left Pakistan. Their lot is really most unfortunate and I am sure there is nobody in this House as in the country who would not extend his fullest sympathy to them. I am sure the Prime Minister himself feels as bad over this as others. After all, nobody would accuse him of lacking in generosity and justice. The agreement with regard to Berubari has been most unfortunate, but certainly it is no crime in the manner it has been done, and I do not know why the leaders of the Opposition yesterday in their speeches tried to make it out as if the Prime Minister had committed an act of felony. I was really surprised that the scholarly spokesman of the Communist Party of India tried to smite our Prime Minister hip and thigh by the wagging of his eloquent though vituperative tongue. Certainly, it does not lie in the mouth of the Community spokesmen to run down our Prime Minister and the agreement he has made with regard to Berubari when by their silence at least, they have acquiesced in the treacherous occupation of thousands of square miles of our territory by China, they have displayed thereby their intentions.

In this connection, I remember my own personal experience a few years

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ago when I had the honour of leading a delegation to China. Myself and members of my Party were received with the utmost kindness, honour and friendliness by all beginning from Chairman Mao down to the poorest villager in the villages that we visited. Everybody spoke about the imperishable bonds of friendship between China and India. The expression very often used was 'We shall do away with the Himalayas in our friendship'. I did not realise then what was going to be the method of doing away with the Himalayas.

Shri Goray (Poona): That is the trouble with you. You are so easily deceived.

Shri Anil K. Chanda: My hon. friend, Shri H. N. Mukerjee was pointing his accusing finger at our Prime Minister and asking: are our citizens mere chattels to be tossed over from one State to another at the mere whim of the Prime Minister? As a student of history, he referred to 1815 when Maternich, Czar Alexander, Castlereagh and others were making and remaking the map of Europe. My esteemed friend is a student of history and a teacher of history. He need not have tried to make himself an archaeologist. He could have looked to a period nearer to his own, when he would have seen that so far as the border question is concerned, the world has not much changed from 1815 to today. Would he look into his mind and consider whether their man of peace, the great Stalin, when remaking the map of Europe, Eastern Europe, consulted the people of Estonia, and the people of Latvia, the people of Luthuania, the people of Finland and Poland? Were they consulted by Marshal Stalin, whom he once acclaimed as a man of peace.

Sir, we should play cricket. Shri Mukerjee, I know, is keenly interested in sports, but I fear he only likes chess.

Shri Tyagi: Boxing.

Shri Anil K. Chanda: Now I come to the question of the border people of Berubari Union who by this unfortunate agreement have to come out of Pakistan, because it is quit clear from our experience of Pakistan that it is not honourable for any Hindu to live there. So we must be prepared to make some arrangement for rehabilitation of the 6,000 people. It is not so much the ceding of 2800 acres of our territory to Pakistan that troubles us as the fate of these 6,000 of our unfortunate Hindu citizens in the Berubari area who would be uprooted for a second time. We must do everything possible to give them proper facilities for speedy rehabilitation in this country.

In this connection, I will make some humble suggestions to my Prime Minister and I would be grateful to him if he would kindly give them all possible attention and care. These 6,000 people, roughly speaking, would make a 1000 families. I do not think even in our over-populated West Bengal it is really impossible for us to rehabilitate these 1000 families. But speaking for myself, I would much rather that these people would go and create a new Berubari either in Dandakaranya or in the Andamans where conditions of life would be much better than in those parts from which they would be coming.

Shri Tyagi: Give it a better name.

Shri Anil K. Chanda: We will call it the *Saheed Dwip*. Speaking as a Bengali in this House, I think that it is time that we Bengalis really learn to come out of the confines of our truncated province and colonise ourselves in other areas, where we are welcome. We have had some sad experiences but I am sure in this great country, there are areas where our Bengali colonisers would be welcomed.

There are 1000 families and if these people are not on their own volition

willing to go to Andamans or Dandakaranya, we must give top priority to their settlement in India itself in the neighbouring areas. In the Jalpaiguri district to which Berubari belongs, I understand there are over 200 tea gardens and each tea garden, big or small, has considerable lands for future expansion. I would be the last person to minimise the importance of tea in our national economy; tea is our greatest dollar earner and we must do everything possible to develop tea cultivation. But on an average, a garden would not be called upon to take over more than five families. There are about a thousand families and we have got 200 tea gardens. The soul of Bengal has been so much stirred by the said fate of these 6000 people and if we approach these tea gardenowners properly—be they English or Indian firms—I am sure they would be quite willing to take the responsibility of rehabilitation of five families. At the most, they have to surrender 25 acres of not yet cultivated but cultivable land. That would not be taxing them too much. If it comes to that and if it is necessary, by legislative measures we can force them to make accommodation for these people.

Secondly, we know that the West Bengal Government had spent considerable amounts in the development of these areas in starting schools and in making roads, bridges and so on. In fairness and equity, I would request our Government to reimburse the Bengal Government because it is clear that they were not quite a party to this agreement drawn up between the two Prime Ministers. It may be two, three or four lakhs; it would not be a great strain on us. I am sure that our seemingly hard-hearted Finance Minister would not mind paying this sum to the West Bengal Government.

Thirdly, it is very important—I would suggest that our Minister of Rehabilitation in West Bengal Shri P. C. Sen—pays a visit immediately to that area with a number of well-trained and dependable social workers and

they make a house-to-house visit, explaining to these people the history of these negotiations and what Government of India propose to do with regard to their rehabilitation. The general elections are not very far off and political parties naturally are trying to make the best use of this unfortunate development and it is time we save these people from their saviours.

I would also like to say a word about Pakistani administration and their President Ayub Khan. Ever since he came to power he has been very loud in proclaiming from time to time that he is most eager to establish lasting friendship with India. Does he not realise how he has shattered all our hopes by the brutal manner in which he had referred to certain suggestions which had been put before him with regard to some alternative areas instead of Berubari. Berubari as such has no importance to Pakistan. It has got no military significance. There are no minerals; there are no important roads or bridges. It means to Pakistan nothing more than the acquisition of a new zamindari of 2800 acres and if he had really sought for Indian friendship he should certainly have been wise enough to accept the suggestion of some alternative areas other than Berubari. But like that not very pleasant and attractive character in Shakespeare he has wanted his pound of flesh and nearest to the breast; he says:

"There is no power in the tongue of man to alter me, I stay here, by my bond."

Amen, but we cannot forget. Thank you, Sir.

..Dr. Krishnaswami (Chingleput) rose.—(Interruptions.)

Mr. Deputy-Speaker: It I could allow simultaneous speeches, I would have done that but that would be of no use. Now, Dr. Krishnaswami.

Dr. Krishnaswami: Mr. Deputy-Speaker, Sir, it would be idle to pretend that the two Bills introduced to

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implement the agreement reached between our Government and Pakistan have not roused powerful emotions in West Bengal. While I agree that it is necessary to have these questions viewed in proper perspective taking into account all the overall considerations, we cannot afford to ignore the human element in this story.

The legal issues have come up prominently to the fore and I think it is advisable for Parliament to consider them at some length. There are two considerations that have been advanced, namely, that the agreement is one and indivisible and cannot be implemented except by an amendment of the Constitution and therefore it is incompetent for Parliament to make a law relating to article (3) for implementing this agreement. It must be clear that where certain territories have to be acquired no amendment is necessary. Indeed in all the constitutions of the world this is recognised. But for that part of the agreement which involves cession of our territory the Supreme Court has suggested two alternatives. No constitution, as the Supreme Court rightly pointed out, ever makes a provision for cession of our territory and the Indian Constitution has rightly followed that example. The first and the simplest method of course is to amend Schedule I of the Constitution, defining the territories of various States of India by excluding those which we have ceded. That is what the constitutional amendment seeks to do.

But article 1 of the Constitution contemplates acquisition of territory and provides that the territory shall comprise any territory so acquired. I do not think any constitutional amendment under article 368 is necessary to provide for the acquisition of territory and any territory so acquired may be added to any State without invoking article 368. Of course another alternative is to amend article 3 of the Constitution to give to Parliament power to enact legislation for cession of territory but this would be highly objectionable on grounds of principle. As

I have pointed out, no constitution ever can allow any cession of territory to be definitely provided in its articles. It is true that both acquisition and cession of areas can be effected by a single amendment of the Constitution. That was the procedure that was open to us that would leave the law incomplete. For, so far as the acquired territories are concerned, supplementary provisions would be necessary and this could be done by an ordinary enactment under articles 3 and 4.

I think I have disposed of many of these legal issues. But I do wish to point out that although the legal issues bulk large and have acquired a mass appeal it is not the legal issues alone that are important. This question of cession has roused profound emotions and it is certainly right on the part of those of us who have come from States other than Bengal to consider what these emotions are, to find out how exactly we can attempt to allay the fears that have been raised in that troubled state. Let us realise, that profound emotions are provoked whenever a country parts with an area, which has remained part and parcel of the territory of India, to a foreign State. In the present instance, Mr. Deputy-Speaker, these emotions have taken on a much sharper edge because this agreement would result in a diminution, albeit small, of the area of a State which has already paid a very high price so that we might enjoy independence. Let us realise further that there are men and women who once uprooted from East Pakistan sought refuge in this area of Berubari and many of them will have again to seek refuge in India. This certainly is a human issue which in the case of Bengal should be the special responsibility not only of Government but also of Parliament.

I want to point out quite frankly that the Ministry of Rehabilitation, which has been concerned with these problems, has not been particularly successful or competent enough to

handle these problems. I only wish that the next time discussion on these matters comes during the budget time many of us who have hitherto not participated in the debate relating to rehabilitation of refugees would have a chance to participate and give our suggestions as to what should be done with regard to the problem of refugees.

I believe, Mr. Deputy-Speaker, that although this display of emotion has been a bit irritating to certain circles this had one salutary effect. It has awakened interest in the problems of West Bengal on the part of all of us who have come from other parts of India. I do think it ought to be our responsibility to consider the problems of Calcutta, to consider the problems of West Bengal from a new point of view, to put some pressure on the Planning Commission to consider the peculiar position of that State afresh and to see that special advantages are given because of the great sacrifices that have been made by West Bengal.

It is a human issue, and certainly it is an issue which cannot be solved by merely saying that we are going to take account only of the problem of a few refugees from Berubari.

Now, Sir, it is true that we have to consider these questions from a different point of view and also make allotments, but more important than also considering what we ought to do with regard to West Bengal is to find out what exactly are the merits of this agreement. Is it true, as some of my hon. friends suggest, that there are no merits whatsoever in this agreement, and that the only reason for supporting it is that it is an international agreement and that it is not wise on the part of Parliament to repudiate any agreement which has been entered into on an international basis? That, of course, is a very strong consideration, but let us realise that these agreements were entered into by two Governments with the sole object of putting an end to

the never ending clashes and harassments on our borders. Those areas which we have acquired are mostly enclaves and those which we have given to Pakistan were our enclaves which gave rise to constant friction.

My hon. friends have pointed out that from an arithmetical point of view we have not gained. We may not have gained from an arithmetical point of view; but arithmetic is not everything where the avoidance of friction is considered to be of paramount consideration. Sir, the avoidance of friction—almost continuous—is a positive gain which we have achieved by this agreement. This, indeed, was the main consideration for the transfer of a part of Berubari. Viewed from this perspective, the transfer of a part of Berubari was probably unavoidable, and although I understand that there are very many difficulties in these matters, I venture to think that we ought to adopt a fresh approach to the problem of refugees and also see that the various other problems which affect that State of West Bengal are considered afresh not only by Government but also by Parliament.

In any event, Mr. Deputy-Speaker, this is an international agreement, this is an agreement which partakes of the character of an international treaty, and I should wish Parliament to really support it notwithstanding some of the doubts that we might have. At the most we might express a hope that better relations might result, but even if they do not result we have to take it that this is an agreement which has been entered into between our Government and its neighbour.

सरदार इकबाल सिंह (फीरोजपुर) :

जनाब डिप्टी स्पीकर साहब, जो यह एग्रीमेंट हुआ है और जिस के नतीजे के तौर पर पंजाब का कुछ इलाका पाकिस्तान में जाना है और पाकिस्तान का कुछ इलाका भारत

[सरदार इकवाल सिंह]

में आना है, उसके सम्बन्ध में मैं कुछ कहना चाहता हूँ। पंजाब के लोग और वहाँ की सरकार इस एग्रीमेंट पर खुश है और इसको बलकम करती है।

आप जानते ही हैं कि पिछले दस बारह सालों में पंजाब के बार्डर पर, चाहे वह फीरोज़पुर का हो, चाहे भूतसर का हो चाहे गुरदासपुर का हो कई बार गोलियाँ चलती रही हैं, कई बार हमले होते रहे हैं, मवेशी उठा कर पाकिस्तान में ले जाते रहे हैं जिन को वापिस नहीं किया गया है। इन एग्रीमेंट्स का एक नतीजा यह निकला है कि कम से कम वहाँ कुछ अमन हुआ है, कुछ शान्ति हुई है। आप जानते ही हैं कि बोर्डर के दोनों तरफ बहादुर किसान, भजबूत आदमी रहते हैं। जहाँ पर ऐसा हो वहाँ पर यही बेहतर हो सकता है कि इस किस्म का कोई एग्रीमेंट कर लिया जाए, कोई समझौता कर लिया जाए ताकि इस तरह की बातें न होने पायें। जब से यह समझौता हुआ है उसके बाद से मैं यह कह सकता हूँ कि वहाँ बहुत कम हमले हुए हैं और अगर कोई वारदातें हुई भी हैं तो वे जाती दुश्मनी की बिना पर हुई हैं या जो स्मगलर्स हैं, उनके खिलाफ कार्रवाई जो की जाती है, वह की गई है। आए दिन जो वारदातें हुआ करती थीं, वे अब नहीं हो रहीं हैं और अब बोर्डर पर काफी हद तक शान्ति है।

जहाँ तक डिस्प्यूट्स का सम्बन्ध है, भूतसर में दो जगहों पर वह था। वह कोई बड़ा डिस्प्यूट नहीं था। एक जगह हिन्दुस्तान ने २३६ एकड़ के करीब लेना मान लिया है और दूसरी जगह पर ५० एकड़ के करीब देना मान लिया है।

दूसरा डिस्प्यूट फीरोज़पुर के कुछ इलाके के बारे में था। वहाँ पर एक हुसैनीवाला का डिस्प्यूट था और उसके बारे में हमें पहले ही इल्म था कि जो हुसैनीवाला की जमीन

है, वह फीरोज़पुर डिस्ट्रिक्ट का हिस्सा है और रैंडक्लिफ एवार्ड के मुताबिक भी हिन्दुस्तान में ही है। हुसैनीवाला हैडवक्स पर आज से कोई २८-३० बरस पहले सरदार भगत सिंह जी की अर्थी लाई गई थी और वहाँ पर उसका अन्तिम संस्कार किया गया था। वह जगह जहाँ यह संस्कार किया गया था हिन्दुस्तान में है। उस जगह पर हर साल लोग अपने बहादुर शहीद को श्रद्धांजलि अर्पित करने के लिए जमा हुआ करते थे लेकिन इन पिछले तेरह बरसों में वे ऐसा नहीं कर सके थे। इमोशनली पंजाब के लोग और आम तौर पर हिन्दुस्तान के लोग चाहते थे कि वह एरिया हिन्दुस्तान में आ जाए। उस एरिया के लोग हमेशा ही सरदार भगत सिंह को अपनी श्रद्धांजलि अर्पित करने के लिए बसाखी के रोज जमा हुआ करते थे। उनकी यादगार में वहाँ के लोग एक मेमोरियल खड़ा करना चाहते हैं और आप इस काम में पंजाब सरकार और गवर्नमेंट आफ इंडिया शायद सहायता दे। इस वास्ते मैं समझता हूँ कि साइकैलोजिकली और इमोशनली भी उस एरिया को हिन्दुस्तान को लेना चाहिये था। आज हुसैनीवाला के हैडवक्स पर जो फंसला हुआ है उसके मुताबिक १०.३५ मील का इलाका हिन्दुस्तान में आ जाएगा और वह वही इलाका है जोकि फीरोज़पुर का हिस्सा था। वहाँ से पाकिस्तान के आदमी पीछे हट जायेंगे जोकि बहुत खुशी की बात है और मैं इसका स्वागत करता हूँ।

फीरोज़पुर, लाहौर, मोंटगुमरी बोर्डर पर भी कुछ डिस्प्यूट था और वह सतलुज दरिया के कोर्स को से कर खड़ा हुआ था। सतलुज के इस तरफ हिन्दुस्तान की मिलिटीरी और पी०ए०पी० थी और लोग इधर बैठे हुए थे, और सतलुज के उस पर पाकिस्तान का कब्जा था। लेकिन अब जो बाउण्डरी बनेगी वह लाहौर, फीरोज़पुर, मोंटगुमरी डिस्ट्रिक्ट्स की बाउण्डरी को आधार मान कर

बनेगी और इस बाउंडरी के बनने के बाद कुछ गांव उधर जायेंगे और कुछ गांव इधर आयेंगे और इन गांवों के आने जाने से सारे पंजाब में तकरीबन १५०० फैमिलीज़ डिस्लोकेट होंगी। फिरोज़पुर डिस्ट्रिक्ट में कोई ७३५ फैमिली डिस्लोकेट होंगी। मैं यह मानता हूँ कि २४,००० एकड़ के करीब हिन्दुस्तान की जमीन पाकिस्तान को जानी है और ५१,००० एकड़ के करीब जगह पाकिस्तान से हिन्दुस्तान को लेनी है। लेकिन जो हिस्सा हम को लेना है वह बंजर है और गवर्नमेंट आफ इंडिया का फर्ज है कि वहां के लोगों को सेटल करे। हम ने जो फैसले किये हैं उन के मुताबिक आप उन को जमीन दें। वे उस को खुशी से स्वीकार करेंगे और न सिर्फ खुशी से स्वीकार करेंगे बल्कि उस का समर्थन भी करेंगे। मैं उन के गांवों में गया हूँ और वहां जा कर मैंने यही समझा है। अभी मैं अपने आपोजीशन वाले भाइयों की बातें सुन रहा था। वाजपेयी साहब ने कहा कि वहां के आदमियों की राय ली जानी चाहिये। मैं उन से इतना ही कहना चाहता हूँ कि उन आदमियों की राय न सिर्फ इस के हक में है कि जो फैसला हिन्दुस्तान और पाकिस्तान के बीच हुआ है वह एक बेहतरीन फैसला है, बल्कि वह लोग उस फैसले पर चलते हुए हमारे प्रधान मंत्री और हिन्दुस्तान की सरकार के कहने पर अपने अपने घरों से दुबारा उठने के लिये तैयार हैं और खुशी से वे इस बात को कबूल करते हैं। मुझ से तो वे यह कहने लगे कि वे इस मौके को सेलेबरेट करेंगे। मैं बहुत खुशी से कहना चाहता हूँ कि आज भी हिन्दुस्तान में ऐसे लोग हैं जो कि हमारे प्रधान मंत्री के फैसलों पर और गवर्नमेंट आफ इंडिया के फैसलों पर अपना सब कुछ कुर्बान कर सकते हैं, और हमारे आपोजीशन वाले भाई चाहे कुछ भी कहें वहां के लोग इस फैसले को खुशी से कबूल करते हैं।

इस सिलसिले में वहां के लोगों की बहुत सी प्राब्लेम्स हैं। बहुत गांव ऐसे हैं जो दरिया के 1667(Ai) LS—5.

इधर आने वाले हैं और बहुत से गांव जो दरिया के इस तरफ थे वे पाकिस्तान को जाने वाले हैं। हिन्दुस्तान की जो जमीन थी वह बड़ी फटाईल थी। इसलिये जिन लोगों की जमीन उधर जायगी उन के बड़े बड़े मसले हैं। मेरा गवर्नमेंट आफ इंडिया से यही कहना है कि उन प्राब्लेम्स के लिये गवर्नमेंट आफ इंडिया को कुछ न कुछ एनकटमेंट करना चाहिये। पिछले दिन तक एक जगह ऐसी थी जिस पर हिन्दुस्तान का कब्जा था लेकिन डब्लिफ एवाडट्र के मुताबिक वह पाकिस्तान के अन्दर थी। वहां एक कल्ल हुआ, और कुछ लीगल प्वाइंट्स दा हुए। लाइअर्स ने कहा कि इस कल्ल के मामले को हिन्दुस्तान की सरकार, हिन्दुस्तान की पुलिस और मैजिस्ट्रेसी ट्राई नहीं कर सकती क्योंकि यह पाकिस्तान का एक हिस्सा है। वह गांव आज भी पाकिस्तान को जायेगा क्योंकि रैडक्लिफ एवार्ड के मुताबिक वह पाकिस्तान था का। इस तरह के काम्प्लिकेशन्स पैदा होते हैं। इसलिये जो भी फैसला हुआ है वह ठीक हुआ, लेकिन गवर्नमेंट आफ इंडिया उन के रिलीफ के लिये कुछ न कुछ करे। मैं अक्सर यहां पर क्वेश्चन करता रहा हूँ कि दरिया अपनी धार बदल लेती है और कुछ हिस्सा पाकिस्तान में चला जाता है और कुछ यहां आ जाता है। हर साल जो लोग इस तरह से वहां से उठते हैं उन की प्राब्लेम्स पैदा होती रहती हैं, इसलिये उन के रिलीफ के लिये यहां पर कुछ न कुछ एनकटमेंट होना चाहिये।

अब मैं मुलेमानी के बारे में कहना चाहता हूँ। मुलेमानी हेडक्वर्स के बारे में जो फैसला किया गया है उस के मुताबिक वह हिन्दुस्तान का हिस्सा था, लीगली भी हिन्दुस्तान का हिस्सा था और वैसे भी हिन्दुस्तान का हिस्सा था फिरोज़पुर डिस्ट्रिक्ट में। लेकिन हम ने एक ऐग्रीमेंट में उसे पाकिस्तान को दे दिया। इस पर पाकिस्तान का क्लेम था लेकिन कोई खास मजबूत क्लेम नहीं था। इसलिये दिया कि हम हुसैनीवाला का फायदा उठाना

[सरदार इकबाल सिंह]

चाहते थे। हम चाहते थे कि हम हुसैनीवाला में उतनी जमीन लें जितनी जमीन हम उन को दे रहे थे। हुसैनीवाला में क्यों लेना चाहते थे, मैं यह पहले बतला चुका हूँ। वहाँ पर सरदार भगत सिंह की समाधि है, और हम चाहते थे कि उस के बारे में फैसला हो जाय। वहाँ २१०० के करीब पापुलेशन है। वहाँ से उठ कर दूसरे गांव में जा कर उन को बैठना है। लेकिन उन के सामने मसले बहुत हैं। उन की वहाँ पर जमीन बहुत है। वह कहते हैं कि एक दफा जमीन दी जाय, लेकिन चूँकि वे हिन्दुस्तानी थे, पाकिस्तानी नहीं थे, इसलिये रिहेबिलिटेशन ऐक्ट उन की मदद के लिये नहीं आयेगा। इसलिये उन लोगों के बारे में गवर्नमेंट आफ इंडिया को सोचना चाहिये। वे आदमी वहाँ से उठना खुशी से मंजूर करते हैं। मैं उस इलाके की तरफ से, इस इलाके के आदमियों की तरफ से कहता हूँ कि वे लोग इस ऐग्रीमेंट को बेलकम करते हैं। जो भाई इस ऐग्रीमेंट को क्रिटिसाइज करते हैं और अपना पोलिटिकल आघार बनाना चाहते हैं, मैं उन से निवेदन करना चाहता हूँ कि फिरोज़पुर में अब कोई आदमी ऐसा नहीं है जो यह विश्वास न करता हो और उसे यह समझाया जाय कि हिन्दुस्तान का और पाकिस्तान का, आप की कंट्री का और आप का हित इसी में है कि इस फैसले को मान लिया जाय। मैं उन के गांव में गया, वे यही कहना चाहते हैं कि हम खुशी से प्रधान मंत्री के फैसले के मुताबिक अपनी जगह से उठेंगे और इस के लिये जो भी मुसीबत होगी उसे कबूल करेंगे, जो तकलीफें होंगी, उन को कबूल करेंगे ताकि हिन्दुस्तान और पाकिस्तान के रिलेशन्स बेहतर हों।

इन अल्फाज के साथ मैं कहना चाहता हूँ कि सब लोग इस ऐग्रीमेंट की पूरी तरह हिमायत करते हैं और मैं उन की तरफ से कहना चाहता हूँ कि वहाँ के लोग भी पूरी तौर पर इस से मुतफिक हैं, और यह उन से

कहना चाहता हूँ जोकि यह कहते थे कि लोगों की राय ले ली जाय।

Shrimati Manjula Devi (Goalpara): Mr. Deputy-Speaker, Sir, I have listened with great care and respect to the learned speeches from the Benches opposite. It is very strange that there is so much criticism. When two countries have talks for friendly settlements certain agreements have to be reached and these agreements, before being implemented, are placed before Parliament. Some hon. Members even went to the length of stating that these agreements are unconstitutional and that the Prime Minister of India has overstepped his powers. On the other hand, I offer my gratitude to the Prime Minister for putting an end to this long strife, the border strife on the Indian soil between these two countries. These fights between these two countries have been most irritating and unpleasant to an unbearable degree. I rise to congratulate the Prime Minister of India for putting an end to all this trouble.

Coming from a border State—the State of Assam—I express a feeling of relief on the lessening of tension between India and Pakistan. I appreciate the benefit of the agreement between these two countries. An agreement is a compromise which involves give and take policies. If we had given away a part of our Indian territory without acquiring some Pakistan's territory, there are certain grounds for complaint. But it was not so. As a nation, we have to take into consideration an overall picture, and not an isolated one, in formulating national policies. National policies are of national interest and these national interests must over-ride those of individual areas or individual people. This transfer of areas to other countries is a very painful process, but the pain, suffering and the loss of innocent lives due to these strifes is too big a problem. It is a national problem and individual questions of one particular area or areas of our Indian territory are to be ignored.

We have to make certain sacrifices to secure national peace and tranquillity. As citizens of India we have to prepare ourselves to meet these agreements, to gain national profits of peace, prestige and even friendship with our neighbouring countries. I again congratulate the Prime Minister for ridding the country of conflicts with our immediate neighbour. The eyes of the world are on us. This august body, the supreme body of the country, the Parliament must maintain the international prestige and honour of India by supporting the Prime Minister and endorsing the agreement between India and Pakistan.

Last but not the least important aspect of this agreement is the future of the refugees of Berubari. If Pakistan fails to give them the rights of citizenship, India should shoulder the full responsibility for their successful rehabilitation. India must be prepared to give them their full rights of citizenship and make up the losses and other difficulties they may have to face for this transfer. The Prime Minister, I am sure, is fully aware of this responsibility and will grant all possible help to the unfortunate people.

Shri Mahanty (Dhenkanal): Mr. Deputy-Speaker, Sir, we are opposed to some aspects of the Nehru-Noon agreement. Therefore, it will be our duty to oppose some of the provisions of these two Bills which are now under discussion. This transfer of territories has got three aspects, according to me. One is constitutional, second is political and third is human. The Prime Minister has made much of the human aspect, because he feels he can rehabilitate those 6,000 persons who will again be refugees for the second time in their lives. Also, advantage has been taken of this aspect by most of the speeches which have come from the Congress benches. With all humility, let me point out that no amount of money, no amount of assistance, no amount of rehabilitation is going to assuage the pangs, which can only be felt by

those who are going to be refugees for the second time in their lives. Therefore, let us not talk of the human aspect only, except to underline the fact that never perhaps in our history such a tragedy will occur again.

Coming to the constitutional aspect, I venture to submit that there is nothing un-constitutional about the Bills which are before us. If it is said that the Supreme Court have held the transfer of territory as un-constitutional, I venture to submit that the Supreme Court in their advisory opinion nowhere have mentioned that a sovereign State has not the power to cede territory. The Supreme Court have pointed out that the attributes of a sovereign State are two-fold, to cede territories and to acquire territories. In 1951, when a part of Assam territory was ceded to Bhutan, its constitutional comprehension to do so was never questioned in any court of law. When Chandernagore was acquired by India, its constitutional propriety was never questioned in any court of law. Therefore, I venture to submit it is constitutionally and technically a correct arrangement. But that is the least part of it.

It is politically improper. Politically we feel that the Government of India have been ill-advised to have entered into this agreement. Having said so, I also wish to mention that there is nothing sacrosanct about an agreement which the Prime Minister has entered into. The Prime Minister, or for the matter of that, the leader of the Government of India, has unfettered right to enter into any international agreement. But let it be remembered that that agreement is not unqualified and is not unrelated. Though the leader of the Indian Government, the Prime Minister, has his unfettered right to enter into any kind of agreement, that right is always conditioned by the right of Parliament either to accept it or to reject it. So, when it has been said that the Prime Minister has entered into an agreement, it partakes of a

[Shri Mahanty]

sacrosanct character and it should not be questioned, analysed or criticised, I thought in our enthusiasm we were transgressing some of the basic fundamental rights of this Parliament.

Let me tell you in 1918 President Wilson had also entered into an international treaty for the League of Nations. But the American Senate did not accept that treaty and that is how America could not join the League of Nations after the first World War. Therefore, while we have every consideration for the agreement which our Prime Minister has entered into with Pakistan, let it not be said that the Parliament has no right to criticise it or to reject it. It is inherent in the very nature of parliamentary democracy which we are experimenting in this country.

Having said so, it is my deep regret to point out that the Parliament was never afforded an opportunity to consider the *pros* and *cons* of the Nehru-Noon agreement. We were presented with a *fait accompli* and that too in the shape of these two Bills. You will agree with me that this is not a satisfactory way of considering an agreement of such far-reaching consequence.

It has been said that one has to consider the context against which the Nehru-Noon agreement was reached. It was also said that one had to consider the context against which the Indus Water Treaty was entered into. The Prime Minister the other day candidly and frankly said that the Rs. 83 crores India has paid in connection with the Indus Water Treaty was the price for peace and the price of friendship. In the speech he made in the beginning while moving these Bills, the underlying tone which could be detected there, was India was paying a price for friendship.

Let me tell him that no friendship is ever had through appeasement. Only the other day, after the Indus Water Treaty had been entered into, after the Nehru-Noon agreement was being implemented, a question was

asked whether it was a fact that the Government of East Pakistan unilaterally decided to prevent the use of river known as Feni which divides Tripura and East Pakistan, and the Prime Minister answered 'Yes. After India had entered into this costly Indus Water Treaty with Pakistan, after India had agreed to cede its territory in spite of national resentment, this is the treatment that Pakistan metes out to India, viz., the use of river Feni is closed to India.

There was another question too and the Prime Minister replied that the territory known as Jalaiya area in Amarpur and Subroom sub-division of Tripura has been forcibly occupied by East Pakistan. One can go on multiplying such instances, where one could really question the *bona fide* of Pakistani goodwill. Therefore, if it is said that India has paid this costly price for Indo-Pakistani friendship, I venture to submit that though the price is unconscionable, the commodity purchased is inconsequential and at least illusory. We are not going to achieve that for which we have paid this price.

I have been all along consistently advocating the view that situated as we are, we have to seek an over-all settlement with Pakistan, so that there is a certain amount of disengagement of our forces with Pakistan and we are left free to that extent. So, I should not have hesitated to lend my humble support to this Bill or to this arrangement, had I no doubt in my mind that we were going to achieve the purposes which we had kept in our mind. The House knows that the entire Kashmir dispute arose out of Pakistan's fear over the Western rivers. It was said both in the Security Council and in the protracted debate that followed, that Pakistan's whole anxiety about getting unfettered supply of water from the Western rivers motivated her to take the posture which she took in Kashmir in the year 1948. But today we have settled the river disputes so much so that Pakistan gets all the six rivers for

ten years. All the Western rivers she gets and all the Eastern rivers she gets, at least for the transitional period; over and above that, she gets Rs. 83 crores. Only the next day after the Treaty was satisfied, the President of Pakistan said somewhere that it was not worth his while to visit India; even though his itinerary included countries like Indonesia, Ceylon and Japan etc. he did not think it proper to visit this country.

14 hrs.

Our Prime Minister said that after this Indus water treaty the Mangala dam problem would be solved. But it is anybody's guess what is going to happen. Mangala dam problem will continue to be there. Therefore, without multiplying these instances of Pakistan's ill-will, I only venture to submit that we are paying an unconscionable price and the commodity that we are seeking to acquire is inconsequential, is illusory, is nominal.

Lastly, I would beg to submit that constitutionally it may be proper, but politically it has been most improper and Parliament has not been afforded an opportunity to consider it, much less to ratify it. In future, the hon. Prime Minister may consider it in his wisdom if it would not be proper for him to enter into agreements subject to ratification by Parliament. After all, here is the Parliament and it is not a democratic luxury. Our voice may be feeble; still, our voice also represent a section of the people. And the ceding away of territory is not the Congress Party's territory nor Opposition party's territory; it is the nation's territory, and when nation's territory is ceded away every section of the nation's view must be taken into account, however insignificant it may be. Therefore, I venture to submit once again to the hon. Prime Minister that as Leader of the House and as leader of this Government and, over and above that, as Prime Minister of this country, let him create a convention by which all such agree-

ments and instruments have at least a semblance of Parliament sanction and the Parliament is not presented with a *fait accompli* to give its approval.

Shrimati Ila Palchoudhuri (Nabadwip): Mr. Deputy-Speaker, we have to discuss this in an atmosphere which is engendering a lot of emotion. There is already a hartal in West Bengal and I think that a certain amount of emotion on this question is justified. But, at the same time, I am very surprised to hear some of the arguments that have been advanced from the opposition for the cause for engendering this emotion as regards these two Bills. The opposition member who preceded me said that he would ask the Prime Minister to come to Parliament before he ratifies any agreement.

Shri Mahanty: I said that we can enter into agreements subject to ratification.

Shrimati Ila Palchoudhuri: Yes, subject to ratification. Here, Sir, I can only say that we have elected the Prime Minister and he enjoys the confidence of the country. If for everything he has to come to Parliament, ratify and then go back and sign the agreement I do not think that would be for the good of the country. I think the country has that confidence in the Prime Minister for him to go in for any agreements or anything that he thinks is right for India. The country is behind him and will support him.

Secondly, I was rather surprised that my very esteemed friend, Acharya Kripalani, said that they did not love their country. Who has loved the country more than the Congress Party or the Prime Minister himself? I certainly hold that if any ratification of this agreement has caused a certain amount of criticism, we must remember that the Prime Minister has done it, or the Congress Party is going to ratify it not because they love India less but because they love India's prestige more. It must be remembered that we are absolutely behind the

[Shrimati Ila Palchoudhuri]

Prime Minister if it is a question of international prestige.

But there are one or two things I wish to put in all humility before the House. There has been this feeling of lack of consultation. Why has it been felt? It is not for me to say. But, perhaps, in future I think there should be closer collaboration over issues like this with all the States so that nothing like this happens. About maps also, the hon. Prime Minister has been very kind to put the maps in the library. Everyone has been able to see these maps for himself now. But I do not think they have been publicised as much as they should have been so that everybody could have given his opinion after seeing those maps.

Thirdly, I would like to mention that we have always sought friendship with Pakistan. That has been the policy of India. I think friendship with all countries, including Pakistan, is the only and right policy for India, and our stand has been justified all over the world. But Pakistan's attitude is rather hard to define. Now let me quote a gem from President Ayub Khan's statements, which he has been making off and on. It has been made in Indo-China Bandung of all places, where he has made a speech. After saying various other things about India and Pakistan—let them go—he says, rather the report says:

“The President said that after freedom the Muslims found that their fears were justified.”

I ask him where the Muslims found their fears were justified. There are four crores of Muslims in India, living like our brothers. There are not 4 crores of Muslims even in one sector of Pakistan, either in East Pakistan or West Pakistan. So, actually, in India we have more Muslims living in some States than in any sector of Pakistan, and they live like our brothers. And what President Ayub Khan is reported to have said could

not have any bearing on our attitude towards Muslims. We have always upheld that attitude. It is with this attitude of mind that we have gone on to have these various processes of friendship, which we hope will result in lasting friendship. But I do not know how far it will take us. We only hope it will take us far and reason will prevail on all sides.

Shri Chanda has suggested something which, in the context of this discussion, I would like to bring to the notice of the Prime Minister. When the transfer of Berubari takes places refugees will be a concomitant thing. Actually speaking, I do not think it will be a feasible proposition to ask the tea gardens to give up their land to resettle the refugees. Because, land in tea gardens will be only in small bits. So, it is only right that Government should develop all land on our side of Berubari so that these people do not have to go very far away from the place where they are residing and they do not find themselves in an atmosphere which is not congenial to them. Let at least these refugees not be sent away to Dandakaranya or to the Andamans, because they are not the kind of people who will really be able to feel themselves at home in those places. I think it will be the duty of the West Bengal Government, with the full help of the Centre, to settle them as near their present places of residence as possible, Bengal itself. After all, the resettlement of one thousand families or so is not such a big question when 43 lakhs of refugees have come to West Bengal. Of course, they have not been fully rehabilitated. Yet, that is the state of affairs. I hope also that even though the doors of India are kept open for the people from Berubari, it will not be the doors that lead them to the streets of Calcutta where they live like cats and dogs.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shrimati Ila Palchoudhuri: Two minutes more and I will have finished.

I, Sir, rise to support these two Bills. I also commend my two amendments that I have given notice of, namely, that it may be included in the body of the Bill. When such Bills are passed, amendments to the Constitution are made and people are made homeless, in our Constitution this thing should actually be embodied that their rehabilitation will be considered in full. That should be in the Constitution. That is why I commend my amendment which I hope to place before the House when the clause comes up.

I only appeal to all concerned that we have to stand by the hon. Prime Minister because it is an international treaty. We give our full support to it. It is wrong to say that we have agitated the people in Bengal and then come and support the hon. Prime Minister here. It is absolutely untrue because Members of Parliament have not agitated the people in Bengal. Some of them may have put forth their views. But ultimately we certainly support the hon. Prime Minister. We have taken many things from the English Constitution and usage, sir, let us think of the motto of the English monarchy, in this context namely, "Dieu et mon droit" that is "God, and my right."

श्री अजयराज सिंह : उपाध्यक्ष महोदय, यह बिल इतना महत्वपूर्ण है कि जिस को किसी भी राष्ट्र के इतिहास में आने के बहुत कम अवसर मिलते हैं। मुझे दुःख है कि हिन्दुस्तान की जनता की राय लिये बिना ही, हिन्दुस्तान की जनता को पूरे विश्वास में लिये बिना ही, और उन की प्रतिनिधि जो यह संसद् है उसे विश्वास में लिये बिना ही एक ऐसी कार्रवाई हिन्दुस्तान के प्रधान मंत्री की ओर से की गई, जिस के लिये हमें संविधान में अब संशोधन करना पड़ रहा है। मैं इस विषय में नहीं जाना चाहता कि जब यह समझौता कर लिया गया है तो उस समझौते को यह संसद् भंग कर दे। मैं मानता हूँ कि यन्त्र की सरकार के द्वारा यदि कोई भी इस

तरह के समझौते होते हैं जिन का अन्तर्राष्ट्रीय महत्व है तो देश की प्रतिष्ठा का प्रश्न उठा कर उन्हें हमें मान ही जाना चाहिये। लेकिन प्रश्न तो यह है कि इस तरह की परिस्थितियाँ क्यों आती हैं सरकार के सामने, जब संसद् को बिना विश्वास में लिये हुए, बिना उस से पूछे हुए, बिना हिन्दुस्तान की जनता को विश्वास में लिये हुए, इस तरह की घटनाएँ घटित होती हैं। यदि इतिहास को हम पलटते तो सन् १९४७ में जो कुछ हुआ वह भी बिना देश की जनता के राय के हुआ था और इसीलिये देश की जनता के करोड़ों लोग इधर से उधर गये, घरों की सम्पत्ति बरबाद हुई और लोगों की इज्जत लूटी गई। एक दूसरा समय यह आया है। मैं समझता हूँ कि सन् १९४७ की घटना से देश की सरकार ने कोई उपदेश नहीं लिया, कोई पाठ नहीं सीखा। यदि बेरूबाड़ी के प्रश्न पर आज मुल्क में इतनी गर्मी है तो गर्मी सिर्फ इसलिये नहीं है कि हमें थोड़ी सी जगह पाकिस्तान को देनी पड़ रही है। बल्कि गर्मी इसलिये है कि हम इस तरह की बातें कर के मुल्क में कुछ परम्पराएँ कायम कर रहे हैं, कि यदि भविष्य में किसी दूसरे हिस्से का प्रश्न आये, जो आज हमारे कर्ज में पूरी तरह नहीं है, या हिन्दुस्तान और चीन की सीमाओं के विवाद का प्रश्न आये तो आये भी इस तरह की गलती की जा सकती है। इस लिये हिन्दुस्तान की जनता इस तरह सोचती है।

14.15 hrs.

[MR. SPEAKER in the Chair]

मैं विश्वास के साथ कह सकता हूँ कि यह केवल एक सीमा का मामूली सा प्रश्न नहीं है, यह सारे देश का सवाल है। अगर एक छोटें से इलाके के बारे में इस तरह की बात हो सकती है तो हिन्दुस्तान की सरकार बड़े इलाकों को समझौतों के द्वारा दूसरे मुल्कों को दे सकती है और बाद में आ कर हम से कह सकती है कि यह राष्ट्र की प्रतिष्ठा का सवाल है, प्रधान मंत्री की प्रतिष्ठा का सवाल है,

[श्री ब्रजराज सिंह]

इसलिये उस को कायम रखा जाना चाहिये । मैं कहना चाहता हूँ कि यह प्रतिष्ठा का सवाल इस तरह पर उठा क्यों करता है ? हिन्दुस्तान की सरकार के पास क्या कोई कानून विशेषज्ञ नहीं थे जिन को यह जानना चाहिये था कि हिन्दुस्तान की सरकार को बिना संविधान में परिवर्तन किये हुए इस तरह का समझौता करने का कोई अधिकार नहीं ? ताज्जुब है कि जब यह प्रश्न संसद् में आया तो मेरे मित्र श्री त्यागी के इस प्रश्न को उठाने पर ही सरकार को पता लग सका कि संविधान के अन्तर्गत सरकार को इस तरह का अधिकार नहीं है । इतनी बड़ी सरकार चलती है, उस के पास इतने कानून विशेषज्ञ हैं, लेकिन इस के बावजूद एक गैर सरकारी मेम्बर को सरकार को यह बतलाना पड़ा कि वह संविधान के अन्तर्गत यह काम नहीं कर रही है । यह बड़ी ही अजीब बात है ।

श्री त्यागी : मैं सरकारी मेम्बर हूँ ।

श्री ब्रजराज सिंह : आप सरकारी मेम्बर तब होते जब आप मिनिस्टर होते । आप पहले मिनिस्टर थे, अब मिनिस्टर नहीं हैं । लेकिन अगर आप मिनिस्टर की तरह बोलना चाहते हैं तो मुझे कोई ऐतराज नहीं है ।

मैं निवेदन कर रहा था कि ऐसे सभी प्रश्नों पर सरकार को पूरे विचार के साथ, पूरी गम्भीरता के साथ विचार कर के समझ लेना चाहिये कि वह जो कुछ भी करने जा रही है वह संविधान के अन्तर्गत जो अधिकार हैं उन के अन्दर है या नहीं । बिना संविधान का आदर किये हुए अगर इस तरह की बात कर भी दी जाती है तब सरकार के सामने यह प्रश्न उठा करता है कि यह प्रतिष्ठा का सवाल है, यदि इस समझौते को तोड़ दिया जायेगा और संसद् इसे नहीं मानेगी तो दुनिया में हमारी बदनामी हो जायेगी । मैं मानता हूँ कि लोगों का सरकार से कितना भी मतभेद

हो, जब इस तरह का कोई समझौता होता है तो देश को उस के पीछे होना ही चाहिये, लेकिन प्रश्न यह है कि पहले से इस पर विचार क्यों नहीं किया जाता है कि जो कुछ हम करने जा रहे हैं वह, संविधान के अन्तर्गत जो अधिकार हमें प्राप्त हैं उन के अन्दर आता है या नहीं । इसीलिये मैं कहना चाहता हूँ कि यह हिन्दुस्तान के जनतंत्र के लिये एक भयानक वस्तु होगी कि संसद् द्वारा, संविधान द्वारा जो अधिकार हमें प्राप्त हैं, हमारी सरकार को प्राप्त हैं, उन के विरुद्ध सरकार कोई काम करे और उसके बाद संविधान में परिवर्तन का बिल लाया जाये । इस से देश का जनतंत्र मजबूत नहीं होता है, इस से देश के जनतंत्र के लिये खतरा पैदा हो सकता है । आज कोई सरकार है, कल कोई दूसरी सरकार हो सकती है, वह इस तरह के काम करती चली जाये और बाद में आ कर कहे कि हम तो संविधान में संशोधन कर रहे हैं क्योंकि यह हमारी प्रतिष्ठा का सवाल उठ गया है, यह बहुत खतरनाक बात हो सकती है । इसलिये मैं कहूँगा कि हमेशा यह खयाल रखा जाना चाहिये कि संविधान के अन्तर्गत हमें क्या शक्ति हासिल है और उसी शक्ति के मुताबिक हम काम करें ।

इसी संदर्भ में मैं यह सुझाव दूँगा कि कोई भी हिन्दुस्तान का प्रधान मंत्री यदि कोई इस तरह का समझौता अन्तर्राष्ट्रीय पैमाने पर करे तो उस समझौते में यह शर्त रखनी चाहिये कि हम यह समझौता कर रहे हैं पर संसद् द्वारा इस का समर्थन होगा । यह संसद् द्वारा स्वीकार कर लिया जायेगा तभी अमल में आयेगा । मैं समझता हूँ कि इस में प्रधान मंत्री की ताकत को कम करने का सवाल नहीं है, यह हमारे देश के जनतंत्र के वास्ते ही एक आवश्यक चीज है । अगर देश में जनतंत्र चलना है तो संसद् सर्वशक्तिमान संस्था है । उस संस्था को न भेज कर खास तौर पर ऐसी सूरत में जब कि मुल्क का कोई

हिस्सा दूसरे मुल्क को दिया जा रहा हो, यदि कोई काम किया जाता है तो यह ठीक नहीं है और इस तरह की बात उठनी नहीं चाहिये। मैं चाहूंगा कि हिन्दुस्तान की सरकार भविष्य के लिये कम से कम ऐसी परम्परायें कायम करेगी कि जब इस तरह का कोई प्रश्न उठता है तो समझौते में एक शर्त यह रखी जायेगी कि जब तक संसद् इस का समर्थन नहीं करती है, उस को मान नहीं लेती है, तब तक इस समझौते का कोई हिस्सा अमल में नहीं आयेगा। मैं समझता हूँ कि इस तरह की परम्परायें कायम कर के देश में जनतंत्र और अधिक मजबूत हो सकता है, खास तौर पर ऐसी परिस्थितियों में जब हमारे मुल्क के आस पास की जगहों में, पड़ोसी देशों में जनतंत्र कमजोर हो रहा है। हम ने अभी सुना कि नेपाल में जनतंत्र को दफना दिया गया है, और उस से पहले हम पाकिस्तान में देख चुके हैं कि वहाँ जनतंत्र को खत्म किया जा चुका है। ऐसी सूरत में हमें वे सारे कदम उठाने चाहिये जिन से देश में जनतंत्र मजबूत हो। मैं समझता हूँ कि जनतंत्र तभी मजबूत हो सकता है जब देश की संसद् की शक्ति सब से ऊँची रखी जाय और खास तौर पर कोई ऐसा काम न किया जाये जिस से संसद् की ताकत कम होती हो।

यह कहते हुए अन्त में मैं कहना चाहूंगा कि बेरूबाड़ी के प्रश्न से हमारे मुल्क की इस प्रतिष्ठा के अलावा उन लोगों का भी सम्बन्ध है, उन दुर्भाग्यशाली व्यक्तियों का सम्बन्ध है जो कि उस के कारण सम्पत्तिविहिन हो जायेंगे, जिन की सम्पत्ति चली जायेगी, जिन के लिये खाने पीने का कोई साधन नहीं रहेगा। आज जब यह बिल पेश है तो संसद् का कर्तव्य है कि वह देखे कि वहाँ के लोगों को कहीं पर तकलीफ न हो, उन को अच्छी तरह से पुनःस्थापित किया जाये, रिहैबिलिटेड किया जाये और उन की सारी तकलीफों को दूर

किया जाये। यह कह देना ही आम तौर से कि हम उन लोगों को रिहैबिलिटेड कर देंगे, काफी नहीं है। इस से कर्तव्य पूरा नहीं हो जाता क्योंकि हम पंजाब और बंगाल के संबंध में पहले भी देख चुके हैं कि पंजाब के सीमान्त के भाइयों ने, बंगाल के भाइयों ने हमें आजाद कराने के लिये, देश को आजाद कराने के लिये इतनी कुर्बानी दी, लेकिन उन के साथ हम को जो कुछ करना चाहिये था उतना हम नहीं कर पाये हैं। मैं चाहूंगा कि हिन्दुस्तान की सरकार यह ध्यान में रखे कि हिन्दुस्तान की प्रतिष्ठा को कायम रखने के लिये, हिन्दुस्तान के प्रधान मंत्री की प्रतिष्ठा को कायम रखने के लिये जिन दुर्भाग्यशाली नागरिकों का जीवन खतरे में पड़ता है उन की सुख सुविधा में कमी न हो और यह कोशिश की जाये कि उन लोगों को हर तरीके से राहत पहुंचाई जाये और उन का पुनर्स्थापन किया जाये।

अन्त में मैं कहूंगा कि इससे हिन्दुस्तान की सरकार को सबक लेना चाहिए, और आगे इस तरह के प्रश्न हमारे सामने न आवें, चाहे वे चीन और हिन्दुस्तान की सीमा, विवाद के बारे में हों या काश्मीर के बारे में हों, जिससे भविष्य में यह कहने का मौका मिले कि हमने हिन्दुस्तान की संसद् से बिना पूछे ही इस तरह के काम कर डाले हैं।

मैं समझता हूँ कि अब मुल्क के सामने सिवा इसके और कोई चारा नहीं है कि वह जो कुछ समझौता हिन्दुस्तान के प्रधान मंत्री ने किया है, जिसको नेहरू-नून समझौते का नाम दिया जाता है। उसे कड़वी गोली समझते हुए भी, उसे दुर्भाग्यशाली समझते हुए भी, उसको मान ले यदि उसको अपनी प्रतिष्ठा कायम रखनी है और अगर उसको अन्तर्राष्ट्रीय क्षेत्र में अपना सिर ऊँचा रखना है। लेकिन उसे मानते हुए भी इस बात का ध्यान रखना होगा कि ऐसा करके हम देश के कुछ नागरिकों को, जो पूरी तरह से देश के नागरिक हैं और जिनको नागरिकता के उतने ही अधिकार हैं जितने किसी ऊँचे से ऊँचे आदमी को इस देश में

[श्री बजराल सिंह]

हो सकते हैं, उनके नागरिक अधिकारों से वंचित कर रहे हैं। हम आशा करते हैं कि उनके जीवन का स्थल रखा जाएगा और उनके भविष्य का स्थल रखा जायेगा।

इस शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

Shri P. C. Borooah (Sibsagar): Mr. Speaker, although I come from one of the States which is also considerably affected by the Indo-Pakistan Agreement, I have no hesitation to accord my whole-hearted support to these measures and I also congratulate our great Prime Minister for marshalling the Indo-Pakistan Agreement to a successful end.

An. Hon. Member: What success?

Shri P. C. Borooah: The hon. Prime Minister, in one of his speeches, mentioned that the division of the country was itself an illogical thing and any act of commission or omission or any illogical thing if to meet the events arriving out of that illogical act done now, should also be conceded to. It is a misfortune of the greatest magnitude that we had to agree to the division of the country to win the fruits of the struggle for independence. That misfortune is all the same therefore both for India as well as for Pakistan. When we agreed to the partition of the country, the question of delimitation of boundaries came in. As a result of that, we had to face disputes and differences in alignment of boundaries. To solve these boundary disputes, we obtained the services of Justice Radcliffe and in his award, he has considerably reduced the differences and disputes. Then, again, the Bagge tribunal came and by his award, these disputes were further reduced. Whatever was left after these awards has been ironed out by the Indo-Pakistan Agreement.

By this Agreement, India has to give some territory to Pakistan and

some territory is going to be got by India. The trend of the debate was not so much against the merger as it was against the transfer of an area of our territory viz. Berubari. It will be wrong on our part if we do not give the territory that is due to Pakistan and take only our part which is due to us. It is like one coin having two sides. If we take the coin, we must have to take both the sides. We cannot take only the head and leave out the tail. An agreement, if it is to last long, should be fair and it should not be only to the advantage of one party.

I am not a lawyer myself. So, I do not want to deal with the constitutional aspects of the matter. It has been ably dealt with by my lawyer friends. But even as a layman, I can say that this House has got full competence and is a sovereign body which can make, unmake and amend any law. By bringing forward up these Bills, I think, the observations made by the hon. Supreme court have been fully honoured.

Let us go back to the year 1958 and the first 9 months of 1959. What happened in the borders? Every day, day in and day out, we heard about disturbances, shooting, firing, looting, and so on and so forth. We remember in this House how many valuable hours we had to spend over discussing the border disturbances in the shape of the adjournment motions, questions, debates and so on. We were anxious to see that the people in the border areas lived peacefully. What were the suggestions put forward by all the Members at that time? Only we put questions to the Government, the action the Government was taking to stop the disturbances. There was no concrete suggestion from the side of the Members. There were before the Government and the people of the country two alternatives, either declaration of war against Pakistan or settlement of matters by negotiations. The Government has rightly adopted

the latter course. As a result of the negotiations, the Indo-Pakistan Agreements came in. In fact, since the Agreements were concluded, the border areas are comparably calm. No report of trouble of any serious character has come to our notice, and the people in the border areas have been able to live peacefully.

So far as my own State is concerned, although we do not know actually what is the extent of area which will be exchanged, it is about 17 square miles and 130 acres will go to Pakistan as per the statement of the explanatory Memorandum circulated to us. Similarly so far as Punjab is concerned, 2·13 square miles and 91 acres will go to Pakistan. So far as Bengal is concerned, Berubari which is about 9 or 10 square miles would go to Pakistan. Our sacrifice is not less than Bengal. We have given up 17 square miles. What for? We have not raised any objection. The people of Assam, the Assam Government and the Assam legislature supported this move. What for? For the greater good of bringing about a peaceful atmosphere in the Assam-Pakistan border, that means Indo-Pakistan border. So far as Berubari is concerned, I would like to say that it is not alone Bengal's. It is ours as well. It is India's. We are equally aggrieved to have to sacrifice Berubari for this greater cause. Although Assam and Punjab did not behave very properly in a few recent incidents—in the language question, etc.,—but in this matter, Assam and Punjab have behaved very creditably and have shown how to honour a National Agreement, how to raise the prestige of the country and the prestige of the Leader of the House and Prime Minister of the country in international sphere.

Shri Bimal Ghose: Why not take the suggestion of the Home Minister about Language?

Shri P. C. Borooah: I will take another opportunity to speak on that. It is not the question of language now. So far as this matter is concerned, I hope the whole country will follow

Assam and Punjab and support this move, support these Bills and support the Indo-Pakistan Agreement.

Shri Subhiman Ghose: You have raised the prestige by beating the Bengalees.

Shri P. C. Borooah: I really sympathise with the people of West Bengal. I really sympathise deeply with West Bengal. It has suffered most as a result of the Partition. They have not been able to settle their refugees. They have been badly truncated, their families separated and their homes broken. Yet, I would venture to request my Bengali friends that for the greater good or for the greater cause, they should accept these measures, just as we are also accepting them.

Our great saint Acharya Vinoba Bhave has also advised us to accept this Indo-Pakistan agreement. He has said:

“The controversy is like a fly that has fallen in a glass of milk. We remove the fly, but do not want to throw away the milk. We should eschew controversy and work the agreement in good spirit.”

This is the advice given by the Acharya Vinoba Bhave, and I hope we shall not miss this occasion, to follow his advice, and considering that this is an international agreement between two countries, we shall support it, and we shall subscribe to these two measures before the House, leaving aside our party affiliations.

With these words, I support the motions, and I thank you, Sir very much for giving me an opportunity to speak on behalf of a State which has been equally affected by the Indo-Pakistan agreement.

Shri Ajit Singh Sarhadi (Ludhiana): I rise to support the two Bills that are under consideration before the House. I admit that ceding of any territory is a very serious and an important matter and must be under the control and scrutiny of this

[Shri Ajit Singh Sarhadi].

House but we have got to see whether in the Bills under consideration, any ceding is involved in the manner and in the sense which are sought to be made out by certain hon. Members. I admit that the Supreme Court has held this transfer of the enclaves as ceding of territory. But the approach of the Supreme Court was a legalistic approach, in the sense that these portions constituted part of India for a pretty long time and had been administered as such, and, therefore, from a legal point of view, all the necessary formalities should have to be gone through before such ceding took place. But, otherwise, if we look at the problem, I would submit that it is an agreement between two sovereign States, deciding certain border issues that were involved as a result of the Partition of the country, and as such, this agreement must be seen in its political and historical background.

Of course, there may be a criticism on the ground that the agreement is detrimental to the interests of the country, either strategically, or economically or politically, or socially, but it cannot be said that while entering into this agreement, we are ceding any territory as a gift or transferring it in any mistaken manner.

As I was submitting, the basis of these two Bills is the agreement that the two sovereign States have entered into, and this agreement has got a certain political and historical background.

The political background is the condition that has been prevalent for the last thirteen years on the two borders of this country. A reference has been made by the hon. Member who preceded me to the tense situation that prevailed all these thirteen years, and to the disturbed conditions in which the border people were living, and the urgency on the part of the Government of India to settle the problem.

There were three alternatives before the Government of India in this connection. The first alternative was to leave the position as it was, and to occupy and remain in possession of those enclaves which were theirs, in accordance with the interpretation which they were making of the Radcliff Award. We have got to judge whether this alternative was good for the country, which involved the frittering away of the energies for the protection of the border unnecessarily, while we could come to an agreement, particularly, in the light of the circumstances that obtain today, namely the incursions on our border with China, which are more important and are of a graver nature and as such demand greater attention. From this aspect too, I would submit that we could not accept the alternative of keeping the *status quo* and remaining in possession on our own interpretation.

The second alternative was that we should go for arbitration. There also, we should have negotiation first. You will agree, and I am sure, that all Members of this House will agree that arbitration always succeeds negotiations, and does not precede negotiations. It is our good fortune that at the negotiation stage itself, we were able to reach a decision and a compromise, by the transfer of the enclaves. It is not only the Berubari area or enclave that is involved in the clause relating to mutual exchange, but there are others also. We are giving about 119 enclaves comprising an area of 26 or 27 square miles, and we are having about 74 enclaves comprising of an area of about 19 square miles. Punjab is losing nearly 24,949 acres, thereby displacing about 750 families, comprising a population of nearly 3500, and those too are all displaced persons. But I would submit that this agreement has to be seen in its political background and the exigencies of the time and their political importance. I would repeat that the Government of India did well in entering into negotiations and settled

the matter once and for all. That aspect, I submit, is the political aspect in which it has to be seen. The historical aspect is the Partition of the country.

I entirely agree with my hon. friend Shri Anil K. Chanda that nobody deplores the Partition as much as he does or as I do, along with about 9 million more people who have been displaced from East Bengal and West Punjab, who had to leave their hearths and homes and migrate to this country, and I submit that the names of those who have suffered will go down in the history of the country in golden letters, because they have suffered for a noble cause and that cause was Independence. In the exigencies of the situation that had arisen, there was no way out but to have Partition. But my grouse as a Punjabi is certainly against the boundary commission, particularly against Sir Cyril Radcliffe who was the arbitrator and who gave the award. The House will recall that one of the terms of reference given to the boundary commission was as follows:

"The boundary commission is instructed to demarcate the boundaries of the two parts of Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will take into account other factors."

Similar was the term of reference in regard to Bengal also. So, other factors were also to be taken into consideration, while the arbitrator was to give his award. I am not aware of the conditions in Bengal, but so far as Punjab is concerned, I would say that despite the fact that the boundary commission of Punjab, I mean, the two members who were there from East Punjab, emphasised certain very important and basic factors which should be taken into account in the matter of the division of that State, no account was taken of those factors. They were very important factors.

What tragedy it was that thought the Punjabis have suffered, particularly, the Sikhs, of whom nearly 40 per cent has been displaced, who have lost 75 per cent of their worldly goods, it came as a surprise that a very important and historic Gurudwara, namely the Kartarpur Gurudwara, where the first Guru later settled and died, which is just across border at a stone's throw, was given to Pakistan. It could have been easily brought in here as an enclave. That was one of the factors which the arbitrator could have considered, and which was emphasised by the two members from Punjab who were the members of the boundary commission; yet, no consideration was given to them. I wish that our representatives who were demarcating the territory and delimiting the areas on the basis of the Radcliffe Award had brought in this issue also; yet, I could appreciate their difficulties, because they were bound by the Radcliff Award, and they could not go beyond the Radcliffe Award. I agree that it was a mistake on the part of the arbitrator that while giving the award, he did not look into this aspect that he was creating an international frontier, and an international frontier between two sovereign States must be a natural frontier and must be a very strategic frontier. But the line was drawn without considering all these factors. Yet, I wish that the agreement between the two countries or the discussion between the representatives of the two countries had been on the lines that not only should the frontier remain a natural frontier but it should also be a strategic frontier, because it is going to be an international frontier, not a frontier between two States of one Union. However, as I said earlier, there were limitations, on the Government of India, because they could not go beyond the Radcliffe Award. I am aware of the limitations of the Government of India because they could not go beyond the Radcliffe Award. The Radcliffe Award being the basis, they could not go beyond it. When we have got to have an interpretation of

[Shri Ajit Singh Sarhadi.]

the award, we must go by the lines laid down there. In this process, Punjab has, as I submitted, very much suffered. But I am grateful, and we must all be grateful, to Sardar Swaran Singh who so ably conducted the negotiations in a proper manner and decided on an amicable solution in regard to Punjab as well as Assam.

Now, much emphasis has been laid on the Berubari area. Our sympathies go to the population that would be displaced. I am glad that the Government of India and the Prime Minister—he said so in his opening speech—have undertaken to give rehabilitation benefits to them. They have said that all sorts of facilities on migration will be given to them. I submit that this issue of Berubari should also be judged in the context of the background of the Radcliffe Award. My hon. friend Shri Vajpayee, said that we had looked into the map that the External Affairs Ministry showed us last evening, and he felt that in a court of law or before an arbitrator—of course, there would be no court of law as between two sovereign States—we would have won. I regret that I cannot agree with him. I have studied the map pertaining to Berubari and with that analytical mind I can say....

Shri Assar (Ratnagiri): Has the hon. Member seen the map?

Shri Ajit Singh Sarhadi: I have seen the map. Whether the hon. Member was there or not, I cannot say. But I have looked into the map.

Shri Assar: The officials were not able to explain it.

Shri Ajit Singh Sarhadi: My hon. friend will agree that there was certainly confusion where the line went when it went to Cooch Behar. If we had entrusted the matter to an arbitrator, was there not a possibility that the whole might have gone? In order to keep up amicable relations—and when there is a case of a disputed nature

where the wording of the Radcliffe Award does not give any lead in that matter—what is the harm in our coming to this agreement? I concede that there is suffering involved to those who will be displaced. But I believe that in a treaty between two sovereign States, in negotiations and agreement between two countries, two neighbouring countries, who want to maintain good relations, especially when it is based on a just basis and a just reason, we should accept it. I still challenge my hon. friends who doubt this to look into the Radcliffe Award and say whether there was any definite conclusion reached on this. There was no specific reference in the Award to this (*Interruption*).

I would submit that there is a third aspect also to this, namely, the moral aspect. I disagree with hon. Members who say that it should be subject to ratification by Parliament. Of course, Parliament is a sovereign body. But when agreements at international level have to be reached, unless the executive of the people have got complete authority and unless we give them full support, they will not be in a position to discharge their responsibilities.

For these reasons, I fully support the two Motions.

पंडित ब्रज नारायण "ब्रजेश" (शिवपुरी) :

कृष्ण वन्दे जगद्गुरुम् । अर्घ्यस्य महोदय, बेरूबाड़ी के प्रश्न पर सदन में पूर्ण रूप से वादविवाद हो चुका है ऐसा मैं समझता हूँ और अब जो विचार व्यक्त किये जा रहे हैं वे ही विचार हैं जिन्हें पूर्व ही व्यक्त किया जा चुका है। बेरूबाड़ी की घटना वास्तव में बड़ी साधारण घटना है, कोई बहुत लम्बी चौड़ी भूमि नहीं दी जा रही है, कोई करोड़ों और अरबों का नुकसान नहीं हो रहा है। परन्तु इस दृष्टि से इस पर विचार नहीं किया जाना चाहिये। आज तो हम यह देख रहे हैं कि देश में धीरे धीरे देश की सीमाओं को सशक्त बनाने के लिये जिस प्रकार का वायुमंडल

(Ninth Amendment) Bill

निर्मित होना चाहिये उस का निर्माण नहीं हो रहा है, और उस का कारण यह है कि हमें सम्पूर्ण देश में इस वायुमंडल का निर्माण करने के लिये जिस प्रकार की नीति को लेकर चलना चाहिये था। वह ले कर नहीं चले रहे हैं। बेरूबाड़ी की घटना तो उस माला की एक गुरिया है जिस का हम ने अपनी भावना द्वारा निर्माण किया है, और उस का सूत्रपात पाकिस्तान के निर्माण से ही हुआ है। पाकिस्तान का निर्माण ही नहीं हुआ होता यदि गांधी जी की भावना के अनुकूल हम ने आचरण किया होता। हम ने सत्य अहिंसा का उद्घोष बनाकर अपना युद्ध प्रारम्भ किया परन्तु हम ने स्वयम् सत्य की हत्या को और हिंसा को प्रोत्साहन दिया। पाकिस्तान स्वीकार नहीं किया जाना चाहिये था, परन्तु फिर भी किया गया और इस प्रकार से सत्य की हत्या हो गई, और इस सत्य की भी हत्या हम ने तब की जब हिंसा का सूत्रपात हुआ। यदि पाकिस्तान देना है, और सिद्धान्ततः देना चाहिये था तो बिना हिंसा को प्रोत्साहन दिये हमें उसे दे देना चाहिये था। परन्तु दिया तब जब सम्पूर्ण रूप से हत्या हुई और फिर यह कहा गया कि परिस्थिति इस प्रकार की निर्मित हो गई कि यदि पाकिस्तान नहीं देते तो काम चल नहीं सकता था। इस लिये देना पड़ा। तो यह देना पड़ा, जो हो गया उसे भूल जाओ, आगे की सोचो, इस तरह से कहने से कैसे काम चलेगा? कब तक हम इस प्रकार भूलते रहेंगे और आगे की सोचते रहेंगे, यह एक समस्या है, यह एक प्रश्न है जिस का सुलझाव होना चाहिये। हम नित्य प्रति मुनते हैं कि छोड़ो जो हो गया वह हो गया।

पिष्ठं पेषणम् नास्ति

पिसे हुए को बार बार पीसने से क्या फायदा? जो हो गया हो सो गया। 'लेट बाई गान बी बाई गान' भी ठीक है लेकिन कब तक ऐसा ही चलता रहेगा और हम भूलते रहेंगे? आज बेरूबाड़ी है कल कोई दूसरी समस्या होगी, फिर तीसरी हो जायगी। फिर कहेंगे कि इसे राष्ट्रीय

दृष्टि से तय करो और आगे की चीजों पर ही विचार करो। आज सब से बड़ी समस्या यह भी है और व्यावहारिक दृष्टि से भी हम देखते हैं कि जब भी कोई काम करने में हमें हानि होती दिखाई देती है तो बड़ा छोटे का सहारा लेता है और छोटा बड़े का सहारा लेता है। यहां पर बड़े छोटे का कोई प्रश्न नहीं है, फिर भी प्रजातांत्रिक दृष्टि से सहारा लेना होता है। प्रधान मंत्री के पास बहुत बड़ा सहारा था, वे कह सकते थे नून साहब से। वास्तव में नून साहब कितने बुद्धिमान थे यह पाकिस्तान ने सिद्ध कर दिया। उनसे समझौता करने में हमने कितनी बुद्धिमानी की यह भी इस से प्रकट हो गया कि जिस आदमी से बात हम करने चले वह आदमी खुद प्रथम कोटि का बुद्ध सावित हो गया, परन्तु फिर भी प्रधान मंत्री को बहुत बड़ा सहारा हो गया था। जब वह नून साहब से बात कर रहे थे तो हो सकता है कि उन्होंने गर्दन दबाई हो, तंग भी कर दिया हो, गोली चली थी, लड़ाई भी चलती थी पाकिस्तान से, मारकाट होती थी। कोई भला आदमी क्यों चाहेगा कि मार पिटाई होती रहे और हम उसे सहन करते रहें। प्रबन्ध न सोचें। शांति मोल लेने के लिये और पाकिस्तान को प्रसन्न करने के लिये हमने यह समझौता किया तो समझौता करते समय यदि प्रधान मंत्री महोदय थोड़ी जागरूकता से काम लेते, बुद्धिमत्ता से काम लेते और कहते कि हम प्रयत्न करेंगे, लेकिन फिर भी मेरे ऊपर लोक सभा है, तो अधिक अच्छा होता। जिस प्रकार हम प्रधान मंत्री का आदर करते हैं और अपने आदर को प्रधान मंत्री के आदर पर न्योछावर करने के लिये तैयार हैं अथवा जिस प्रकार देश प्रधान मंत्री का सम्मान करता है, वह धन वे ट्राफिक नहीं होना चाहिये। प्रधान मंत्री को भी सदन के सम्मान का और देश के सम्मान का ध्यान रखना चाहिये। ऐसे किस तरह चलेगा कि केवल देश ही प्रधान मंत्री का सम्मान रखे और प्रधान मंत्री देश का सम्मान न रखें, लोक सभा तो प्रधान

[पंडित ब्रज नारायण "ब्रजेश"]

मंत्री का सम्मान करे और प्रधान मंत्री लोक सभा को अपना एक खिलौना समझे ? यह कार्य दोनों तरफ से होना चाहिये । मेरा निवेदन यह है कि प्रधान मंत्री को नून साहब से बात करते समय अथवा पाकिस्तान के साथ बात करते समय थोड़ी सावधानी से काम लेना चाहिये था । संधि करते समय, संधि विग्रह भी राजनीति की एक महान कला है । जो व्यक्ति संधि विग्रह में कुशल नहीं है वह राजनीति शास्त्र को भी नहीं जानता । वह राज्य चलाने की योग्यता को सिद्ध नहीं कर सकता है । संधि विग्रह के समय यह सावधानी परमावश्यक है । (Interruptions) अगर कुछ कहना है तो जोर से बोलो । इस वक्त हिन्दुस्तान के नाश का प्रश्न है और ये लोग हंसने बैठ गये । इस लोक सभा को उपहास बना लिया है । बड़ी से बड़ी बातों को हास्य विनोद में टालना चाहते हैं । केवल जब में पैसा डालकर और बिल बना कर घर चले गये, इस के लिये लोक सभा की सदस्यता नहीं होती, यह गम्भीरतापूर्वक कार्य करने के लिये है । अगर कोई शंका हो तो जोर से बोलो और यदि कोई शंका नहीं है तो चुपचाप बैठो । यह क्या बात है ? सदन की प्रतिष्ठा को ध्यान में रखना परमावश्यक है ।

मैं यह निवेदन कर रहा था कि प्रधान मंत्री महोदय जो इतनी महत्वपूर्ण बात कर रहे थे, वे कह सकते थे कि आप जो भी कह रहे हैं वह मुझे स्वीकार है, मैं प्रयत्न करूंगा, लेकिन आप जानते हैं कि मेरे सामने भारत का संविधान है, मेरे सामने लोक सभा है, सदन है । मैं जा कर आप की बात रखूंगा और उन को राजी करने का प्रयत्न करूंगा । सदन और विधान यदि दोनों में किसी प्रकार का मतभेद उत्पन्न नहीं होता, विधान मना नहीं करता और सदन स्वीकार कर लेता है तो मैं आपकी बात को मानने के लिये

तैयार हूँ और आप को यह हिस्सा दे दिया जायेगा । और ऐसा घरों में भी होता है । घर का कर्ता चाहे वह वृद्ध हो, मान वृद्ध हो, षयोवृद्ध हो, अगर वह किसी से बात करने जाता है और यह देखता है कि उसको वह बात स्वीकार करने में अड़चन है, तो कहता है कि मेरा लड़का भी अब बड़ा हो गया है और होशियार हो गया है उस से पूछ कर मैं यह काम कर सकता हूँ । तो चलो सदन को और संविधान को छोटा कह कर भी प्रधान मंत्रीजी इस प्रकार बोल सकते थे । और अगर वह समझते हैं कि संविधान और लोक-सभा के वह रिप्रेजेंटेटिव हैं, तो उनकी प्रतिष्ठा को रखने के लिये वह इस प्रकार से बोल सकते थे कि भाई अभी हमारे पिता जी जिन्दा हैं, हमको उनसे पूछना पड़ेगा । तो दोनों ही प्रकार से काम चल सकता था, पर न छोटा बन कर न बड़ा बन कर उन्होंने इस प्रकार बोला बल्कि उनकी बात को स्वीकार कर लिया । अब यहां आपत्ति खड़ी हो गई कि उनको ऐसा करने का पूर्ण रूप से अधिकार नहीं था । तो फिर चले सर्वोच्च न्यायालय के सामने । सर्वोच्च न्यायालय ने अपना निर्णय दे दिया कि जब तक संविधान का संशोधन न हो तब तक देने का अधिकार नहीं है । तो सोचा कि चलो संविधान का संशोधन कर लेंगे । अपने आदमी बैठे हैं, उनसे कह देंगे कि हाथ ऊंचा कर दो ।

हम लोग जो यहां बैठे हैं वह प्रधान मंत्री जी का सम्मान तो करने को तैयार हैं सम्मान भी सम्मान के साथ होना चाहिये । एक को अपमानित करके दूसरे का सम्मान करना ठीक नहीं है । हम अनेकों बार अनेकों बातों में प्रधान मंत्री महोदय का समर्थन कर चुके हैं । हमने आलोचना करने का कोई ठेका नहीं ले रखा है और न केवल शासन की आलोचना करने हम यहां आये हैं । इस-लिये मेरा यह निवेदन है, और खास तौर पर मुझे दुःख इसलिये होता है कि जिस भूमि में पैदा

हुये सुभाष उस भूमि का हुआ सर्वनाश, और उसके पश्चात् पुनर्वास पुनर्वास, अर्थात् पुनर्वास, और विश्व में होता है हमारा उपहास, फिर हमसे कहते हैं कि इन बिलों को करदो पास। तो यह किस तरह से हो सकता है। इस लिये मेरा निवेदन है और मेरी प्रार्थना है कि जनता को बिना राय लिये हमें इसको पास नहीं करना चाहिये। जनता ही इस देश की सच्ची प्रतिनिधि है, जनता का देश है और जनता का ही संविधान है। इस लिये जनता से बिना पूछे इसको पास करना उचित न होगा। इसी दृष्टि से निवेदन करके मैं अपना कथन समाप्त करता हूँ।

Shri C. K. Bhattacharya (West Dinajpur): Mr. Speaker, Sir, the Prime Minister yesterday referred to the Partition of India as illogical. It is not only illogical; it was a great historical tragedy. The greater tragedy was the fact that the Partition was carried out, at least so far as West Bengal was concerned on a map that was materially defective, full of inaccuracies and I would go further and say, on a fake map, a fabricated map, fabricated for the definite object and deliberate object of depriving India of large areas that would not have been possible if a correct map were supplied to Sir Cecil Radcliffe. As soon as his Award was announced, I took up this question and I approached the External Affairs Ministry to take up the question of an uncorrected map supplied to him. He had been misled and more than 600 square miles of area in Nadia, to which Shri Tridib Kumar Chaudhuri referred yesterday, had been lost to India. This is the reply I received from the External Affairs Ministry:

"Whilst there may be minor adjustments of boundary in the course of actual demarcation on the ground, there is no ambiguity about the Award and it has been correctly interpreted in the present demarcation."

So, in 1948, the External Affairs Ministry was under the impression that

there was no ambiguity about the Radcliffe Award, at least so far as an individual citizen of India was concerned. I was not in Parliament then but as an individual citizen outside Parliament I did the best that I could do to draw the attention of the Government to this material defect in the map on which the Partition of West Bengal was based. I was not discouraged by this letter from the External Affairs Ministry. I wrote back to them and again the reply is, from a Deputy Secretary:

"I am directed to say that the Government of India is advised that there is no discrepancy between the map and the Radcliffe Award nor is there any reason to believe that the map is fabricated."

Ten years have passed and I put this question today. What stands in the way of the External Affairs Ministry to tell the same thing to Pakistan. To an Indian citizen they can say that there is no discrepancy between the written Radcliffe award and the map and that there is no ambiguity about the award. This could be said to me. But could not the same thing be stated in the face of Pakistan when it put its claim to Berubari in 1958?

But I was not discouraged even by the reply that I received. I put my proposition in print and sent a copy of it to Sir Cyril Radcliffe himself and I requested him to review his Award as he had given an Award on a mistaken fact. He was very kind to me and in his own hand-writing he sent me a reply and he said that after having giving an Award, he did not want to go into it further and the two Governments might adjust it between themselves.

I am telling you what I did, Sir, I approached Sir Gopalaswamy Ayyangar who was in charge of the External

[Shri C. K. Bhattacharya]

Affairs Ministry. I came to Delhi and he told me to see him in Calcutta where he was going. I saw him in Raj Bhavan in Calcutta with maps and also with some local people. Shri S. Dutt, the Secretary, was with him and Shri Gopaldaswamy Ayyangar wanted him to understand this case. I explained to him that the position of a particular river was completely shifted. The Radcliffe map has been placed in our Library and I request hon. Members to go and scrutinise the maps and see how they are shown. In the Bagge Award the Government of India's case was based on the river Matha Bhanga and this particular river in the Radcliffe Award map is not shown correctly. The map shows three Mathabhanga rivers and the correct position is not shown at all. The result is that those five thanas which should have been shown on the west of the river and which, if shown on the west would have come to West Bengal, are shown on the east of the river and have gone to Pakistan. I explained the case to Shri Dutt and at first he hesitated. Then the chairman of a local municipality, Meherpur, who was with me explained to him and said to him: "Mr. Dutt, you were posted in our area in early career and visited our place sometimes on duty, do you remember to have crossed the river when you came to visit my house?" Shri Dutt replied: "Yes". Then, he asked him to see the map and say whether it showed the correct position. Then, Shri Dutt agreed that it was wrong and he told Shri Gopaldaswamy Ayyangar that what we said was right. This has happened within my own experience. But unfortunately Shri Gopaldaswamy Ayyangar did not take up this case and he said: "The Award had been given; what can we do now?"

I did not rest there; I did not feel discouraged. When the Bagge Tribunal was appointed, I approached the Chairman of the Tribunal and I wrote to him that he should allow me to present this case to him, to appear before the Tribunal. He

replied that the Tribunal was appointed to hear the Government *versus* Government case and that it would not hear private parties. Even then I was not discouraged and I sent a copy of my publication to each one of the Judges. I sat through the hearings of the Tribunal and had the satisfaction to see that one of the Judges, Justice Chandrasekhara Iyer put this question twice, once to the Advocate-General appearing on behalf of India and again to the Advocate Mr. W. W. Page appearing on behalf of Pakistan: "Would you put this case of the lower reaches of Mathabhanga before us?". The Advocate-General appearing on behalf of India replied: "No, Sir". The Advocate-General appearing on behalf of Pakistan said: "No, Sir."—of course it was not in the interest of Pakistan to do it. There, Sir, the matter ended.

15 hrs.

Why has this question been reopened now? When Pakistan comes up, why can't the same stubborn attitude be shown to Pakistan that the External Affairs Ministry showed dealing with me. The statements in their letter that I am reading out are quite clear, categorical, positive and even to the point of becoming pontifical. Why should the Ministry feel shaky in putting up that very stubborn attitude when Sir Feroze Khan Noon or anybody comes up on behalf of Pakistan, when they raised this question of Berubari?

Sir, Berubari is not an enclave. It belongs to the main land of India; that should be remembered. The transaction between the two Prime Ministers related to the exchange of enclaves. Berubari is not an enclave. About the enclaves there is no question. The people in the different enclaves want to be exchanged. The Indian citizens in Pakistan enclaves want to come over to India. Therefore, in their case there is an agreement. But in the case of Berubari there is no agreement, and the people do not like to be displaced in the way that we are doing.

On this question, Sir, there is some emotion and agitation in West Bengal.

The whole of India should feel it. As I look upon it my mind becomes rather gloomy. This is an unfortunate state which has been kept in a continued irritation and continued tension since 1943—the man-made famine, the direct action of the Muslim League in Calcutta, the havoc in Noakhali, the partition, the coming of refugees from East Pakistan wave after wave, the trouble in Assam and refugees coming and now this Berubari question. What will be the result? If a State is kept in a continued state of irritation year after year what will it generate. This frustration, this feeling of frustration, this irritation, this feeling of humiliation, what will it lead to? This boiling and bubbling cauldron of life, what will it generate? That is the whole thing that my mind is pensively looking after when I am dealing with this question.

Sir, of course, we are supporting this agreement. But when we are supporting this agreement, at once I feel what the position in West Bengal will be. My feeling is that unless there is some change of policy, unless there is some change in the approach, the State itself might be finding itself in such a difficulty that it will be difficult to keep the people in proper order.

Sir, we have seen refugees coming from East Bengal, refugees created by the acts of Pakistan, refugees created by the acts of the Government of Assam and now there will be refugees created by an Act of Parliament—refugees coming in West Bengal wave after wave. This is the thing that the entire House should consider. I appeal to the entire House to consider this case of this unfortunate State. I do not hold anybody responsible, but I say that this has been the fate that Providence has imposed upon us.

I shall say only one thing about the inaccuracies of the map which was brought before the Boundary Commission in which there were two Indian Judges—the late Shri B. K. Mukherjee who became the Chief Justice of India and the late Shri C. C. Biswas who

became the Law Minister. They detected the inaccuracies in the map and called for an explanation from the Government as to why inaccurate maps were prepared and supplied. The Director of Land Records gave this explanation:

“These maps were originally prepared at the instance of the Hon’ble Mr. Fazlur Rahman, Minister, Land and Land Revenue, to whom and to the Hon’ble Mr. Suhrawardy copies were supplied in manuscript. These not being departmental maps the work was left to the Additional Officer in charge (now Officer in charge) Mr. Alauddin, who was asked to submit the required copies direct to the Hon’ble Ministers.”

The Director of Land Records knew nothing of these maps. These maps were being prepared between Mr. Suhrawardy and Mr. Alauddin in the office of the Director of Land Records. Then he says:

“As I have explained above, the maps were not required in connection with the work of my Directorate. I did not scrutinise them at all and left it to Mr. Alauddin to prepare them as best as he could. Consequently I cannot certify the accuracy of the maps in the same way in which I could certify the departmentally published map.”

This Mr. Alauddin went over to East Pakistan, became the Director of Land Records there and came before the Bagge Tribunal to plead the case of Pakistan against the maps which he himself had prepared and which he himself knew were full of material defects.

So far as West Bengal is concerned, Sir, this is the situation. We are supporting the Prime Minister’s motion before the Parliament but, at the same time, I only want you to consider what the results of the whole thing will be so far as West Bengal is concerned.

[Shri C. K. Bhattacharya]

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I brought forward this motion before this House in no light frame of mind. It is not the kind of a motion, any how, which could be treated with levity. But, in the particular circumstances that have accompanied it in Bengal, specially, and the rest of India, it is obvious that it threw a considerable burden on us.

I am grateful to those hon. Members who have spoken, whether they have criticised my action or commended it. Apart from the views they might have expressed by their generous understanding of this broad position that I ventured to put forward, even though they have agreed with much that I did or said, as I said yesterday, I know the deep feelings that are involved in this matter, specially in Bengal, and I can, if not fully appreciate it, understand it.

Shri Bhattacharya who has just been speaking, Sir, went back into the past history—1948. He said how wrong maps were prepared, faulty maps were prepared and how with tremendous persistence he pursued this matter. That itself indicates the difficulties and confusions at that very time. We had to deal with this tremendous operation of the cutting up of India into two parts. We had to deal with this at a moment of enormous upheaval and trouble, more specially in Northern India, the Punjab, and here, the doors of Delhi, and elsewhere. Behind that external upheaval was the tearing apart of people's minds and souls all over India. It was no small matter that occurred to India then and no one in India, I am sure, approved of it or liked it. They suffered, but sometimes it so happens that the things we describe intensely and gravely have to be put up with. We are not always masters of our destiny nor are even great countries masters of their destiny. They are conditioned by various ways and so we were tremendously unhappy about the course of events. This par-

tion came about and it came about certainly with our agreement though not with gladness or joy. After that major thing was over, all kinds of odd bits remained and we went on pursuing them not only in this physical field of territory but all kinds of things, financial, this, that and the other, and we go on pursuing them although 12 years have gone by.

Then there is the cession—cession or transfer, in whatever way you call it, it does not matter. It is of course cession, but essentially it is an outcome of the partition which has pursued us and strained us for the last ten years. Shri C. K. Bhattacharya said how he went to Shri Gopalaswamy Ayyangar who was then not exactly in charge of the External Affairs Ministry but who was in charge, at my request, of all matters relating to Pakistan in the External Affairs Ministry and dealt with them. There were very complicated affairs coming up continuously and he being, I thought, a very able, wise and painstaking man, I felt that he would be able to deal with them more effectively and more wisely than perhaps I would in my hurry. So, he was good enough to take these matters up and he dealt with them so long as he was alive. When Shri C. K. Bhattacharya went before him and pleaded, as he has just stated—I do not know that, and have no doubt he did it—Shri Gopalaswamy Ayyangar gave the only answer which could be given at that time, namely, that rightly or wrongly, the arbitrator was appointed—it was a kind of arbitration, the Radcliffe Award was something slightly different from arbitration more or less—and anyhow they had decided, and there is no appeal from that decision and we have to take it. If we have to swallow the camel, we have to swallow its tail, or whatever it is, also.

Take another thing to which some hon. Members referred yesterday, and that is the Chittagong hill tracts. By no process of logic could I imagine

than or now why the Chittangong hill tracts were given over to Pakistan by Mr. Radcliffe. There is no logic about it. If the logic was that of content of population, Hindu or Muslim or other, I may say that the Chittangong hill tracts hardly have any Muslims or Hindus for the matter of that. They are Buddhists. There it was, but clearly and specifically, they gave the Chittangong hill tracts to Pakistan: Mr. Radcliffe gave those tracts to Pakistan, and we are very sorry, about it. We commented on it but we do not know what to do about it. There is no appeal from that. We could hardly ask them to sit again in review of their own order. We have to swallow it, whether we like it or not.

Perhaps the House will remember that after Mr. Radcliffe had finished his giving the award, in Pakistan there was a great agitation against Lord Mountbatten for having influenced Mr. Justice Radcliffe to give the award in certain particulars in India's favour. There was a tremendous agitation, and a very exceedingly unfair agitation because it meant that Lord Mountbatten had gone out of his way secretly and furtively to influence the judge in dealing with this matter—a very improper thing, if he did it. I am only pointing out how the atmosphere in those days was; this tremendous agitation took place and Lord Mountbatten was not in a position to reply to it. It was not proper for him to reply, and in fact, he was treated with very considerable discourtesy by the then Pakistan authorities. He was once coming to India, and as far as I remember, they did not even approve of his passing over, flying over, Pakistan territory to come to India. They had gone to that extent. They told him—he said so. Because you betrayed us and handed over a part of Punjab—part of Gurdaspur district—and you induced Mr. Radcliffe to do that, after he had decided not to do that. It was completely baseless, without foundation. So, all these things were happening. We had to accept anyhow, whether we liked it or not. That was our frame of mind then except that

we disliked it intensely; we disliked many things that were contained in it. But we accepted the Radcliffe award. That was then our frame of mind.

Shri C. K. Bhattacharya referred to the letters which were from Under Secretaries or others in the External Affairs Ministry to the effect that they accepted the award. As it was, it was natural at that moment.

Subsequently, when these matters were examined and discussed, difficulties arose. Separate interpretations arose. As a result of that, Mr. Justice Bagge came on the scene and a number of matters were referred to him. This was very soon after the Radcliffe award. It is perfectly true that, as has been pointed out by hon. Members, that Barubari was not referred to Justice Bagge. Obviously we could not refer it. Pakistan did not refer it, although a little time after, they raised it, and that too eight or nine years ago—not a new thing.

Shri A. C. Guha said that right from 1950 onwards, the West Bengal Government has been against the transfer of Berubari or against recognising any Pakistan's right. That is perfectly true. We have been against it too; all the time we have been fighting for it all these years. The Government of India have been fighting since 1952 about Berubari—fighting in the sense that there was correspondence, etc., and rejecting Pakistan's claims, which was the same thing,—and not only about it but about a number of other matters. That is a continuous process going on for the last eight years specifically from 1952, and in the course of this period, hardly any question in dispute was decided. They have all been piling up—on the Punjab side, on the Bengal side and on the Assam side.

The House will remember a little incident which excited our people considerably—the occupation of Tokergram in Assam. It rightly excited them, because of the manner it came about Tokergram was not one of

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the dispute between India and Pakistan directly; indirectly,—not about Tokergram—there was a dispute about a wider area, some kind of dispute. But Tokergram itself was not in dispute. They suddenly came and occupied the area. It was a small area about 100 acres or so, or perhaps it was 200 acres: I forget. It was part of Tokergram on the other side of the river, difficult of access to us, because it was on the Pakistan side. Nevertheless, it was highly irritating and exasperating that this kind of deliberate aggression took place. The little area did not count much, but the manner of doing it was most improper, we thought. It was not, I repeat, one of the basic things. It had nothing to do with interpretation of this, that or the other. It is clear aggression, and therefore, naturally this House and the rest of the country were much worked up and excited about it, and rightly so.

The other disputes, nearly all of them, were associated in some way or other with the interpretation of the Bagge award plus one or two things which had not been clearly referred to in the Bagge papers but which arose subsequently, and we have been wrestling with this for the last eight years. This word is often being used that we dealt with this matter 'casually'. This idea is certainly not correct; it is factually not correct. We might have made a mistake or not; that is another matter. But it has been an exasperating experience, year after year, month after month, dealing with these problems at numerous conferences, usually at the official level, because the matters were in a sense so complicated in detail that they could only be gone into by expert people, looking into every detail. It is not a matter of principle where it comes to the interpretation of some document. It is not a matter of merits; it is not a matter, if I may say so, of consulting anybody locally.

It was a matter of interpreting what Mr. Radcliffe or what Justice Bagge

said, naturally trying to interpret it fairly, but in the best possible way to our advantage. That is the only approach one could make. One could not take up this attitude in the circumstances that while Justice Bagge has decided, if we do not agree or if the people of the place do not agree, that would have been a legitimate thing to do, if we are considering a question of merits. But when the sole question is of interpretation of a document, my asking the poor people to interpret the award of Justice Bagge does not come in.

Shri Goray: The Supreme Court has said in its judgment very specifically that when it went into this matter, it found that it was not an interpretation of the Bagge Award or the Radcliffe Award, but this was done very casually apart from the interpretation.

Shri Jawaharlal Nehru: I do not wish to discuss the Supreme Court's judgment. It is a fact, and I think you will find it in their Judgment, that on these questions, we have been in correspondence with Pakistan for eight years. There has been bulky correspondence about it; there is no doubt about it. It is true, as I have said, that this was not a matter which was referred by Pakistan to Justice Bagge. That is perhaps the reference; that is true. But immediately after, other questions have been referred.

The hon. Member said the other day that there must be two parties to an agreement. Perfectly true. But he added something which was not perfectly true, viz., that there must be two parties to a dispute. That is not true. One person can create a dispute. Two parties are required for an agreement. It is no good my saying on any dispute that I do not agree that there is a dispute. It may be an important dispute or a less important one; that is a different matter.

Take all these border problems. I must have looked at them in the course of these years dozens of

times. I confess quite frankly that some of them are so complicated these revenue papers and others—that I could not master them. I did not try to master those details. I had to leave them to officials who went into them carefully and reported to me the result of their observations. I did not rely on myself. My colleagues in the Foreign Affairs Committee of the Cabinet considered these matters again not with that specific detail, but broadly I kept the Cabinet informed from time to time. Again, I cannot make the Cabinet responsible for any particular decision, but broadly they were kept informed, because it was an important matter.

In this background of consultations, this, that and the other, an occasion arises when one has to take a decision this way or that and someone has to take the responsibility in dealing specially with representatives of foreign countries and in dealing specially with Ministers and Prime Ministers of other countries. It is very difficult at that moment, unless you are given to it, to say, "I cannot do it". If I do not agree, it is a different matter; I say 'no'. But not to come to an agreement if you think it is a right agreement—it is very difficult to carry on in international consultations on that basis. One has to take the responsibility. One may act wrongly; one may be misled; that is a different matter.

In this matter, before the Prime Ministers had met, there have been long consultations, as far as I remember twice at Karachi and Delhi, between officials, officials at the highest level, who may make a mistake or not, but whom I considered far more competent to go into the details than I was, because it was of a complicated nature. Certainly our Commonwealth Secretary knew more about them than I could presume to know. I was often guided by his advice. In matters of principle, of course, I come in. In matters of detail, he has mastered them completely and he discussed them innumerable times with

the representatives of the States concerned, whether it was Assam, Punjab or West Bengal. They were constantly conferring with each other. So, even the thought that there was no attempt at consultation is not correct. It is a continuous process.

But I do admit this. Having consulted everybody repeatedly all the time, the last actual decision is taken. It had to be taken or not taken. I am responsible for that undoubtedly. I consulted some of my colleagues in the Cabinet at the time, but they too had to take broadly the facts that I placed before them. So, I take the full responsibility. It is correct that we consulted everybody repeatedly. It may be said that that last particular decision was not referred formally to, let us say, the West Bengal Government, because we thought that with the past series of consultations with some of their high officials here, we could go ahead. I am not defending that; I am merely explaining the background of all this.

So, we come to an agreement. Taken by itself, one could hold a variety of opinions about Berubari. It was not a clear matter in terms of the interpretation of those papers. It was not a clear matter at all. Having had some experience of international arbitration, etc., it became still less clear to me what the result of another arbitration might be. That is just looking at it by itself. Looking at it in the larger context, there were many gains. There were several areas in dispute, to which reference has been made—the Hilli area, which was in dispute. There was another area in Assam where 12 villages were involved and where we had to face a pretty big obstacle. The obstacle was the opinion of our own Judge, Mr. Justice Chandrasekara Iyer, a Supreme Court Judge, who maybe casually—I think it was casual—had given his opinion against our own case. But imagine, when our own Supreme Court Judge says so, even though casually—as I said, I think it was casual—it was a heavy obstacle to surmount. So, in that

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matter we fought for this and we got an agreement in our favour about the 12 villages.

After all this constant fighting—by fighting I mean arguments and pressures which were repeated before and which had broken down—at last, we come to a stage when in the balance, we think something is good for us, and something definite. Apart from the goodness of settling and putting an end to these border troubles, it was a thing that in the balance was advantageous to India and to the people of India living in those areas. So, thinking so, we had done something. It is no good telling them, "You go home, we will refer it to Parliament". This could not be done in those circumstances. Well, we took the risk, if you like. We took the decision. The analogy is not a good one, but surely, you cannot ask a Military Commander in the field to refrain from taking a decision and to refer it to somebody in Parliament; you cannot do that. You have to decide then and there what to do, this way or that way. If you are wrong, you suffer; you should suffer and the head should be off. So, this background should be realised and it should not be thought that there was any casualness about it. We repeatedly thought over it. That is one point which I should like the House to remember.

Then again, Professor Hiren Mukerjee said one thing and I think it is really unkind of him to say this. He says or asks: why the Law Minister is not dealing with 'his matter'? Why should the Law Minister deal with this matter when it is essentially of my Ministry, I do not understand.

Shri H. N. Mukerjee (Calcutta Central): I did not ask that question. What I said was that the Congress press in Calcutta is trying to justify the indefensible by saying that the Law Minister disapproves of this and he is shoving the job on the shoulders

of the Prime Minister, which I said was fantastic.

Shri Jawaharlal Nehru: I may say first of all that it was completely my job. I have dealt with it from the very beginning. It is my Ministry. It is not proper for me to keep it on somebody else's shoulders. So far as the Law Minister is concerned, whatever his views may be, all of us emotionally feel one way, but apart from the emotional aspect, so far as the law is concerned, I have not taken a single step without his consent and without his approval in these consultations. Here I am talking about the legal part.

Another thing is Professor Mukerjee seems to think that I am afraid of using the word "cession" as if cession would mean something else. I really do not understand the difference in phraseology. It is a cession. Also, it is a thing which is intimately, absolutely hundred per cent, tied up with the partition and what has flowed from it. It is cession and rightly, if I may say so with respect to the Supreme Court, because when the Constitution has defined Indian borders it has included it. Therefore, we have to take it, it is cession.

Shri H. N. Mukerjee: Could you explain how, in that case, you advised the Attorney-General to argue on behalf of the Government of India that it was not cession?

Shri Jawaharlal Nehru: Because, the point was not the word "cession". The point there was what procedure we should adopt here, and it was felt, we felt, certainly it is an arguable point whether we should adopt that procedure or the other, and we told him to do so, because there was some doubt in our minds we sent it up to the Supreme Court. This was about the procedure. You may call it "cession", you may call it "transfer", but that does not make any difference to the essential quality of the case. This is the background.

In these matters with Pakistan I have associated always, because the matters are very complicated, one of my colleagues. Usually, one senior colleague has been associated repeatedly in our dealings with Pakistan. Lately, one or two others have been associated for a couple of years. Sardar Swaran Singh has been associated with it. In fact, he was present at one of these agreements and, if I may say so, it was due to him very largely that an agreement took place, and took place to our advantage. These matters have been pursued not in a single-handed way largely all the time. The Home Minister has been most intimately connected with every conference and everything is referred to him. The Cabinet Committee on External Affairs is there. Sometimes people imagine it is not meeting. It meets, sometimes very frequently, sometimes not so frequently. We always confer with all members or some of them in regard to these matters. There are many telegrams received and many of them come to me every morning, a bunch of them. So, we have proceeded in this way. What am I to do? Shri Bhattacharyya thinks that some document was a forgery. It might have been a forgery. When Mr. Radcliffe called for those maps it was considered good at that time. That is perfectly true. Many of these are subsequent facts. All these charges have come out in subsequent talks, years afterwards during Shri Bhattacharya's investigations and all that. We did not know at that time about this. It is true.

I think it was Shri Vajpayee who said to me that I ought to have been big enough to admit that I have made a mistake; I forget what his words were, but anyhow what he said was something about my not telling what I have been telling—it is rather confusing. Anyhow the point was that I realised subsequently that I have made a mistake and that I should be big enough to admit that. Well, I hope now or hereafter I shall admit mistakes.

Now I want to be perfectly frank about this thing. At that time I was clear in my mind that the whole agreement, including Berubari, in spite of certain aspects of it which were not agreeable to us, was profitable and advantageous to us. That is why I took that step and I remained with that opinion for a considerable time; and I am still of that opinion. But there is a "but". I did not realise then that there is a certain human aspect of it. It is perfectly true. My mind was not applied to it, nor did anybody tell me what the population was and how many people will be affected. Somehow it happened. I am sorry it did not come before me and it was not put before me. And subsequently when this aspect has come before me I have felt troubled in my mind. This fact has troubled me, not in other ways, not about the goodness of the agreement—I think it is a good one; we have lost something, but we have gained a good deal too, and we have to take it in the balance—but when this fact came before me, that so many people would be affected and so many were refugees from Pakistan and they will be again uprooted, ever since this picture came before my mind, I have been troubled about it. But I could do nothing about it, except what I said yesterday; that is, it is our duty to help them in the best way possible. But, still, I hold that the advantages accruing from this agreement far outweigh the disadvantages from the point of view of the whole of India, of our border and even from the point of view of Bengal.

Shri H. N. Mukerjee: Could I ask how did it escape the Prime Minister that a contiguous piece of Indian territory with an overwhelmingly non-Muslim population could be given over to Pakistan? How could it escape his attention?

Shri Jawaharlal Nehru: I have just now said that I did not know what the content of the population was. I did not then know it was overwhelmingly non-Muslim or what the population

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was. Even part of Berubari is very thinly populated though another part is thickly populated. Anyhow that is a fact that we were thinking in terms of maps, in terms of other things but not in terms of human beings; I confess it; that should have been investigated, but there it was. Now this is the position.

Here I would like the House to remember that it is all very well for some hon. Members to talk about *Dhan* and gift. But I would say respectfully that that has no relation to facts. First of all, it is not a casual discussion. For years and months we discussed it in detail with large maps, small maps and so on. Secondly, here is something which was not a question of giving away. You may as well say that Pakistan gained also as compared to us. It was as good as good agreements and good treaties are, something which was advantageous to both in the balance. Only such agreements are good which bring good results to both in the balance. Because, if you give away something for nothing you lose. But if you receive something for giving away something you do not lose anything. Otherwise, if you only receive something, the other party is aggrieved and the canker goes on. And it was because of this feeling that so many times here in this House complaints have been made about Pakistani aggression on the border. The complaint is justified, but not always, because the area occupied by us, according to Pakistan, was theirs. Those were small areas and, what is more, subsequently went to them too.

So if you have these disputed areas, it is a matter of continuous trouble and dispute and that was a very big thing, namely, to put an end to this dispute.

An hon. Member has pointed out something about the Feni River dispute that Pakistan has refused our rivercraft to work on it. When I say that we have settled all the border disputes, I do not guarantee what other questions may arise between Pakistan

and India but they should not be in the nature of frontier disputes, or rather they should not be the direct consequence of the partition. If a fresh dispute arises about some other matter, it is a different thing. So far as the Feni River fishing rights and other things are concerned, there has been a temporary agreement about the rights of both parties to use the Feni River and I hope there will be no such thing. But I cannot guarantee anything. That is a thing apart, depending upon the relations of the two countries and other things.

So it has been a great gain to us. Some hon. Members from the Punjab spoke and, I believe, said what a great gain it had been to them. Then I refer to Tugergram which, by itself, is relatively unimportant but it came back to Assam. So this whole picture is placed before this House.

A great deal has been said about no such agreements being made without reference to Parliament. In theory that might appear a good thing. In practice it is exceedingly difficult. There are almost daily agreements between us and foreign countries—not so important, of course, and nothing to do with territory; but daily there are agreements on trade and commerce, cultural, this, that and other constantly coming. It is quite unrealistic to expect every agreement with a foreign country to come here.

Then one might say: All right, let those go, but any agreement which is vital should come. Where to draw the line? It will be very difficult. But, apart from that, in vital agreements there are two types of approaches—the American type and the British type. That approach refers not only to that matter but to constitutional matters and almost everything that we do. The American type is a diffusion of authority of Congress, the President, the judiciary and the Supreme Court—of them all. It was all built up to hold the other and to check the other. That may be one outlook it

may be good or bad. Personally, I do not think it is very good. If I may say so with all respect to the United States it is a colonial type. It is a development of the old colonial type of Constitution. Of course, the people of the United States are able. They are dynamic and progressive. So they have slightly adapted it and they go on with it. But nevertheless it is Constitution which is rather of an old type. The British type is different.

Shri Mahanty: They have no Constitution.

Shri Jawaharlal Nehru: The British type is different, as you know. In the British type the Parliament is supreme. It can do anything it likes—absolutely anything. Perhaps those who are young lawyers might remember, as Dicey wrote, except turning a man into a woman and a woman into a man Parliament can do anything. We have deliberately adopted the British pattern here in our Parliament except for the fact that we are a federal country and the U.K. is unitary. Of course, the federal type, we took from the United States to some extent. For the rest, it is the British type and Parliament is of the British type. The Parliament has, broadly speaking, complete power. A little less because here it is a written Constitution and there it is not written. To that extent it is limited. But, only to that extent, because it can change the Constitution ultimately. Only there are obstructions, there are delays in that. We cannot immediately do things as the British Parliament can do.

In the British type, they have deliberately concentrated on a strong Government without checks, except the major check of kicking out—that always is there—and some other checks. They have concentrated on that, and, if I may say so without any personal reference, have given tremendous authority to the Prime Minister in the British type. He is the key-stone of the whole governmental

structure of the United Kingdom. Everything else revolves round him in theory. In practice, of course, it depends on individuals. A Winston Churchill, whether you give him authority or not, assumes authority because he is a big man. People respect him. That is a different matter. The personal element comes in. But, broadly speaking, the British type gives complete power, one hundred per cent sovereignty to Parliament which the Congress has not got in the United States. It is all hedged in. The Government coming out with a majority in Parliament holds very great authority and all treaty making is done by the Government in England. Of course, they are in constant touch with Parliament. This kind of a thing cannot succeed in law. It depends on all kinds of conventions. The British Government is in constant touch with Parliament, telling them what happens, generally keeping them informed, giving them an opportunity to disapprove or stop them from doing that, all the same not coming to them for sanction to begin with for treaties, etc.

Shri Tridib Kumar Chaudhuri (Bengal): May I point out to the Prime Minister that in the British Parliament, since 1810, so far as treaties involving cession are concerned, a firm convention has grown up of placing all treaties before the House and getting them ratified by the House.

Shri Jawaharlal Nehru: There is a good deal of talk of cession. We have had one real cession or two, if you like. The real cession you have had is cession of some territory to Bhutan some years back. We came up to this House and this House agreed. We are mixing up things. That is one thing. I can quite imagine that if any question of what we may call real cession arises, it would be a highly important and vital matter: not a matter to be dealt with by Jawaharlal Nehru or anybody. That is a different thing. In this Bhutan case, which was not a very important matter, it was real

[Shri Jawaharlal Nehru]

cession of territory. It is only $2\frac{1}{2}$ or may be 5 or 10 square miles, I forget.

Shri Tridib Kumar Chaudhuri:
Thirty-two square miles.

Shri Jawaharlal Nehru: We came to this House, we discussed and we passed. If any such thing occurs, it is inevitable. No Government that I can conceive of can by-pass the House in such a matter. There was a case of acquisition of territory. There was Chandernagore. We came to the House and asked. There may be other cases of acquisition. I cannot personally conceive of any kind of cession of territory of India in the foreseeable future. I just do not see it. If any such contingency arises, no Government, no Prime Minister can take it upon their own shoulders to do anything without the fullest discussion and approval of Parliament. But, as I said, in the history of these matters, you may call it cession, it is different. It is this unfortunate tale of the Partition going on and creating all this trouble. There is another thing, and this I need not go into, but the Radcliffe Award did create a certain grave doubt about Berubari, and it was a case which could be well argued on both sides. If you have any recollection, the written description of the boundary in the Radcliffe Award was very defective in regard to this area. Two points were specified, one, the extremity of the boundary between the Thanas of Pachagar and Jalpaiguri, that is to say, the western boundary of the Berubari Union, and the other, the northern corner of the Thana Debiganj where it meets Cooch-Bihar State, that is to say, the eastern boundary of the Berubari Union. This was the description, but there was no indication as to how they were to be linked. There was left a gap. Therefore, you had to go to the map. Now, the normal rule is that where the map and the description differ, the written description should prevail. That is perfectly true, provided the written description is clear.

Here, the written description was not clear it had left a gap, and the map was clear and was against us. These are the basic facts. About four-fifths or five-sixths of Berubari, if we accepted the map—it may be a forged map, I do not know; I cannot say, but if we accepted that—went to Pakistan, about one-fifth remaining with us. If the written description had been dead clear, then we could have thrown away the map, but the written description was not clear. I am not arguing the case. I am pointing out that it was a difficult thing, and about which you could not be sure what the result would be, if it was referred again to arbitration.

Taking this whole picture, we said that in Hilli, this, that and other places, there were definite advantages and here, we thought it better to definitely take half the Berubari Union rather than break the whole thing on that issue and later, perhaps, be confronted with not having Berubari Union at all. This is the position put in a nut-shell. Now, there can be two opinions about it, but it certainly was not a casual way of doing it, it certainly was not a gift to anybody.

There is one thing that I should like to mention in this connection. May I point out to you that the various disputes which were settled,—which are not referred to because they were settled in our favour,—in West Bengal, the Hilli area comprising about 34·86 square miles, two chitlands of Cooch-Bihar comprising 2 square miles, and on the Assam border, Bholaganj comprising about 75 square miles and the Kushiya villages comprising about 9 square miles, were all settled in our favour?

There is just one more matter and I have done, and that is that, when, as I said, this human aspect of the situation came before me, that this involved a population of five or six thousand, about six thousand, let us say, and that the great majority of them were Hindus, about three-quarters of these

Hindus were people who had come from Pakistan as refugees, I was distressed at the idea of uprooting people who had once been uprooted; it was bad enough to do it once, but to do it twice was a very painful thought. I did not know what to do about it. I could not, I felt, obviously, go back on the agreement formally signed etc. Revolving this question in my mind, I thought that while we have to go through this, I might at least try by agreement with Pakistan to find some way out of this difficulty. Now, the only possible way could be to offer to exchange an equal or about an equal quantum of territory with them for this Berubari area, about four or five miles. We had, in fact, for a number of months previously been making various suggestions to this end officially, that is, through official sources, and they had not been generally accepted. I had not taken it up at my level, but at the official level. I knew, of course, that the official level does not take one far. It is very rigid. Nevertheless, for many months we had been doing that, without much success.

Then lately, meaning some weeks ago—about six weeks ago or a little more or less than that—I decided to make some approach to President Ayub Khan himself. But I thought I ought to make an informal approach first before I could proceed further, that is, an informal approach as to whether he was agreeable to consider such a proposition. I did not put forward the precise proposition. And I did it by mentioning it to the Pakistan High Commissioner here. I said to him: 'You know what the position is here about this. It is because it involves this human element, human suffering, that I would very much like, if possible, to avoid it. Do not imagine—I told him—that we are backing out of that agreement, not at all. We shall honour it, of course, fully. But it would be a good thing not only for India but for Pakistan, if by agreement, they took some other land. They would get what they wanted more or less and they would avoid this trouble

for us and trouble for them in the shape of bitterness and the rest'.

This was what I put to him orally. I did not put anything in writing. He said that he would go immediately to Karachi and put this to his President—obviously he could not give any answer himself. He did go to Karachi and three or four days after, I got a letter from President Ayub Khan, which was a relatively brief letter, but not a very pleasant one. I need not tell you what the letter contained because it was in somewhat different language. He has said so publicly elsewhere—it was in some of the speeches he recently made.

After that, I did not think it proper for me to make a further request to him in this matter, when he had made it clear that he did not approve of such requests, and that it was our business and our duty to put through the agreement that we had made. There the matter stood. Then there was no way out left for me, and I thought it would not be in consonance with the dignity of our Government or of Parliament for me repeatedly to go to him and beg him to make some changes. That is the position.

So we have come up to this Parliament with a great deal of pain in our mind and hearts about this matter, but nevertheless being convinced that it is our duty to go through this. I beg of the House to accept this.

Shri Radhelal Vyas (Ujjain): May I seek a clarification?

Several Hon. Members: No, no.

Mr. Speaker: It is late, I will take up first the motion for consideration of the merger Bill. There is one amendment to it by Shri Sadhan Gupta.

Shri Tyagi: For the purpose of discussion, both the Bills were taken up during the general consideration stage. Now I would like you to clarify which Bill will be taken up for clause by clause consideration, because that

[Shri Tyagi]

consideration has to be separated in the case of each Bill.

Mr. Speaker: I will put the motion for consideration of the Acquired Territories (Merger) Bill first. Then I will put the motion for consideration of the Constitution (Ninth Amendment) Bill to vote. Then we will take up clause by clause consideration of the Acquired Territories (Merger) Bill and get through it completely. Then we will proceed with the consideration clause by clause of the Constitution (Ninth Amendment) Bill and complete it.

First I shall take up the amendment to the motion for consideration of the Acquired Territories (Merger) Bill. There is such an amendment in the name of Shri Sadhan Gupta. Is he pressing it?

Shri Sadhan Gupta: Yes.

16 hrs.

Mr. Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1961."

The amendment was negatived.

Mr. Speaker: I shall put the motion for the vote of the House. We are acquiring this property. That is the Bill. I may also inform the House that no special majority is necessary for this Bill. The question is:

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

The motion was adopted.

Mr. Speaker: I will now come to the other motion relating to the Constitution (Amendment) Bill. For the main

consideration motion there is an amendment. I may inform the hon. Members that so far as this amendment is concerned no special majority is necessary. (*Interruptions*).

Raja Mahendra Pratap (Mathura): I got no time to express my views and therefore, I am not going to vote.

Mr. Speaker: I am putting Shri Vajpayee's amendment to the motion for consideration in respect of the Constitution (Ninth Amendment) Bill, 1960.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the first day of the next session."

The Lok Sabha divided.

Mr. Speaker: I shall announce the result of the division.

Some hon. Members rose—

Mr. Speaker: I shall hear one by one.

Shri Tridib Kumar Choudhuri, Sir, I voted for "Ayes", but it has not been recorded.

Shri Amjad Ali (Dhubri): Sir, I wanted to vote, but I could not reach my seat in time. I am also for "Ayes".

Mr. Speaker: Such mistakes should be avoided. We will assume that he was in the lobby.

Shri Pramathanath Banerjee (Contai): I voted for "Ayes", but it has not been recorded.

Shri Kodyan (Quilon—Reserved—Sch. Castes): I voted for "Ayes", but it was not recorded.

Shri P. S. Daulta (Jhajjar): I voted for "Nces", but it has not been recorded.

Shri B. C. Mullick (Kendrapara—Reserved—Sch. Castes): I voted for "Ayes", but it has not been recorded.

Shri B. Das Gupta (Purulia): I voted for "Ayes", but it has not been recorded.

Pandit H. Shastri (Sawai Madhopur): I voted for "Noes", but it was not recorded.

Shri D. C. Mallik (Dhanbad): I voted for "Noes", but it has not been recorded.

Giani G. S. Musafir (Amritsar): I voted for "Noes", but it has not been recorded.

Shri V. N. Swami (Chanda): My vote has not been recorded at all. I voted for "Noes".

Shri T. T. Krishnamachari (Madras—South): I voted for "Noes", but it recorded "Ayes". So one may be deducted from "Ayes" and added to "Noes".

Shrimati Vijaya Raje (Chatra): I voted for "Noes", but it has not been recorded.

Shri More (Sholapur): I voted for "Ayes".

Shri E. D. Misra (Bulandshahr): I also voted for "Noes", but it has not been recorded.

Mr. Speaker: The result of the division* is as follows:

Ayes—44; Noes—328.

The motion was negatived.

Mr. Speaker: I shall now place the motion before the House. This requires a special majority. The question is:

"That the 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, be taken into consideration".

Those in favour of the motion may say "Aye".

Several Hon. Members: "Aye".

Mr. Speaker: Those against may say "No".

Some Hon. Members: "No".

Mr. Speaker: Let the lobbies be cleared—Division.

Shri Tyagi: They have not demanded a division.

Mr. Speaker: No division need be demanded. I have to take a special vote of this House.

Shri Sadhan Gupta (Calcutta—East): Then why have the voice vote at all?

Shri Naushir Bharucha (East Khandesh): Sir, it is not necessary to have a special vote at the time of putting this motion.

Mr. Speaker: Rule 157 says as follows:

"If the motion in respect of such Bill is that—

(i) the Bill be taken into consideration;

* * *

then the motion shall be deemed to have been carried if it is passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting".

That has been so, because this is the foundation of the further passage of the Bill. If the consideration motion itself is thrown out, then, there is no meaning in proceeding further. I will put the motion to the vote of the House.

The question is:

"That the Bill further to amend the Constitution of India to give

*Names of Members who had recorded votes have not been indicated under the direction of the Speaker as the photo-copy of Division result did not clearly show the names of all Members.

[Mr. Speaker]

effect to the transfer of certain territories to Pakistan in pursuance of the agreement entered into between the Governments of India and Pakistan, be taken into consideration".

The Lok Sabha divided.

Shri T. S. Patil (Akola): My vote may be added for 'Ayes'.

Mr. Speaker: I shall come from the right to the left, one after the other.

The Deputy Minister of Railways (Shri S. V. Ramaswamy): The machine is not working. I am voting for 'Ayes'. My vote may be added.

The Minister of Mines and Oil (Shri K. D. Malaviya): My vote was not recorded. I am for "Ayes".

Sardar A. S. Saigal (Janjgir): I wanted to vote for 'Ayes'. By mistake, I have voted for 'Noes'.

Shri Birendra Bahadur Singhji (Raipur): I wanted to vote for 'Ayes'.

Shri M. H. Rahman (Amroha): I also wanted to vote for 'Ayes'.

Shri D. C. Mallik (Kendrapara—Reserved—Sch. Castes): I wanted to vote for 'Ayes'.

Dr. Ram Subhag Singh (Sasaram): I wanted to vote for 'Ayes'.

Dr. Syed Mahmud (Gopalganj): I wanted to vote for 'Ayes'.

Shri Pramanathan Banerjee (Contai): I wanted to vote for 'Noes'.

Shri Shankar Deo (Gulbarga—Reserved—Sch. Castes): I want to vote for 'Ayes'.

Shri More: I wanted to vote for 'Noes'.

Shri Amjad Ali: My machine is possibly all right. I am for 'Noes'. I did not operate the machine.

Mr. Speaker: I am not going to record it. It is very wrong. It is not

a pleasant duty for me to correct the number, if hon. Members make a mistake. Last time also he committed the same mistake. This time also he has done the same thing. The only punishment is not to record his vote.

Shri Asoka Mehta (Muzaffarpur): It is an important vote. We are dealing with a constitutional obligation. Here we are discussing the constitutional amendment. I do not know whether it is proper for you to say "I will not record somebody's vote" because it raises a very important question. I think that would be a ruling which would create all kinds of difficulties.

Mr. Speaker: I request the hon. Member to bear with me. Suppose I call a division and we assume that hon. Members have to go to the lobbies. Suppose an hon. Member does not rise from his seat and exercise his vote. What am I to do? I told him about this a second time and definitely. All right. As a courtesy to him I am recording it. I do not want to throw out the vote of any hon. Member. But if he would not vote what am I to do?

Shri Asoka Mehta: He is in the House and he wants to vote.

Mr. Speaker: All right. It is a sufficient censure. I will take into account his vote.

Shri Tyagi: To avoid these difficulties for ever, may I suggest that instead of two bells one may be rung and the members may be asked to press their buttons? Then the colour should not come. Then the second bell should be rung and the colour should be switched on. Then the third one should be rung so that there will be time enough. It is all done in such a hurry and therefore mistakes are committed. It is more of a human mistake.

Mr. Speaker: I shall declare the result of the division. I have added Shri Amjad Ali's vote also.

The result of the division is as follows:

Ayes, 333;

Noes 53.

Division No. 7]

AYES

[16.77 hrs.

Abdul Latif, Shri	Das, Dr. M. M.	Khadjiwala, Shri
Abdul Salam, Shri	Das, Shri N. T.	Khan, Shri Osman Ali
Abdur Rahman, Maulana	Lasappa, Shri	Khan, Shri Sadath Ali
Achal Singh, Seth	Datar, Shri	Khan, Shri Shah Nawaz
Achar, Shri	Daulta, Shri P. S.	Khimji, Shri
Achint Ram, Lala	Desai, Shri Morarji	Khuda Bukhsh . Shri M.
Agarwal, Shri Manakbhai	Deshmukh, Shri K. G.	Khawaja, Shri Jamal
Ajit Singh, Shri	Deshmukh, Dr. P. S.	Kiledar, Shri R. S.
Alva, Shri Joachim	Djindod, Shri	Kistaiya, Shri
Ambalam, Shri Subbiah	Dube Shri Mulchand	Koratkar, Shri
Aney, Dr. M. S.	Dublish, Shri	Kottukapally, Shri
Arumugam, Shri R. S.	Dwivedi, Shri M. L.	Krishna, Shri M. R.
Arumugham, Shri S. R.	Eacharan, Shri V.	Krishna Chandra, Shri
Ashanna, Shri	Elayaperumal, Shri	Krishnamachari, Shri T. T.
Asthana, Shri Lila Dhar	Gaekwad, Shri Fatesinhrao	Krishnappa, Shri M. V.
Atchamamba, Dr.	Ganapathy, Shri	Krishnaswami, Dr.
Awasthi, Shri Jagdish	Gandhi, Shri M. M.	Kureel, Shri B. N.
Ayyakannu, Shri	Ganga Devi, Shrimati	Lachhi Ram, Shri
Babunath Singh, Shri	Ganpati Ram, Shri	Lahiri, Shri
Badan Singh, Ch.	Gautam, Shri C. D.	Laskar, Shri N. C.
Bahadur Singh, Shri	Ghosh, Shri Atulya	Laxmi Bai, Shrimati
Bajaj, Shri Kamalnayan	Ghosh, Shri M. K.	Mafiqs Ahmed, Shrimati
Bakliwal, Shri	Ghosh, Shri N. R.	Maiti, Shri N. B.
Balakrishnan, Shri	Godsora, Shri S. C.	Majhi, Shri R. C.
Balmiki, Shri	Gohokar, Dr.	Majithia, Sardar
Banerji, Shri P. B.	Gounder, Shri Doraiswami	Malaviya, Shri K. D.
Banerji, Dr. R.	Govind Das, Dr.	Malhotra, Shri Inder J.
Bangshi Thakur, Shri	Guha, Shri A. C.	Malliah, Shri U. S.
Barman, Shri	Gupta, Shri C. L.	Mallik, Shri D. C.
Barrow, Shri	Gupta, Shri Ram Krishan	Malviya, Shri K. B.
Barupal, Shri P. L.	Harvani, Shri Ansaar	Malviya, Shri Motilal
Basappa, Shri	Handsa, Shri Subodh	Mansaen, Shri
Basumatari, Shri	Hathi, Shri	Mandal, Shri J.
Bhagat, Shri B. R.	Hazarika, Shri J. N.	Mandal, Dr. Pashupati
Bhagavati, Shri	Heda, Shri	Maniyangadan, Shri
Bhakt Darshan, Shri	Hem Raj, Shri	Manjula Devi, Shrimati
Bhatkar, Shri	Hukam Singh, Sardar	Masuriya Din, Shri
Bhattacharya, Shri C. K.	Iqbal Singh, Sardar	Mathur Shri Harish Chandra
Bhawani Prasad, Shri	Jagjivan Ram, Shri	Matin, Qazi
Bholi Sardar, Shri	Jain, Shri A. P.	Mehdi, Shri S. A.
Bidari, Shri	Jain, Shri M. C.	Mehta, Shri J. R.
Birbal Singh, Shri	Jedhe, Shri G. K.	Mehta, Shrimati Krishna
Birendra Bahadur Singhji, Shri	Jhunjhurwala, Shri	Melkote, Dr.
Bisai, Shri J. B. S.	Jinachandran, Shri	Minimata, Shrimati
Biswas, Shri Bholanath	Jogendra Sen, Shri	Mishra, Shri Bibbuti
Borooh, Shri P. C.	Jogendra Singh, Sardar	Mishra, Shri L. N.
Brah'm Prakash, Ch.	Joishi, Shri A. C.	Mishra, Shri M. P.
Brajeshwar Prasad, Shri	Joishi, Shri I. Iadhar	Mishra, Shri R. R.
Chanda, Shri Anil K.	Joishi, Shrimati Subhadra	Mishra, Shri S. N.
Chandak, Shri	Jyotishi, Pandit J. P.	Misra, Shri B. D.
Chandra Shankar, Shri	Kalika Singh, Shri	Misra, Shri R. D.
Chaturvedi, Shri	Kamble, Dr.	Mohammad Akbar, Shaikh
Chavan, Shri D. R.	Kanungo, Shri	Mohjdeen, Shri Gulam
Chavda, Shri	Karmarkar, Shri	Mohjuddin, Shri
Chettiar, Shri Ramanathan	Kasiram, Shri Vaddipalli	Moraraka, Shri
Choudhry, Shri C. L.	Kedaria, Shri C. M.	Muniswamy, Shri N. R.
Chuni Lal, Shri	Kesar Kumari, Shrimati	Murthy, Shri B. S.
Dalji Singh, Shri	Keshava, Shri	Murty, Shri M. S.
Damani, Shri	Keskar, Dr.	Musafir, Giani G. S.

Muthukrishnan, Shri
Nadar, Shri Thanulingam
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Naldurgkar, Shri
Nanda, Shri
Nanjappa, Shri
Naraindin, Shri
Narasimhan, Shri
Narayanasamy, Shri R.
Nariendra Kumar, Shri
Naskar, Shri P. S.
Nathwani, Shri
Nayak, Shri Mohan
Nayar, Dr. Sushila
Negi, Shri Nek Ram
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Onkar Lal, Shri
Padam Dev, Shri
Pahadia, Shri
Palaniyandri, Shri
Palchoudhuri, Shrimati Ila
Pande, Shri C. D.
Pandey, Shri K. N.
Pangarkar, Shri
Panna Lal Shri
Parmar, Shri Deen Bandhu
Patel, Shri Maniben
Patel, Shri N. N.
Patel, Shri P. R.
Patel, Shri Raj s war
Patil, Shri S. K.
Patil, Shri T. S.
Pattabhi Raman, Shri C. R.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Radha Mohan Singh, Shri
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Rahman, Shri M. H.
Raj, Shrimati Sahodrat ai
Raj Bahadur, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri
Ram Subhag Singh, Dr.
Ramakrishnan, Shri P. R.
Ramananda Tirtha, Swami
Ramaswamy, Shri S. V.
Ramaswamy, Shri K. S.

Ramaswamy, Shri P.
Ramaul, Shri S. N.
Ramdhanj Das, Shri
Rampure, Shri M.
Rambir Singh, Ch.
Rane, Shri
Rangarao, Shri
Rao, Shri Hanmanth
Rao, Shri Jagannatha
Rao, Shri Rajagopala
Rao, Shri Thirumala
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddy, Shri K. C.
Reddy, Shri Narapa
Reddy, Shri R. L.
Reddy, Shri Ramakrishna
Reddy, Shri Rami
Reddy, Shri Viswanatha
Roy, Shri Bishwanath
Rungsung Suisa, Shri
Rup Narain, Shri
Sadhu Ram, Shri
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Samantsinhar, Dr.
Sambandam, Shri
Sankarapandian, Shri
Sarhadi, Shri Ajit Singh
Satish Chandra, Shri
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Scindia, Shrimati Vijaya Raje
Shah, Shrimati Jayaben
Shah, Shri Manabendra
Shakuntala Devi, Shrimati
Shankar Deo, Shri
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Pandit K. C.
Sharma, Shri R. C.
Shastri, Pandit H.
Shastri, Shri Lal Bahadur
Shastri, Swami Ramanand
Shivananjappa, Shri
Shobha Ram, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddanajappa, Shri
Siddiah, Shri

Singh Shri C. Saran
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri K. N.
Singh, Shri M. N.
Sinha, Shri Anirudh
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Siva Raj, Shri
Snatak, Shri Nardeo
Somani, Shri
Sonavane, Shri
Sonule, Shri H. N.
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Sumat Prasad, Shri
Sunder Lal, Shri
Surya Prasad, Shri
Swami, Shri V. N.
Swaran Singh, Sardar
Syed Mahmud, Dr.
Tahir, Shri Mohammed
Tariq, Shri A. M.
Tewari, Shri Dwarikanath
Thomas, Shri A. M.
Tiwari, Pandit Babu Lal
Tiwari, Shri R. S.
Tiwari, Pandit D. N.
Tula Ram, Shri
Tyagi, Shri
Uike, Shri
Umrao Singh, Shri
Upadhyay, Pandit Munishwar Dutt
Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Varma, Shri M. L.
Varma, Shri Ramisng Bhai
Vedakumari, Kumari M.
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Wodeyar, Shri

NOES

Amjad Ali, Shri
Assar, Shri
Banerjee, Shri Pramanathanath
Banerjee, Shri S. M.
Chakravartty, Shrimati Renu
Chandramani Kalo, Shri
Chaudhuri, Shri T ridib Kumar
Das Gupta, Shri B.

Dasaratha Deb, Shri
Drohar, Shri
Elias, Shri Muhammed
Ghosal, Shri Aurobindo
Ghose, Shri Bimal
Ghose, Shri Subiman
Gopalan, Shri A. K.
Goray, Shri

Gupta Shri Indrajit
Gupta, Shri Sadhan
Jadhav, Shri Yadav Narayana
Kanble, Shri B. C.
Kar, Shri Prahhath
Khashwaqt Rai, Shri
Kodiyani, Shri
Kumbhar, Shri

Kunhan, Shri
 Mahasankar, Shri
 Mahant y Shri
 Maters, Shri
 Mehta, Shri Asoka
 Mohan Swarup, Shri
 More, Shri
 Mukerjee, Shri H. N.
 Mullick, Shri P. C.
 Panigrahi, Shri Chintamani

Parulekar, Shri
 Parvathi Krishnan, Shrimati
 Patil, Shri U. L.
 Pillai, Shri Anthony
 Prodhan, Shri B. C.
 Punnoose, Shri
 Rajendra Singh Shri
 Ram Garib, Shri
 Ranga, Shri

Sampath, Shri
 Shastri, Shri Prakash Vir
 Sugandhi, Shri
 Supakar, Shri
 Tangamani, Shri
 Thakore, Shri M. B.
 Vajpayee, Shri
 Verma, Shri Ramji
 Warior, Shri
 Yajnik, Shri

Mr. Speaker: The total strength of the House is 506, 50 per cent, of which is 253 and 254 is the majority that is necessary and by which it ought to be carried. Those present are 333 plus 53 hon. Members and there are abstentions also. So about 252 or 253 is the total number that is required for a two-thirds majority against which we have 333.

Therefore the motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the hon. Members present and voting.

The motion was adopted.

Mr. Speaker: In one Bill the clauses require special consideration and special voting. Shall I take therefore the Constitution (Amendment) Bill first?

Some Hon. Members: Yes, Sir.

Mr. Speaker: Then we shall take up the Merger Bill later on for which a simple majority is enough. We will take up the Constitution (Amendment) Bill first. We take up clause 2. Is there any amendment to be moved to it?

Clause 2— (Definitions).

Shrimati Ila Palchoudhuri: I have an amendment standing in my name.

Mr. Speaker: Before I catch the hon. lady Member's voice she sits down.

Shrimati Ila Palchoudhuri: I have an amendment in my name but I do not move it.

An Hon. Member: She withdraws it.

Mr. Speaker: When she has not moved it, where is the question of its withdrawal?

Shri Prabhat Kar (Hooghly): Sir, I beg to move:

Page 1,—

for lines 6 to 13, substitute—

'(a) "appointed day" means such date or dates as the Central Government may by notification in the Central Gazette appoint as the date or dates for the transfer of territories to Pakistan in pursuance of the Indo-Pakistan agreements, after causing the territories to be so transferred and referred to in the First Schedule demarcated for the purpose, and different dates may be appointed for the transfer of such territories from different States and from the Union territory of Tripura after such people of the area or areas concerned have been consulted and as a result of the transfer whoever will be uprooted have been adequately compensated and properly rehabilitated;' (12).

Shri B. Das Gupta: I have amendment No. 8 standing in my name.

Mr. Speaker: What is the number of the amendment that Shri Das Gupta wishes to move?

Shri Aurobindo Ghosal (Uluberia): Nos. 8, 9 and 11.

Mr. Speaker: Shri Ghosal is not Shri Das Gupta.

Shri B. Das Gupta: My amendment are Nos. 8, 9 and 11.

Mr. Speaker: They are not to clause 2.

Shri B. Das Gupta: No.

Mr. Speaker: I will then put Shri Prabhat Kar's amendment (No. 12) to the vote of the House.

Amendment No. 12 was put and negatived.

Mr. Speaker: For adopting the clause we want a special majority. Let the lobbies be cleared.

Shri Tyagi: May I know raise a point? In the case of voting, this always creates difficulties. If you kindly accept my suggestion made earlier then it will be all right. Instead of these two bells that are run one after the other, if you were to give another bell of caution first, people will use both their hands. Then the light may not be switched on, but it may be switched on when the second bell goes. There will no mistake.

Mr. Speaker: Very well. Hon. Members, in a hurry, may commit some mistakes. But, the mechanism here does not permit that. When I once call Division, the gong rings. I cannot prevent it or ask it to stop for one minute. I am in the hands of the mechanism. Therefore, I shall do this. When I call Division, I will ring the bell with me so that hon. Members may use both their hands and be ready to press. They must use both the hands. Then, I will say Division again. Then this gong will ring.

Shri Jawaharlal Nehru: Please don't say Division twice. You may do whatever you like. You may say get Division No. 8]

Abdul Latif, Shri
Abdul Salam, Shri
Abdur Rahman, Maulana
Achal Singh, Seth
Achar, Shri
Achint Ram, Lala
Agarwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Aney, Dr. M.S.
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Asthana, Shri Lila Dhar
Atchamamba, Dr.
Ayyakannu, Shri
Babunath Singh, Shri
Badan Singh, Ch.

Bhadr Singh, Shri
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P. B.
Banerji, Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhatkar, Shri
Bhattacharya, Shri C. K.
Bhawani Prasad, Shri

ready or whatever it is. Please don't say Division twice. It will be confusing.

Mr. Speaker: To make the hon. Members ready, I shall say so. Let the lobbies be cleared. The lobbies have been cleared.

The question is:

"That clause 2 stands part of the Bill".

Hon. Members will be ready. Division.

The Lok Sabha divided:

The Deputy Minister of Finance (Shri B. R. Bhagat): I want to vote for 'Ayes'. My vote has not been recorded.

Shrimati Kesar Kumari (Raipur—Reserved—Sch. Tribes): I want to vote for 'Ayes'. My vote also has not been recorded.

Shri D. C. Mallik: I want to vote for 'Ayes'. I pressed the button, but it has not been recorded.

Shri Birendra Bahadur Singhji: I want to vote for 'Ayes'. My vote also has not been recorded.

Shri Dasaratha Deb (Tripura): I want to vote for 'Noes'.

Mr. Speaker: The result of the division is as follows:

Ayes 333; Noes 52.

[16.33 hrs.

AYES

Bholl Sardar, Shri
Bidari, Shri
Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J. B.S.
Biswas, Shri Bholanath
Borooh, Shri P. C.
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chandak, Shri
Chandra Shankar, Shri
Chaturvedi, Shri
Chavan, Shri D. R.
Chavda, Shri
Chettiar, Shri Ramanathan
Choudhry, Shri C. L.
Chuni Lal, Shri
Daljit Singh, Shri

Damani, Shri	Khan, Shri Sadath Ali	Naldurgkar, Shri
Das, Dr. M. M.	Khan, Shri Shaheenwaz	Nanda, Shri
Das, Shri N. T.	Khimji, Shri	Narajpattan, Shri
Dasappa, Shri	Khuda Bukhsh, Shri M.	Naraindin, Shri
Datar, Shri	Khwaja, Shri Jamal	Narasimhan, Shri
Daulta, Shri P. S.	Kiledar, Shri R. S.	Narayanasamy, Shri R.
Desai, Shri Morarji	Kistaiya, Shri	Nariendra Kumar, Shri
Deshmukh, Shri K. G.	Koratkar, Shri	Naskar, Shri P. S.
Deshmukh, Dr. P. S.	Kortukapally, Shri	Nathwani, Shri
Dindod, Shri	Krishna, Shri M. R.	Nayak, Shri Mohan
Dube, Shri Mulchand	Krishna Chandra, Shri	Nayar, Dr. Sushila
Dublish, Shri	Krishnamachari, Shri T. T.	Negi, Shri Nek Ram
Dwivedi, Shri M. L.	Krishnappa, Shri M. V.	Nehru, Shri Jawaharlal
Eacharan, Shri V.	Krishnaswami, Dr.	Nehru, Shrimati Uma
Elayaperumal, Shri	Kureel, Shri B. N.	Onkar Lal, Shri
Gaekwad, Shri Fatesinhrao	Lachhi Ram, Shri	Padam Dev, Shri
Ganapathy, Shri	Lahiri, Shri	Pahadia, Shri
Gandhi, Shri M. M.	Laskar, Shri N. C.	Palaniyandy, Shri
Ganga Devi, Shrimati	Laxmi Bai, Shrimati	Palchoudhuri, Shrimati Ila
Ganpati Ram, Shri	Mafida Ahmed, Shrimati	Pande, Shri C. D.
Gautam, Shri C. D.	Maiti, Shri N. B.	Pandey, Shri K. N.
Ghosh, Shri Atulya	Majhi, Shri R. C.	Pangarkar, Shri
Ghosh, Shri M. K.	Majithia, Sardar	Panna Lal, Shri
Ghosh, Shri N. R.	Malaviya, Shri K. D.	Parmar, Shri Deen Bandhu
Gohokar, Dr.	Malhotra, Shri Inder J.	Patel, Sushri Maniben
Gounder, Shri Doraiswami	Malliah, Shri U. S.	Patel, Shri N. N.
Govind Das, Dr.	Mallik, Shri D. C.	Patel, Shri P. R.
Guha, Shri A. C.	Malvia, Shri K. B.	Patel, Shri Rajeshwar
Gupta, Shri C. L.	Malviya, Shri Motilal	Patil, Shri R. D.
Gupta, Shri Ram Krishan	Manaen, Shri	Patil, Shri S. K.
Harvani, Shri Ansar	Mandal, Shri J.	Patil, Shri T. S.
Hansda, Shri Subodh	Mandal, Dr. Pashupati	Pattabhi Raman, Shri C. R.
Hathi, Shri	Maniyangadan, Shri	Pillai, Shri Thanu
Hazarika, Shri J. N.	Manjula Devi, Shrimati	Prabhakar, Shri Naval
Heda, Shri	Masuriya Din, Shri	Radha Mohan Singh, Shri
Hem Raj, Shri	Mathur, Shri Harish Chandra	Radha Raman, Shri
Hukam Singh, Sardar	Matin, Qazi	Raghubir Sahai, Shri
Jabbar Singh, Sardar	Mehdi, Shri S. A.	Raghumath Singh, Shri
Jag Jivan Ram, Shri	Mehta, Shri J. R.	Raghuramiah, Shri
Jain, Shri A. P.	Mehta, Shrimati Krishna	Rahman, Shri M. H.
Jain, Shri N. C.	Melkote, Dr.	Rai, Shrimati Sahodrabai
Jedhe, Shri G. K.	Minimata, Shrimati	Raj Bahadur, Shri
Jhunjhunwala, Shri	Mishra, Shri Bibhuti	Ram Garib, Shri
Jinachandran, Shri	Mishra, Shri L. N.	Ram Saran, Shri
Jogendra Sen, Shri	Mishra, Shri M. P.	Ram Shankar Lal, Shri
Jogendra Singh, Sardar	Mishra, Shri R. R.	Ram Subhag Singh, Dr.
Joshi, Shri A. C.	Mishra, Shri S. N.	Ramakrishnan, Shri P. R.
Joshi, Shri Liladhar	Misra, Shri B. D.	Ramananda Tirtha, Swami
Joshi, Shrimati Subhadra	Misra, Shri R. D.	Ramaswamy, Shri S. V.
Jyotishi, Pandit J. P.	Mohammad Akbar, Shaikh	Ramaswamy, Shri K. S.
Kalika Singh, Shri	Mohideen, Shri Gulam	Ramaswamy, Shri P.
Kamble, Dr.	Mohiuddin, Shri	Ramaul, Shri S. N.
Kanungo, Shri	Morarka, Shri	Ramdhani Das, Shri
Karmarkar, Shri	Muniswamy, Shri N. R.	Rampure, Shri M.
Kasiram, Shri Vaddipalli	Murthy, Shri B. S.	Ranbir Singh, Ch.
Kasilwal, Shri	Murty, Shri M. S.	Rane, Shri
Kedaris, Shri C. M.	Musafir, Giani G. S.	Rangaroo, Shri
Kesar Kumari, Devi	Muthukrishnan, Shri	Rao, Shri Hanmanth
Keshava, Shri	Nadar, Shri Thanulingam	Rao, Shri Jaganatha
Keskar, Dr.	Naidu, Shri Govindarajulu	Rao, Shri Rajagopala
Khadivala, Shri	Nair, Shri C. K.	Rao, Shri Thirumala
Khan, Shri Osman Ali	Nair, Shri Kuttikrishnan	Raut, Shri Bhola

Ray, Shrimati Renuka
Reddy, Shri K. C.
Reddy, Shri Narapa
Reddy, Shri R. L.
Reddy, Shri Ramakrishna
Reddy, Shri Rami
Reddy, Shri Viswanatha
Roy, Shri Bishwanath
Rungsung Suisa, Shri
Rup Narain, Shri
Sadhu Ram, Shri
Sahu, Shri Bhagabat
Sahu, Shri Ramachwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Samantsinhar, Dr.
Sambandam, Shri
Sankarapandian, Shri
Sarhadī, Shri Ajit Singh
Satish Chandra, Shri
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Scindia, Shrimati Vijaya Raje
Shah, Shrimati Jayaben
Shah, Shri Manabendra
Shakuntala Devi, Shrimati
Shankar Deo, Shri
Shankarajaya, Shri
Sharma, Shri D. C.
Sharma, Pandit K. C.
Sharma, Shri R. C.

Shastri, Pandit H.
Shastri, Shri Lal Bahadur
Shastri, Swarni Ramanand
Shivananjappa, Shri
Shobha Ram, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddanajappa, Shri
Siddiah, Shri
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri K. N.
Singh, Shri M. N.
Sinha, Shri Anirudh
Sinha, Shri Gejendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Siva Raj, Shri
Snatak, Shri Nardeo
Somani, Shri
Sonavane, Shri
Sonu le, Shri H. N.
Subbarayan, Dr. P.

Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Sumat Prasad, Shri
Sunder Lal, Shri
Surya Prasad, Shri
Swami, Shri V. N.
Swaran Singh, Sardar
Syed Mahmud, Dr.
Tabir, Shri Mohammed
Tariq, Shri A. M.
Tewari, Shri Dwarikanath
Thomas, Shri A. M.
Tiwari, Pandit Babu Lal
Tiwari, Shri R. S.
Tiwari, Pandit D. N.
Tula Ram, Shri
Tyagi, Shri
Ujke, Shri
Umrao Singh, Shri
Upadhyay, Pandit Munishwar Dutt
Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Varma, Shri M. L.
Varma, Shri Ramsingh Bhai
Vedakumari, Kumari M.
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Wodeyar, Shri

NOES

Amjad Ali, Shri
Assar, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Bhanja Deo, Shri
Chakravartty, Shrimati Renu
Chandramani Kalo, Shri
Chaudhuri, Shri Tridib Kumar
Das Gupta, Shri B.
Dasaratha Deb, Shri
Drohar, Shri
Elias, Shri Muhammed
Ghosal, Shri Aurobindo
Ghose, Shri Bimal
Ghose, Shri Subiman
Gopalan, Shri A. K.
Goray, Shri
Gupta, Shri Indrajit

Gupta, Shri Sadhan
Jadhav, Shri Yadav Narayan
Kamble, Shri B. C.
Kar, Shri Prabhat
Khushwaqt Rai, Shri
Kodiyan, Shri
Kumbhar, Shri
Kunhan, Shri
Mahagaonkar, Shri
Mahanty, Shri
Matera, Shri
Mehta, Shri Asoka
Mohan Swarup, Shri
More, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Panigrahi, Shri Chintamoni

Parvathi Krishnan, Shrimati
Patil, Shri U. L.
Pillai, Shri Anthony
Proddhan, Shri B. C.
Punnoose, Shri
Rajendra Singh, Shri
Ranga, Shri
Sampath, Shri
Shastri, Shri Prakash Vir
Sugandhi, Shri
Supakar, Shri
Tangamani, Shri
Thakore, Shri M. B.
Vajpayee, Shri
Verma, Shri Ramji
Warior, Shri
Yajnik, Shri

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Amendment of the First Schedule to the Constitution)

Shri B. Das Gupta: I beg to move:
Page 2,—

omit lines 16 to 20. (8).

Clause 3(c) of the Bill reads thus:

“As from the appointed day, in the First Schedule to the Constitution,—

(c) in the paragraph relating to the territories of the State of West Bengal, the words, brackets

and figures 'but excluding the territories referred to in Part III of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;".

I want that these words should be deleted.

The whole Berubari affair, as it transpires, has been bungled and mismanaged from the very beginning. The main responsibility also lies with the Prime Minister. Time and again, the Prime Minister has stated that Berubari was a matter of dispute. I would like to quote a few lines from the speech of Shri Bimal Chandra Sinha, Revenue Minister, West Bengal, which he delivered in the West Bengal Legislative Council on the 30th December 1958, when this dispute was raised by Pakistan. He said:

"When after the partition of Bengal, boundary demarcation began—and this is a very important matter that I am going to mention and let the members take note of this—when the boundary demarcation began, it was proceeding smoothly also along the Berubari Union. Sir, the technical process of surveying and delineating a boundary is the first step. The next thing is the preparation of mosaic, that is to say, along a particular line, one party surveys twenty chains on one side and the other party surveys twenty chains on the other side and then these details, maps, etc. are made to tally. This line is a fixed one. Now, when the mosaics were prepared by the Pakistan party, they were sent to us for tallying with ours and when that mosaic was accepted by us, and when our mosaic was prepared and sent to them, suddenly the Pakistan revenue officials accused us of fabricating their mosaic and refused to accept ours. But when the original challan that was forwarded by the Pakistan officials while sending up their mosaic was pointed out, they withdrew from

that position and then the Pakistan Government raised a form of dispute over the Berubari Union."

He says all these things were sent to the Government of India. He says:

"Round about the middle of 1958, we were asked by the Government of India to prepare a list of disputes and send them certain maps and charts and certain data. Sir, I take this opportunity of denying altogether the allegation that no maps and charts were sent. As a matter of fact, all the maps and charts, and the facts of the case—as a matter of fact, no opinion was sought excepting only certain facts—were asked for and the maps and facts were properly sent to the Government of India though we could express no opinion".

This was the position, when the dispute was raised, from the very beginning to the end. It transpires that the whole affair was a piece of bungling and mismanagement. We have seen from the issue of Kashmir to that of China and now that of Berubari, that everything is being bungled and mismanaged. This Berubari affair shows how we mismanage our affairs, whether national affairs or international affairs. It must be admitted that no serious thinking was done by the officials or by the Prime Minister in regard to this matter. So, I request this House to throw out this Berubari portion of the Bill.

Mr. Speaker: The whole discussion centred round Berubari and we had taken over eight hours. No repetition will be allowed. If he has got any new facts, he may present them. If everything has been said already and he has nothing more to add, he may resume his seat. If there is something new, let him give it to the House.

Shri B. Das Gupta: I am saying that the Prime Minister exceeded his power in negotiating the cession of Berubari. According to the international law and convention, if the

[Shri B. Das Gupta]

House rejects that part of the agreement or negotiation, that will in no way hamper the prestige of the Prime Minister on which we are laying so much stress. Now things have come to such a stage, that everything has been concentrated on this that it is a matter of the prestige of the Prime Minister of India. That is why this Berubari cession is being approved by this House now. We are creating very bad precedents. If we have a proper approach to democracy, we would reject it because the whole country, the whole nation is against cession of territory. The Prime Minister should take this into consideration. After he got the opinion of the Supreme Court, the proper course would have been to resign and come before the electorate on this issue as the Prime Minister of Japan did. That would have been the proper democratic approach. We should not create bad precedents in this House on which the future depends to a great extent. Lastly, I beg to remind the House that we must take into consideration the feeling of the whole nation; it is not West Bengal alone; it is the whole of India that speaks against this. The whole of India expresses its indignation over this. Let us take it into consideration and let us create good precedents by throwing out this Bill. We will be then creating good precedents. Other-

Division No. 9]

AYES

Abdul Latif, Shri
Abdul Salam, Shri
Abdur Rahman, Maulana
Achal Singh, Seth
Achar, Shri
Achint Ram, Lala
Agarwal, Shri Manakbbhai
Ajit Singh, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Aney, Dr. M. S.
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Asthana, Shri Lila Dhar
Atchamamba, Dr.
Ayyakannu, Shri
Babunath Singh, Shri
Badan Singh, Ch.

Bahadur Singh, Shri
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P. B.
Banerji, Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhatkar, Shri
Bhattacharya, Shri C. K.
Bhawani Prasad, Shri

Bholl Sardar, Shri
Bidari, Shri
Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J. B. S.
Biswas, Shri Bholanath
Boroah, Shri P. C.
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chandak, Shri
Chandra Shankar, Shri
Chaturvedi, Shri
Chavan, Shri D. R.
Chavda, Shri
Chettiar, Shri Ramenathan
Choudhry, Shri C. L.
Chuni Lal, Shri
Daljit Singh, Shri

wise, it will be a disaster for our country and the future.

Mr. Speaker: Does the hon. Prime Minister want to say something?

Shri Jawaharlal Nehru: No, Sir.

Mr. Speaker: I shall put amendment No. 8 to the vote of the House.

Amendment No. 8 was put and negatived.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill."

The Lok Sabha divided.

Mr. Speaker: I shall announce the result of the division.

Shri Thanulingam Nadar (Nagercoil): I voted for "Ayes", but it has recorded "abstention".

Dr. Atchamamba (Vijayavada): I voted for "Ayes", but it has not been recorded.

Shri C. K. Nair (Outer Delhi): I voted for "Ayes", but it has been recorded as "abstention".

Shri B. Das Gupta: I want to vote for "Noes". I did not reach my seat in time.

Shri Drohar (Hardoi—Reserved—Sch. Castes): I want to vote for "Noes".

Mr. Speaker: The result of the division is:

Ayes: 332; Noes: 47.

[16.51 hrs.]

Damani, Shri	Khan, Shri Shah Nawaz *	Narsindin, Shri
Das, Dr. M. M.	Khimji, Shri	Narasimhan, Shri
Das, Shri N. T.	Khuda Buksh, Shri M.	Narayanasaamy, Shri R.
Dasappa, Shri	Khawaja, Shri Jamal	Nariendra Kumar, Shri
Datar, Shri	Kiledar, Shri R. S.	Naskar, Shri P. S.
Daulta, Shri P. S.	Kistaiya, Shri	Nathwani, Shri
Desai, Shri Morarji	Koratkar, Shri ¶	Nayak, Shri Mohan
Deshmukh, Shri K. G.	Kottukapally, Shri	Nayar, Dr. Sushila
Deshmukh, Dr. P. S.	Krishna, Shri M. R.	Negi, Shri Nek Ram
Dindod, Shri	Krishna Chandra, Shri	Nehru, Shri Jawaharlal
Dube, Shri Mulchand	Krishnamachari, Shri T. T.	Nehru, Shrimati Uma
Dublish, Shri	Krishnappa, Shri M. V.	Onkar Lal, Shri
Dwivedi, Shri M. L.	Kureel, Shri B. N.	Padam Dev, Shri
Eacharan, Shri V.	Lachhi Ram, Shri §	Pahadia, Shri
Elayaperumal, Shri	Lahiri, Shri †	Palaniyandy, Shri
Gackwad, Shri Fatesinhrao	Laskar, Shri N. C.	Palchoudhuri, Shrimati Ila
Ganapathy, Shri	Laxmi Bai, Shrimati	Pande, Shri C. D.
Gandhi, Shri M. M.	Mafida Ahmed, Shrimati	Pandey, Shri K. N.
Ganga Devi, Shrimati	Maiti, Shri N. B.	Pangarkar, Shri
Ganpati Ram, Shri	Majhi, Shri R. C.	Panna Lal, Shri
Gautam, Shri C. D.	Majithia, Sardar ¶	Parmar, Shri Deen Bandhu
Ghosh, Shri Atulya	Malaviya, Shri K. D.	Patel, Sushri Maniben
Ghosh, Shri M. K.	Malhotra, Shri Inder J.	Patel, Shri N. N.
Ghosh, Shri N. R.	Malliah, Shri U. S.	Patel, Shri P. R.
Godsora, Shri S. C.	Malviya, Shri K. B.	Patel, Shri Rajeshwar
Gohokar, Dr.	Malviya, Shri Motilal	Patil, Shri R. D.
Gounder, Shri Doraiswami	Mansaen, Shri	Patil, Shri S. K.
Govind Das, Dr.	Mandal, Shri J. ¶	Patil, Shri T. S.
Guha, Shri A. C.	Mandal, Dr. Pashupati	Pattabhi Raman, Shri C. R.
Gupta, Shri C. L.	Maniyangadan, Shri	Pillai, Shri Thanu
Gupta, Shri Ram Krishan	Manjula Devi, Shrimati	Prabhakar, Shri Naval
Harvani, Shri Ansar	Masuriya Din, Shri	Radha Mohan Singh, Shri
Hansda, Shri Subodh	Mathur, Shri Harish Chandra	Radha Ramen, Shri
Hathi, Shri	Matin, Qazi	Raghubir Sahai, Shri
Hazarika, Shri J. N.	Mehdi, Shri S. A.	Raghnath Singh, Shri
Heda, Shri	Mehta, Shri J. R.	Raghuramaiah, Shri
Hem Raj, Shri	Mehta, Shrimati Krishna	Rahman, Shri M. H.
Hukam Singh, Sardar	Melkote, Dr.	Rai, Shrimati Sahodrabai
Iqbal Singh, Sardar	Minimata, Shrimati	Raj Bahadur, Shri
Jagjivan Ram, Shri	Mishra, Shri Bibbuti	Ram Saran, Shri
Jain, Shri A. P.	Mishra, Shri L. N.	Ram Shankar Lal, Shri
Jain, Shri M. C.	Mishra, Shri M. P.	Ram Subhag Singh, Dr.
Jedhe, Shri G. K.	Mishra, Shri R. R.	Ramakrishnan, Shri P. R.
Jhunjhunwala, Shri	Mishra, Shri S. N.	Ramananda Tirtha, Swami
Jinachandran, Shri	Misra, Shri B. D.	Ramaswamy, Shri S. V.
Jogendra Sen, Shri	Mitra, Shri R. D.	Ramaswamy, Shri K. S.
Jogendra Singh, Sardar	Mohammad Akbar, Shaikh	Ramaswamy, Shri P.
Joshi, Shri A. C.	Mohideen, Shri Gulam	Ramaul, Shri S. N.
Joshi, Shri Liladhar	Mohiuddin, Shri	Ramdhani Das, Shri
Joshi, Shrimati Subhadra	Morarka, Shri	Rampure, Shri M.
Jyotishi, Pandit J. P.	Mullick, Shri B. C.	Ranbir Singh, Ch.
Kalika Singh, Shri	Muniswamy, Shri N. R.	Rane, Shri
Kamble, Dr.	Murthy, Shri B. S.	Rangarao, Shri
Kanungo, Shri	Murty, Shri M. S.	Rao, Shri Hanmanth
Karmarkar, Shri	Musafir, Giani G. S.	Rao, Shri Jagannath
Kasiram, Shri Vaddipalli	Muthukrishnan, Shri	Rao, Shri Rajagopala
Kedaria, Shri C. M.	Nadar, Shri Thanulingam	Rao, Shri Thirumala
Kesar Kumari, Shrimati	Naidu, Shri Govindarejalu	Raut, Shri Bhola
Keshava, Shri	Nair, Shri C. K.	Ray, Shrimati Renuka
Keskar, Dr.	Nair, Shri Kuttikrishnan	Reddy, Shri K. C.
Khadiwala, Shri	Naldurgkar, Shri	Reddy, Shri Narapa
Khan, Shri Osman Ali	Nanda, Shri	Reddy, Shri R. L.
Khan, Shri Sadath Ali	Nanjappan, Shri	Reddy, Shri Ramakrishna

Reddy, Shri Rami
Reddy, Shri Viswanatha
Roy, Shri Bishwanath
Rungsung Suissa, Shri
Rup Narain, Shri
Sadhu Ram, Shri
Sahu, Shri Bhagabhat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Samantsinhar, Dr.
Sambandam, Shri
Sankarapandian, Shri
Sarhadi, Shri Ajit Singh
Satish Chandra, Shri
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Scindia, Shrimati Vijaya Raje
Shah, Shrimati Jayaben
Shah, Shri Manabendra
Shakuntala Devi, Shrimati
Shankar Deo, Shri
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Pandit K. C.
Sharma, Shri R. C.
Shastri, Pandit H.
Shastri, Shri Lal Bahadur
Shastri, Swami Ramanand

Shivananjappa, Shri
Shobha Ram, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddananjappa, Shri
Siddiah, Shri
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri K. N.
Singh, Shri M. N.
Sinha, Shri Aniruddh
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Siva Raj, Shri
Snatak, Shri Nardeo
Somani, Shri
Sonavane, Shri
Sonule, Shri H. N.
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sultan, Shrimati Maimoona

NOES

Amjad Ali, Shri
Assar, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Bhanja Deo, Shri
Chakravartty, Shrimati Renu
Chaudhuri, Shri Tridib Kumar
Das Gupta, Shri B.
Dasaratha Deb, Shri
Deo, Shri P. K.
Drohar, Shri
Elias, Shri Muhammed
Ghosal, Shri Aurobindo
Ghose, Shri Bimal
Ghose, Shri Subiman
Gopalan, Shri A. K.

Goray, Shri
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Jadhav, Shri Yadav Narayan
Kar, Shri Prabhat
Khushwaqt Rai, Shri
Kodiyar, Shri
Kumbhar, Shri
Kunhan, Shri
Mahagaonkar, Shri
Mahanty, Shri
Mehta, Shri Asoka
Mohan Swarup, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Panigrahi, Shri Chintamani

Parmar, Shri K. U.
Parvathi Krishnan, Shrimati
Patil, Shri U. L.
Pillai, Shri Anthony
Punnoose, Shri
Rajendra Singh, Shri
Ranga, Shri
Sampath, Shri
Shastri, Shri Prakesh Vir
Supakar, Shri
Tangamani, Shri
Thakore, Shri M. B.
Verma, Shri Ramji
Wartor, Shri
Yajolk, Shri

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted

Clause 3 was added to the Bill.

The First Schedule

Shri Aurobindo Ghosal: I beg to move:

Page 2,—

omit lines 36 to 40. (9)

Shri Bimal Ghose: I beg to move:

Page 2, line 37,—

omit "item (3)". (10)

This is a small amendment. I hope the Prime Minister will accept it.

Shri Aurobindo Ghosal: My amendment relates to Part III of the First Schedule. Part III of the First Schedule relates to item (3) of paragraph 2 of the Second Schedule. That is in relation to the agreement regarding Berubari Union No. 12. My point is whether by this agreement it will be

feasible at all to partition Berubari half and half. In the Second Schedule, it has been stated that there will be three steps for effecting this division. Firstly, Berubari will be partitioned equally, half and half. Secondly, the partition line will be horizontal, starting from the north-east corner of Debiganj thana. Thirdly, the partition should be made in such a manner that the Cooch Behar enclaves between Pachagar thana and Berubari Union will remain, or is included, in India.

If you will look at the map of Berubari, you will find that the first two terms are contradictory.

Mr. Speaker: There is too much noise in the House. The proceedings cannot be recorded by the official reporters. The speech is not heard. Nobody is able to hear. If some hon. Members do not want to participate in the debate, let them keep quiet.

Shri Aurobindo Ghosal: If a line is drawn horizontally from the north-east corner of Debiganj thana to the Berubari police station, Berubari can never be divided half and half. If Berubari is to be divided half and half the line cannot run horizontally. It has been admitted by the Supreme Court also.

It has been announced in the newspapers of today that there is already trouble regarding interpretation. The seed of dispute is already sown there. From the Indian side, the interpretation is that the horizontal line means parallel line to the axis. But according to the Pakistan interpretation, horizontal line means that at first the geometrical axis is to be determined for the Berubari Union and then a perpendicular line has to be drawn which will be called the horizontal line of Berubari. If this interpretation is to be followed, then, about three-fourths of Berubari will go to Pakistan. If the subject-matter of any agreement is in dispute, and even in the beginning, if such a streak of dispute about the division is there, I do not think that this agreement will serve any purpose. No real purpose

will be served by this agreement which is meant to achieve peace and friendship with Pakistan.

I want a clarification from the hon. Prime Minister as to whether, according to the agreement which has been concluded, half of Berubari could be divided—that is, whether Berubari could be divided exactly half and half horizontally.

Next, while voting for this measure I would like to appeal to the House that they should appreciate the sentiments of West Bengal. The workers of Calcutta have stopped work, and the whole area is like a dead State or city. All work has stopped. Naturally, I should like to bring to the attention of the House this aspect and I would like the House to appreciate the sentiments and views of the people of West Bengal in this matter for successful strike.

17 hrs.

Mr. Speaker: Has the Prime Minister anything to say? The hon. Member says that as demarcated now, it is physically impossible to divide Berubari into two halves. Pakistan people are already saying it must be a vertical line with the centre at Berubari and so on. He argues, if it is impracticable, what is the use?

Shri Jawaharlal Nehru: This was carefully considered. When one says it should be horizontal, it does not mean a mathematically horizontal line absolutely; it merely means that it should not be vertical, because if it was vertical, that part of Berubari which comes to us is cut off and there is some difficulty. Therefore, it will have to be carefully considered. The line may not be exactly horizontal, but broadly speaking horizontal. It may be a curved line or straight line.

Mr. Speaker: I will now put Shri Aurobindo Ghosal's amendment No. 9 to the House.

Amendment No. 9 was put and negatived.

Mr. Speaker: I will now put Shri Bimal Ghose's amendment No. 10 to the House.

*Amendment No. 10 was put and
negatived.*

Mr. Speaker: The question is:

“That the First Schedule stand
part of the Bill.”

The Lok Sabha divided.

Shri Abdul Latif (Bijnor): I wanted
to vote for ‘Ayes’.

Shri Dasaratha Deb: I wanted to
vote for ‘Noes’.

Mr. Speaker: The result of the
division is:

Ayes: 330.

Noes: 48

AYES

Division No. 10]

[17.2 hrs.

Abdul Latif, Shri
Abdul Salam, Shri
Abdur Rahman, Maulana
Achal Singh, Seth
Achar, Shri
Achint Ram, Lala
Agarwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Aney, Dr. M. S.
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Aashanna, Shri
Asthana, Shri Lila Dhar
Atchamamba, Dr.
Ayyakannu, Shri
Babunath Singh, Shri
Badan Singh, Ch.
Bahadur Singh, Shri
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P. B.
Banerji, Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhatkar, Shri
Bhattacharya, Shri C. K.
Bhawani Prasad, Shri
Bholi Sardar, Shri
Bidari, Shri
Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J. B. S.
Biswas, Shri Bholanath
Boroosah, Shri P. C.
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chandak, Shri

Chandra Shankar, Shri
Chaturvedi, Shri
Chavan, Shri D. R.
Chavda, Shri
Chettiar, Shri Ramanathan
Choudhry, Shri C. L.
Chuni Lal, Shri
Daljit Singh, Shri
Damani, Shri
Das, Dr. M. M.
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Daulta, Shri P. S.
Dessai, Shri Morarji
Deahmukh, Shri K. G.
Deahmukh, Dr. P. S.
Dindod, Shri
Dube, Shri Mulchand
Dubish, Shri
Dwivedi, Shri M. L.
Eacharan, Shri V.
Elayaperumal, Shri
Gaekwad, Shri Fatesinhrao
Ganapathy, Shri
Gandhi, Shri M. M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautam, Shri C. D.
Ghosh, Shri Atulya
Ghoah, Shri M. K.
Ghosh, Shri N. R.
Godsora, Shri S. C.
Gohokar, Dr.
Gounder, Shri Doraiswami
Govind Das, Dr.
Guha, Shri A. C.
Gupta, Shri C. L.
Gupta, Shri Ram Krishan
Harvani, Shri Ansar
Hansda, Shri Subodh
Hathi, Shri
Hazarika, Shri J. N.
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, Shri Liladhar
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.
Kalika Singh, Shri
Kamble, Dr.
Kanungo, Shri
Karmarkar, Shri
Kasiram, Shri Vaddipalli
Kedaria, Shri C. M.
Kesar Kumari, Shrimati
Keshava, Shri
Keskar, Dr.
Khadiwala, Shri
Khan, Shri Osman Ali
Khan, Shri Sadath Ali
Khan, Shri Shah Nawaz
Khimji, Shri
Khuda Bukhsh, Shri M.
Khawaja, Shri Jamal
Killedar, Shri R. S.
Kistaiya, Shri
Koratkar, Shri
Kottukapally, Shri
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lachhi Ram, Shri
Lahiri, Shri
Laskar, Shri N. C.
Laxmi Bai, Shrimati
Maftida Ahmed, Shrimati
Majti, Shri N. B.
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Malliah, Shri U. S.
Mallik, Shri D. C.
Malvia, Shri K. B.
Malviya, Shri Motilal
Manaen, Shri

Mandal, Shri J.
Mandal, Dr. Pashupati
Maniyangadan, Shri
Manjula Devi, Shrimati
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Matin, Qazi
Mehdi, Shri S. A.
Mehta, Shri J. R.
Mehta, Shrimati Krishna
Melkote, Dr.
Minimata, Shrimati
Mishra, Shri Bibbuti
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri R. R.
Mishra, Shri S. N.
Misra, Shri B. D.
Misra, Shri R. D.
Mohammad Akbar, Shaiikh
Mohideen, Shri Gulam
Mohiuddin, Shri
Morarka, Shri
Muniswamy, Shri N. R.
Murthy, Shri B. S.
Murthy, Shri M. S.
Musafir, Giani G. S.
Muthukrishnan, Shri
Nadar, Shri Thanulingam
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Naldurgkar, Shri
Nanda, Shri
Nanjappan, Shri
Narsindin, Shri
Narasimhan, Shri
Narayanasamy, Shri R.
Nariandera Kumar, Shri
Naskar, Shri P. S.
Nathwani, Shri
Nayak, Shri Mohan
Nayar, Dr. Sushila
Negi, Shri Nek Ram
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Onkar Lal, Shri
Padam Dev, Shri
Pahadia, Shri
Palaniyandy, Shri
Palchoudhuri, Shrimati Ila
Pande, Shri C. D.
Pandey, Shri K. N.
Pangarkar, Shri
Panna Lal Shri
Parmar, Shri Deen Bandhu
Patel, Sushri Maniben
Patel, Shri N. N.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri R. D.

Patil, Shri S. K.
Patil, Shri T. S.
Pattabhi Raman, Shri C. R.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Radha Mohan Singh, Shri
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Rahman, Shri M. H.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri
Ram Subhag Singh, Dr.
Ramakrishnan, Shri P. R.
Ramananda Tirtha, Swami
Ramaswamy, Shri S. V.
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Ramaul, Shri S. N.
Ramdhani Das, Shri
Rampure, Shri M.
Ranbji Singh, Ch.
Rane, Shri
Rangaroo, Shri
Rao, Shri Hanmanth
Rao, Shri Jagannatha
Rao, Shri Rajagopala
Rao, Shri Thirumala
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddy, Shri K. C.
Reddy, Shri Narapa
Reddy, Shri R. L.
Reddy, Shri Ramakrishna
Reddy, Shri Rami
Reddy, Shri Viswanatha
Roy, Shri Bishwanath
Rungtong Suisa, Shri
Rup Narain, Shri
Sadhu Ram, Shri
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Samantsinhar, Dr.
Sambandam, Shri
Sankrapandian, Shri
Sarhadi, Shri Ajit Singh
Satiah Chandra, Shri
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Sciordia, Shrimati Vijaya Rajee
Shah, Shrimati Jayaben
Shah, Shri Manabendra
Shakuntala Devi, Shrimati
Shankar Deo, Shri
Shankaraiya, Shri
Sharma, Shri D. C.

Sharma, Pandit K. C.
Sharma, Shri R. C.
Shastri, Pandit H.
Shastri, Shri Lal Bahadur
Shastri, Swami Ramanand
Shivananjappa, Shri
Shobha Ram, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddanajappa, Shri
Siddiah, Shri
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri K. N.
Singh, Shri M. N.
Sinha, Shri Anirudh
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarkesh wari
Sinha, Shri
Siva, Dr. Gangadhara
Siva Raj, Shri
Snatak, Shri Nardeo
Somani, Shri
Sonavane, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Sumat Prasad, Shri
Sunder Lal, Shri
Surya Prasad, Shri
Swami, Shri V. N.
Swaran Singh, Sardar
Syed Mahmud, Dr.
Tahir, Shri Mohammed
Tariq, Shri A. M.
Tewari, Shri Dwarikanath
Thomas, Shri A. M.
Tiwari, Pandit Babu Lal
Tiwari, Shri R. S.
Tiwari, Pandit D. N.
Tula Ram, Shri
Tyagi, Shri
U ikte, Shri
Umrao Singh, Shri
Upadhyay, Pandit Munishwar Dutt
Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Varma, Shri M. L.
Varma, Shri Ramisng Bhai
Vedakumari, Kumari M.
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Wodeyar, Shri

NOES

Amjad Ali, Shri
Assar, Shri

Banerjee, Shri Pramathanath
Banerjee, Shri S. M.

Bhanja Deo Shri
Chakravarty, Shrimati Renu

Chaudhuri, Shri Tridib Kumar
Das Gupta, Shri B.
Dasaratha Deb, Shri
Deo, Shri P. K.
Drohar, Shri
Elias, Shri Muhammed
Ghosal, Shri Aurobindo
Ghose, Shri Bimal
Ghose, Shri Subiman
Gopalan, Shri A. K.
Goray, Shri
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Jadhav, Shri Yadav Narayan

Kar, Shri Prabhat
Khushwaqt Rai, Shri
Kodiyani, Shri
Kumbhar, Shri
Kunhan, Shri
Mahagaonkar, Shri
Mahanty, Shri
Mehta, Shri Asoka
Mohan Swarup, Shri
Mukherjee, Shri H. N.
Mullick, Shri B. C.
Panigrahi, Shri Chintamani
Parmar, Shri K. U.

Parvathi Krishnan, Shrimati
Patil, Shri U. L.
Pillai, Shri Anthony
Punnoose, Shri
Rajendra Singh, Shri
Ranga, Shri
Shastri, Shri Prakash Vir
Supakar, Shri
Tangamani, Shri
Thakore, Shri M. B.
Vajpayee, Shri
Verma, Shri Ramji
Warior, Shri

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

The First Schedule was added to the the Bill.

Mr. Speaker: The question is:

"That the Second Schedule stand part of the Bill."

The Lok Sabha divided.

Shri Vaddapalli Kasiram: My vote has not been recorded.

Shri P. R. Ramakrishnan: My vote has also not been recorded.

Mr. Speaker: I have noted them. Now the result of the division is:

Ayes: 329
Noes: 46

AYES

Division No. 11]

Abdual Latif, Shri
Abdul Slalam, Shri
Abdur Rahaman, Maulana
Achal Singh, Seth
Achar, Shri
Achint Ram, Lala
Agarwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Aney, Dr. M. S.
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Asthana, Shri Lila Dhar
Atchamamba, Dr.
Ayyakannu, Shri
Babunath Singh, Shri
Badan Singh, Ch.
Bahadur Singh, Shri
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P. B.
Banerji, Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri

Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhetkar, Shri
Bhattacharya, Shri C. K.
Bhawani Prasad, Shri
Bholi Sardar, Shri
Bidari, Shri
Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J. B. S.
Biswas, Shri Bholanath
Borooh, Shri P. C.
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chandak, Shri
Chandra Shankar, Shri
Chaturvedi, Shri
Chavan, Shri D. R.
Chavda, Shri
Chettiar, Shri Ramanathan
Choudhry, Shri C. L.
Chuni Lal, Shri
Daljit Singh, Shri
Damani, Shri
Das, Dr. M. M.

Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Daulta, Shri P. S.
Desai, Shri Morarji
Deshmukh, Shri K. G.
Deshmukh, Dr. P. S.
Dindod, Shri
Dube, Shri Mulchand
Dubish, Shri
Dwivedi, Shri M. L.
Eacharan, Shri V.
Elayaperumal, Shri
Gackwad, Shri Fatesinhrao
Ganapathy, Shri
Gandhi, Shri M. M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautam, Shri C. D.
Ghoeh, Shri Atulya
Ghosh, Shri M. K.
Ghosh, Shri N. R.
Godsora, Shri S. C.
Gohokar, Dr.
Gounder, Shri Doraiswami
Govind Das, Dr.
Guha, Shri A. C.
Gupta, Shri C. L.
Gupta, Shri Ram Krishan
Harvani, Shri Ansar

[17.5 hrs.]

(Ninth Amendment) Bill

Hanada, Shri Subodh	Mathur, Shri Herish Chandra	Raghunath Singh, Shri
Hathi, Shri	Mehdi, Shri S. A.	Raghuramaiah, Shri
Hazarika, Shri J. N.	Mehta, Shri J. R.	Rahman, Shri M. H.
Heda, Shri	Mehta, Shrimati Krishna	Rai, Shrimati Sahodrabai
Hem Raj, Shri	Melkote. Dr.	Raj Bahadur, Shri
Hukam Singh, Sardar	Minimata, Shrimati	Ram Saran, Shri
Iqbal Singh, Sardar	Mishra, Shri Bibhuti	Ram Shankar Lal, Shri
Jagjivan Ram, Shri	Mishra, Shri L. N.	Ram Subhag Singh, Dr.
Jain, Shri A. P.	Mishra, Shri M. P.	Ramakrishnan, Shri P. R.
Jain, Shri M. C.	Mishra, Shri R. R.	Ramananda Tirtha, Swami
Jedhe, Shri G. K.	Mishra, Shri S. N.	Ramaswamy, Shri S. V.
Jhunjhunwala, Shri	Misra, Shri B. D.	Ramaswamy, Shri K. S.
Jinachandran, Shri	Misra, Shri R. D.	Ramaswamy, Shri P.
Jogendra Sen, Shri	Mohammad Akbar, Shaikh	Ramaul, Shri S. N.
Jogendra Singh, Sardar	Mohideen, Shri Gulam	Ramdhani Das, Shri
Joishi, Shri A. C.	Mohiuddin, Shri	Rampure, Shri M.
Joshi, Shri Liladhar	Morarka, Shri	Ranbir Singh, Ch.
Joshi, Shrimati Subhadra	Muniswamy, Shri N. R.	Rane, Shri
Jyotishi, Pandit J. P.	Murthy, Shri B. S.	Rangarao, Shri
Kalika Singh, Shri	Murty, Shri M. S.	Rao, Shri Hanmanth
Kamble, Dr.	Musafir, Giani G. S.	Rao, Shri Jagannatha
Kanungo, Shri	Muthukrishnan, Shri	Rao, Shri Rajagopala
Karmarkar, Shri	Nadar, Shri Thanulingam	Rao, Shri Thirumala
Kedaria, Shri C. M.	Naidu, Shri Govindarajulu	Raut, Shri Bhola
Kesar Kumari, Shrimati	Nair, Shri C. K.	Ray, Shrimati Renuka
Keshava, Shri	Nair, Shri Kuttikrishnan	Reddy, Shri K. C.
Keskar, Dr.	Naldurgkar, Shri	Reddy, Shri Narapa
Khadiwala, Shri	Nanda, Shri	Reddy, Shri R. L.
Khan, Shri Osman Ali	Nanjappan, Shri	Reddy, Shri Ramakrishna
Khan, Shri Sadath Ali	Naraindin, Shri	Reddy, Shri Rami
Khan, Shri Shah Nawaz	Narasimhan, Shri	Reddy, Shri Viswanatha
Khimji, Shri	Narayanasamy, Shri R.	Roy, Shri Bishwanath
Khuda Bukhs, Shri M.	Nariandera Kumar, Shri	Rungtung Suisa, Shri
Khwaja, Shri Jamal	Naskar, Shri P. S.	Rup Narain, Shri
Kiledar, Shri R. S.	Nathwani, Shri	Sadhu Ram, Shri
Kistaiya, Shri	Nayak, Shri Mohan	Sahu, Shri Bhagabat
Koratkar, Shri	Nayar, Dr. Sushila	Sahu, Shri Rameshwar
Kottukapally, Shri	Negi, Shri Nek Ram	Saigal, Sardar A.S.
Krishna, Shri M. R.	Nehru, Shri Jawaharlal	Samanta, Shri S. C.
Krishna Chandra, Shri	Nehru, Shrimati Uma	Samantsinhar, Dr.
Krishnamachari, Shri T. T.	Onkar Lal, Shri	Sambandam, Shri
Krishnappa, Shri M. V.	Padam Dev, Shri	Sankarapandian, Shri
Kureel, Shri B. N.	Pahadia, Shri	Sarhadi, Shri Ajit Singh
Lachhi Ram, Shri	Palaniyandy, Shri	Satish Chandra, Shri
Lahiri, Shri	Palchoudhuri, Shrimati Ila	Satyabhama Devi, Shrimati
Laskar, Shri N. C.	Pande, Shri C. D.	Satyanarayana, Shri
Laxmi Bai, Shrimati	Pandey, Shri K. N.	Scindia, Shrimati Vijaya Rajee
Mafida Ahmed, Shrimati	Pangarkar, Shri	Shah, Shrimati Jayaben
Maiti, Shri N. B.	Panna Lal, Shri	Shah, Shri Manabendra
Majhi, Shri R. C.	Parmar, Shri Deen Bandhu	Shakuntala Devi, Shrimati
Majithia, Sardar	Patel, Sushri Maniben	Shankar Deo, Shri
Malaviya, Shri K. D.	Patel, Shri N. N.	Shankaraiya, Shri
Malhotra, Shri Inder J.	Patel, Shri P. R.	Sharma, Shri D. C.
Malliah, Shri U. S.	Patel, Shri Rajeshwar	Sharma, Pandit K. C.
Mallik, Shri D. C.	Patil, Shri R.D.	Sharma, Shri R. C.
Malvia, Shri K. B.	Patil, Shri S. K.	Shastri, Pandit H.
Malviya, Shri Motilal	Patil, Shri T. S.	Shastri, Shri Lal Bahadur
Manan, Shri	Pattabhi Raman, Shri C. R.	Shastri, Swami Ramanand
Mandal, Shri J.	Pillai, Shri Thanu	Shivnanjappa, Shri
Mandal, Dr. Pashupati	Prabhakar, Shri Naval	Shobha Ram, Shri
Maniyangadan, Shri	Radha Mohan Singh, Shri	Shree Narayan Das, Shri
Manjula Devi, Shrimati	Radha Raman, Shri	Shukla, Shri Vidya Charan
Masuriya Din, Shri	Raghubir Sahai, Shri	Siddananjappa, Shri

Siddiah, Shri
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri K. N.
Singh, Shri M. N.
Sinha, Shri Anirudh
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Siva Raj, Shri

Snatak, Shri Nardeo
Somani, Shri
Sonavane, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Sumat Prasad, Shri
Sunder Lal, Shri
Surya Prasad, Shri
Swami, Shri V. N.
Swaran Singh, Sardar
Syed Mahmud, Dr.
Tahir, Shri Mohammed
Tariq, Shri A. M.
Tewari, Shri Dwarikanath
Thomas, Shri A. M.
Tiwari, Pandit Babu Lal

Tiwari, Shri R. S.
Tiwari, Pandit D. N.
Tula Ram, Shri
Tyagi, Shri
Uike, Shri
Umrao Singh, Shri
Upadhyay, Pandit Munishwar Dut^t
Upadhyays, Shri Shiva Datt
Varma, Shri B. B.
Varma, Shri M. L.
Varma, Shri Ramsingh Bhai
Vedakumari, Kumari M.
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Wodeyar, Shri

NOES

Amjad Ali, Shri
Assar, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Bhanja Deo, Shri
Chakravarty, Shrimati Renu
Chaudhuri, Shri Tridib Kumar
Das Gupta, Shri B.
Dasaratha Deb, Shri
Deo, Shri P. K.
Drohar, Shri
Elias, Shri Muhammed
Ghosal, Shri Aurobindo
Ghose, Shri Bimal
Ghose, Shri Subiman
Gopalan, Shri A. K.

Coray, Shri
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Jadhav, Shri Yadav Narayan
Kar, Shri Prabhat
Khushwaqt Rai, Shri
Kodiyar, Shri
Kumbhar, Shri
Kunhan, Shri
Mahagaonkar, Shri
Mahanty, Shri
Mehta, Shri Asoka
Mohan Swarup, Shri
Mukherjee, Shri H. N.
Mullick, Shri B. C.

Panigrahi, Shri Chintamoni
Parmar, Shri K. U.
Parvathi Krishnan, Shrimati
Patil, Shri U. L.
Pillai, Shri Anthony
Punnoose, Shri
Rajendra Sigh, Shri
Ram Garib, Shri
Ranga, Shri
Shastri, Shri Prakash Vir
Supakar, Shri
Tangamani, Shri
Thakore, Shri M. B.
Verma, Shri Ramji
Warior, Shri

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

The Second Schedule was added to the Bill.

Mr. Speaker: The question is:

“That Clause 1, the Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Tyagi: A vote must be taken on this also.

Dr. Govind Das (Jabalpur): There should be a division.

Shri Tyagi: Two-thirds majority is needed for this also.

Mr. Speaker: It is not necessary. The hon. Prime Minister.

Shri Jawaharlal Nehru: Sir, we have discussed this amending Bill at considerable length bringing out all its aspects. I do not think I can, or need, add anything more to what I have said. Sir, I beg to move:

“That the Bill be passed.”

Mr. Speaker: Let the lobbies be cleared.

Shri Sadhan Gupta rose—

Mr. Speaker: I am not going to allow any discussion during the third

reading. We have devoted sufficient time already. There is a special understanding about it.

Hon. Members will get ready to vote. I will put the motion to the vote of the House.

The question is:

"That the Bill be passed."

The Lok Sabha divided:

Dr. Syed Mahmud: I vote for 'Ayes'.

Shri Chintamani Panigrahi: He has voted. The light is on. He says he has not voted.

Dr. Ram Subhag Singh: He has voted wrongly for Abstention.

Mr. Speaker: He says he has voted wrongly. Plus one for 'Ayes'.

Shri M. B. Thakore: I vote for 'Noes'.

Mr. Speaker: Plus one for 'Noes'.

The result of the division is as follows:

Ayes: 328

Noes: 47

AYES

Division No. 12]

[17.11 hrs.

Abdual Latif, Shri
Abdul Salam, Shri
Abdur Rahman, Maulana
Achal Singh, Seth
Achar, Shri
Achint Ram, Lala
Agarwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Aney Dr. M. S.
Arumugam, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Asthana, Shri Lila Dhar
Atchamamba, Dr.
Ayyakannu, Shri
Babunath Singh, Shri
Badan Singh, Ch.
Bahadur Singh, Shri
Bejai, Shri Kamalnayan
Bakiwal, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P. B.
Banerji, Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhatkar, Shri
Bhattacharya, Shri C. K.
Bhawani Prasad, Shri
Bholi Sardar, Shri
Bidari, Shri
Birbal Singh, Shri

Birendra Bahadur Singhji, Shri
Bist, Shri J. B. S.
Biswas, Shri Bholanath
Borooh, Shri P. C.
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chanda, Shi Anil K.
Chandak, Shri
Chandra Shankar, Shri
Chaturvedi, Shri
Chavan, Shri D. R.
Chavda, Shri
Chettiar, Shri Ramanathan
Choudhry, Shri C. L.
Chuni Lal, Shri
Daljit Singh, Shri
Damani, Shri
Das, Dr. M. M.
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Daulta, Shri P. S.
Desai, Shri Morarji
Deshmukh, Shri K. G.
Deshmukh, Dr. P. S.
Dindod, Shri
Dube, Shri Mulchand
Dublish, Shri
Dwivedi, Shri M. L.
Eacharan, Shri V.
Elaysperumal, Shri
Gaekwad, Shri Fatesinhrao
Ganapathy, Shri
Gandhi, Shri M. M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautam, Shri C. D.
Ghosh, Shri Atulya
Ghosh, Shi M. K.
Ghosh, Shri N. R.
Godsora, Shri S. C.
Gohokar, Dr.

Gounder, Shri Doraiswami
Govind Das, Dr.
Guba, Shri A. C.
Gupta, Shri C. L.
Gupta, Shri Ram Krishan
Harvani, Shri Ansar
Hanada, Shri Subodh
Hathi, Shri
Hazarika, Shri J. N.
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.
Jhunjhunwala, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Jogendra Singh, Sardar
Joshi, Shri A. C.
Joshi, Shri Liladhar
Joshi, Shrimati Subhadra
Jyotiashi, Pandit J. P.
Kalika Singh, Shri
Kamble, Dr.
Kanungo, Shri
Karmarkar, Shri
Kagiram, Shri Vaddipalli
Kedarai, Shri C. M.
Kesar Kumari, Shrimati
Keshava, Shri
Keskar, Dr.
Khadiwala, Shri
Khan, Shri Osman Ali
Khan, Shri Sadath Ali
Khan, Shri Shah Nawaz
Khimji, Shri
Khuda Bukhah, Shri M.
Khwaja, Shri Jamal
Kiledar, Shri R. S.

Kistaiya, Shri
Korarkar, Shri
Kottukapally, Shri
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lachhi Ram, Shri
Lahiri, Shri
Laskar, Shri N. C.
Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Malliah, Shri U. S.
Mallik, Shri D. C.
Malvia, Shri K. B.
Malviya, Shri Motilal
Mansan, Shri
Mandal, Shri J.
Mandal, Dr. Pashupati
Maniyangadan, Shri
Manjula Devi, Shrimati
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Mehdi, Shri S. A.
Mehta, Shri J. R.
Mehta, Shrimati Krishna
Melkote, Dr.
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri R. R.
Mishra, Shri S. N.
Misra, Shri B. D.
Misra, Shri R. D.
Mohammad Akbar, Shaikh
Mohideen, Shri Gulam
Mohjuddin, Shri
Morarka, Shri
Muniswamy, Shri N. R.
Murthy, Shri B. S.
Murty, Shri M. S.
Musafir, Giani G. S.
Muthukrishnan, Shri
Nadar, Shri Thanulingam
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Nair Shri Kuttikrishnan
Naidurgkar, Shri
Nanda, Shri
Nanjappa, Shri
Naraindin, Shri
Narasimhan, Shri
Narayanasaamy, Shri R.

Nanjandera Kumar, Shri
Naskar, Shri P. S.
Nathwani, Shri
Nayak, Shri Mohan
Nayar, Dr. Sushila
Negi, Shri Nek Ram
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Onkar Lal, Shri
Padam Dev, Shri
Pahadia, Shri
Palaniyandy, Shri
Palchoudhuri, Shrimati Ila
Pande, Shri C. D.
Pandey, Shri K. N.
Pangarkar, Shri
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Patel, Sushri Maniben
Patel, Shri N. N.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri S. K.
Patil, Shri T. S.
Pattabhi Raman, Shri C. R.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Radha Mohan Singh, Shri
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Rahman, Shri M. H.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Ram Saran Shri
Ram Shankar Lal, Shri
Ram Subhag Singh, Dr.
Ramakrishnan, Shri P. R.
Ramananda Tirtha, Swami
Ramaswamy, Shri S. V.
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Ramaul, Shri S. N.
Ramdhani Das, Shri
Rampure, Shri M.
Ranbir Singh Ch.
Rane, Shri
Rangarao, Shri
Rao, Shri Hanmanth
Rao, Shri Jaganatha
Rao, Shri Rajagopala
Rao, Shri Thirumala
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddy, Sari K. C.
Reddy, Shri Narapa
Reddy, Shri R. L.
Reddy, Shri Ramakrishna
Reddy, Shri Rami
Reddy, Shri Viswanatha
Roy, Shri Bishwanath

Rungsung Suisa, Shri
Rup Narain, Shri
Sadhu Ram, Shri
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Samantsinhar, Dr.
Sambandam, Shri
Sankarapandian, Shri
Sarhadi, Shri Ajit Singh
Satish Chandra, Shri
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Scindia, Shrimati Vijaya Rajee
Shah, Shrimati Jayaben
Shah, Shri Manabendra
Shakuntala Devi, Shrimati
Shankar Deo, Shri
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Pandit K. C.
Sharma, Shri R. C.
Shastri, Pandit H.
Shastri, Shri Lal Bahadur
Shastri, Swami Ramanand
Shivnanajappa, Shri
Shobha Ram, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddananajappa, Shri
Siddiah, Shri
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri K. N.
Singh, Shri M. N.
Sinha, Shri Anirudh
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Siva Raj, Shri
Snatak, Shri Nardeo
Somani, Shri
Sonavane, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Sumat Prasad, Shri
Sunder Lal, Shri
Surya Prasad, Shri
Swami, Shri V. N.
Swaran Singh, Sardar
Syed Mahmud, Dr.

6609 Acquired AGRAHAYANA 29, 1882 (SAKA) Central Institute 6610
Territories (Merger) Bill of Fisheries Education
and Constitution (Ninth
Amendment) Bill

Tahir, Shri Mohammed
Tariq, Shri A. M.
Tewari, Shri Dwarikanath
Thomas, Shri A. M.
Tiwari, Pandit Babu Lal
Tiwari, Shri R. S.
Tiwari, Pandit D. N.
Tula Ram, Shri

Tyagi, Shri
Uike, Shri
Umrao Singh, Shri
Upadhyay, Pandit Munishwar Dutt
Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Varma, Shri M. L.

Varma, Shri Ramsingh Bhai
Vedakumari, Kumari M.
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Wodeyar, Shri

NOES

Amjad Ali, Shri
Assar, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Bhanja Deo, Shri
Chakravartty, Shrimati Renu
Chaturvedi, Shri
Das Gupta, Shti B.
Dasaratha Deb, Shri
Deo, Shri P.K.
Drohar, Shri
Elias, Shri Muhammed
Ghosal, Shri Aurobindo
Ghose, Shri Bimal
Ghose, Shri Subiman
Gopalan, Shri A. K.

Goray, Shri
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Jadhav, Shri Yadav Narayan
Kar, Shri Prabhat
Khushwaqt Rai, Shri
Kodiyan, Shri
Kumbhar, Shri
Kunhan, Shri
Mahagaonkar, Shri
Mahanty, Shri
Mchta, Shri Asoka
Mohan Swarup, Shri
Mukherjee, Shri H. N.
Mullick, Shri B. C.
Panigrahi, Shri Chintamani

Parmar, Shri K. U.
Parvathi Krishnan, Shrimati
Patil, Shri U. L.
Pillai, Shri Anthony
Punnoose, Shri
Rajendra Singh, Shri
Ram Garib, Shri
Ranga, Shri
Shastri, Shri Prakash Vir
Supakar, Shri
Tangamani, Shri ¶
Thakore, Shri M. B.
Vajpayee, Shri
Verma, Shri Ramji
Warior, Shri

Mr. Speaker: The 'Ayes' have it, the 'Ayes' have it.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Mr. Speaker: The Constitution (Ninth Amendment) Bill, 1960 is passed.

We will now take up the Acquired Territories (Merger) Bill. May I put all the clauses to the vote of the House together?

Some Hon. Members: Yes.

Mr. Speaker: The question is:

"That clauses 2 to 11 stand part of the Bill."

The motion was adopted.

Clauses 2 to 11 were added to the Bill.

The First Schedule and the Second Schedule were added to the Bill.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

Shri Jawaharlal Nehru: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

17-20 hrs.

***CENTRAL INSTITUTE OF FISHERIES EDUCATION**

Mr. Speaker: The House will now take up the half-an-hour discussion on the Central Institute of Fisheries Education.

Shri Warior (Trichur): After a strenuous day, it is my painful duty to raise this subject for a half-an-hour discussion, but since we are at the fag end of this Session, I think this is the last opportunity which I may get to do so. The main point is about the report of the Committee

*Half-an-hour discussion.