

and Rural Economy) on the draft Third Five Year Plan. [Placed in Library See No LT-2581/60]

ड।० रघुवीर सिंह (मध्य प्रदेश )  
नीमरी पंचवर्षीय योजना के प्रास्ताविक मसुन्द  
मे समदीय मर्मिनि ड।' (समाज सेवाये)  
की कार्यवाही का माराज मे सभा पटल पर  
रखता हू । [Placed in Library. See  
No LT-2582/60 ]

SHRI K SANTHANAM. Sir, on behalf of Shri T S Avinashilingam Chettiar, I beg to lay on the Table the Synopsis of Proceedings of Parliamentary Committee 'E' (Technical Manpower and Scientific Research) on the draft Third Five Year Plan [Placed in Library See No LT-2583/60 ]

(I) THE CONSTITUTION (NINTH AMENDMENT) BILL, 1960 AND (II) THE ACQUIRED TERRITORIES (MERGER) BILL, 1960—continued

SHRI NAFISUL HASAN (Uttar Pradesh) Mr Chairman, Sir, I rise to support the two motions moved by the hon. Prime Minister for taking into consideration the two Bills, namely, the Constitution (Ninth Amendment) Bill, 1960 and the Acquired Territories (Merger) Bill, 1960 These two measures have been under discussion not only in the other House but also in the Press and on the platform, and a number of constitutional objections have been raised by the critics of these measures I will, first of all, deal with them

It is said that the present Parliament is incompetent to deal with this legislation as by one of the Bill at least it is proposed to cede the national territory of the country It is said that the present Parliament owes its existence to the existing Constitution and since there is no provision in this Constitution for cession of territory, the present Parliament is not competent to make a law to cede any territories of India

It is suggested by the critics that there should be a referendum or at least there should be an election on this issue and that, after the verdict of the electorate, if it is in favour of cession of territory, this legislation should be taken up My submission to this objection is that it is entirely baseless I will draw the attention of this honourable House to the opening words of the preamble of the Constitution It reads:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC . . ."

This clearly shows that we are a sovereign State and there can be no doubt that it is one of the necessary attributes of a sovereign State that it can both acquire and cede territory

Sir, this sovereign power is in no way limited or abridged by any of the provisions of the Constitution excepting that in so far as the exercise of this power entails the necessity of amending the Constitution, then according to article 368 of the Constitution, a certain procedure is to be followed, namely, that a legislation for amending the Constitution is to be passed not by a bare majority but by a majority of the total membership in each House and also by a two third majority of the Members present and voting

There is absolutely no provision for a referendum in our Constitution. It may be in the Constitution of any other country, but that cannot be applied to our country Thus, it will appear that this objection has no basis whatsoever

Sir, there has been much criticism that the Government are not following the instructions of the Supreme Court and are ignoring them. It is contended that the Supreme Court has definitely held that these agreements result in the cession of territory Nobody is questioning that finding of the Supreme Court The

whole point is whether on the question of procedure, on which a reference had been made to the Supreme Court by the present Government, the Government are following the suggestions that have been made by the Supreme Court or not. I would also like to read before the House the provisions under article 253 of the Constitution. They read:—

“Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference association or other body.”

Now after these agreements had been signed, apparently, on the face of it, it could be said that there was only a case of implementation of the agreements between the two countries and one might have been of the opinion that a legislation, as contemplated under article 253, would be sufficient. The Government had a doubt, and in order to remove that doubt they referred the matter to the Supreme Court, although it could be urged that, as a matter of fact, the result of this agreement was only a recognition of what the boundaries of the countries should have been at the time of the partition. But, then, in our Constitution the boundaries of the whole territory comprising our country are given. At least from a technical point of view, it was clear that this agreement was to result in the cession of certain parts of the territory of the country. Therefore, this reference was made to the Supreme Court. Now, what is the opinion of the Supreme Court as regards the procedure? I am reading a few portions from the statement made by the hon. Prime Minister a few days ago before these Bills were taken up in the other House. The first point which they expressed is:

“There can be no doubt that under international law, the essen-

tial attributes of sovereignty are the power to acquire foreign territory as well as power to cede national territory in favour of a foreign State,”

This, of course, supports me as far as the first objection that I have just now dealt with is concerned. The second point which they said is

“Acquisition of a foreign territory by India in exercise of its inherent right as a sovereign State automatically makes the said territories part of the territory of India. After such territory is thus acquired and factually made part of the territory of India, the process of law may assimilate it either under article 2 or under articles 3(a) or (b),”

Article 1 part (c) reads

“such other territories as may be acquired”

So they become *ipso facto* parts of the territory of India. Article 2 says:

“Parliament may by law admit into the Union or establish, new States on such terms and conditions as it thinks fit”

That is permissible, but then, article 2 only contemplates the admission of new States, and the territory which is being acquired as a result of these agreements cannot be formed into a separate State. Therefore, article 3 is the only alternative left, according to the opinion of the Supreme Court which says how an acquired property can be assimilated and the Government have come forward with the Bill under article 3. Therefore, this recommendation of the Supreme Court has been acted upon. They have given an illustration of the procedure which can be adopted by Parliament in making law for absorbing newly acquired territory, and have suggested that a reference may be made to

[Shri Nafisul Hasan ]  
the Chandernagore Merger Act 1954  
Further on they say

"Article 3 deals with the internal adjustment *inter se* of the territories of the constituent States of India. The power to cede national territory cannot be read in article 3(c) by implication"

Nobody is contesting that at this stage, whatever opinion might have been held earlier. They further say

"Agreement in respect of Berubari Union involves the cession of the territory of India. *A fortiori* the agreement in respect of the exchange of Cooch-Bihar enclaves also involves the cession of Indian territory"

"Accordingly, acting under article 368, Parliament might make law to give effect to and implement the agreement covering the cession of part of Berubari Union No 12 as well as some of the Cooch-Bihar enclaves which by exchange are given to Pakistan. Its implementation would naturally involve the alteration of the content of and the consequent amendment of article 1 and of the relevant part of the First Schedule to the Constitution"

This step has been taken as far as the Constitution (Amendment) Bill is concerned. Now there was a further suggestion that

"Parliament may however, if it so chooses, pass a law amending article 3 of the Constitution so as to cover cases of cession of the territory of India in favour of a foreign State. If such a law is passed, then, Parliament may be competent to make a law under the amended article 3 to implement the agreement in question. On the other hand, if the necessary law is passed under article 368 itself, that alone would be sufficient to implement the agreement"

Now the hon Prime Minister has said that he did not want to amend article 3 because the legislation which is to be passed under article 3 requires only a bare majority and he does not think it proper that the important question of ceding national territories should be left to a majority vote in the Parliament. He thinks that such an important question should be decided only under article 368. So it will appear that there is no valid objection on this ground also.

On the merits of this legislation, the Prime Minister has informed us of the background and the history of these agreements and he has told us that this particular agreement about Berubari should not be seen alone. It should be considered along with the agreements on other questions and in his opinion, the agreements are to the benefit of the country and of Bengal. I think this assurance was quite sufficient but as far as Berubari is concerned, he has also taken the House into confidence yesterday and told us the real difficulty under which the deal about Berubari had to be completed. The difficulty was that the description in the Award was doubtful and the map was against us. Under the circumstances, it was really very risky to refer this particular question for arbitration.

Some persons have objected and said that the Prime Minister has brought in this question of his personal prestige. The Prime Minister told us yesterday that personal prestige should not be allowed to stand in the way of national interest. As a general proposition, naturally nobody can have any objection to what the learned Prime Minister said but it is the prestige of the Prime Minister. It is not his personal prestige. It is the prestige of the whole country. Naturally, in international dealings, what our representatives does is always to be respected. Moreover, it is impossible for us or for the country to see Mr Nehru our Prime Minister, apart from the country. He has so

identified himself with the aspirations of the country and with what it stands for that it is impossible for us to separate his identity from that of the country. I am reminded of a Persian line which says:

من تو شدم تو من شدی  
 من تن شدم تو جان شدی  
 نا کس نه گرید بعد ازین  
 من دیگرم تو دیگری

I will just translate it into English. It says:

"May I become you, and you may become me, so that hereafter, nobody may say that I and you are different."

So when we talk of Mr. Nehru, we talk of the country. It is on account of him that our prestige in the international field has gone up so high.

There is another aspect of this question and it is this.

MR. CHAIRMAN: I think you must conclude now.

SHRI NAFISUL HASAN: In one minute, Sir . . .

MR. CHAIRMAN: You have already taken five minutes.

SHRI NAFISUL HASAN: All right, Sir, I submit to your order.

MR. CHAIRMAN The Prime Minister will reply at 2.30 to the discussion on the consideration motion. There are 12 names here and I think the Congress Members should not go beyond a maximum of 15 minutes.

Dr Kunzru.

DR. H. N. KUNZRU (Uttar Pradesh): When I first became aware of the controversy with regard to the cession of a part of the Berubari Union to Pakistan, I tried to under-

stand the facts relating to this question. It is inevitable, Sir, that when a territory is transferred from one country to another country, the people, the inhabitants of that country living in that territory will also be transferred to the jurisdiction of another country. That by itself could not create strong feelings against the transfer of a territory in the country. But what unfortunately happened in this case was that the people who had left Pakistan and who were settled in the Berubari Union were going to be transferred again to Pakistan. It was hardly to be expected that these people would be prepared to stay in a country which they had had to leave because of the compulsion of circumstances. It is this factor that makes the Berubari question a very painful question, that people who had once been uprooted and who had been settled in India should be uprooted again and asked to make new homes for themselves would touch the heart of anybody. I cannot understand, Sir, how it was that the Prime Minister was not informed of the fact that the transfer of any part of Berubari Union would involve the uprooting of thousands of those people who came to India as refugees from Pakistan a few years ago. The procedure followed in the case of territories to be transferred from Bengal was, I am sure, the same as that followed in the case of the transfer of territories from Assam or from East Punjab. But there is no dispute about the transfer of any of those territories. Dispute has arisen only with regard to the transfer of a part of the Berubari Union to East Bengal. It is difficult, Sir, to reconcile oneself to this transfer, in view of the facts that I have mentioned.

This is not the only factor that we have to consider. There are certain other points also which require serious consideration. It has been said both in this House and in another place that the reference made in the Award of Sir Cyril Radcliffe, to the boundaries of the Berubari Union is not correct. Now, this question has been

[Dr H N Kunzru ]  
 under consideration for more than ten years I do not know whether the Bengal Government has even now supplied the Government of India with any new map of the Berubari Union and of the police stations on either side of it. But I shall assume for the moment that the map supplied by the Government of Bengal was wrong and that the Debiganj Thana which fixes the boundary on one side of the Berubari Union is not adjacent and that there is an intervening space between Debiganj Thana and the Berubari Union. If that is correct, it has to be taken note of. But what is important is that Sir Cyril Radcliffe has said in his Award that if there is any difference between the description given by him of a territory and the same territory as shown by him on the map, the description is to be relied on and not the map. Suppose now, Sir, that we now know what the exact position of the Debiganj Thana on the map is, does that help us? We have to go by the description given by Sir Cyril Radcliffe in his Award and that description cannot be changed. I understand that one of the Members of the Lok Sabha raised this question during the debate there on the Bill before us, a Congress Member of the Lok Sabha, went so far as to write to Sir Cyril Radcliffe and he pointed out to him the mistake that he had made. The reply that he received from him was that the Award had been given and could not be changed.

There is another factor that I would ask the House to consider. When my hon friend, Shri Bhupesh Gupta, referred to this question yesterday, our impression was that on account of the mistake he pointed out a greater part of the territory now belonging to India would have to be transferred to Pakistan. But after having studied the relevant maps again, I feel that this impression is not correct. The territory to the south of Berubari Union is Bodha police station. If the Debi-

ganj Thana is not at the point mentioned by Sir Cyril Radcliffe in the map, but lower down, what would that mean? It would only mean that a part of the Bodha police station would go to Pakistan. But Bodha police station is already part of Pakistan.

SHRI BHUPESH GUPTA (West Bengal) I said that if the line is drawn horizontally, part of Bodha police station which now is in Pakistan would have to come to India. That was the thing.

DR H N KUNZRU I do not think that is possible at all because there is no controversy about the Bodha police station.

SHRI BHUPESH GUPTA I am not claiming that. All I am saying is that an anomalous situation has arisen.

DR H N KUNZRU If Sir, there is an agreement which can be accepted by the Governments of both the countries, what does it matter if it seems anomalous to some of us? What we are concerned with is a cessation of the incidents that we were confronted with almost daily a few months back. If they could be put an end to, the settlement ought to be welcomed by us. Again, Sir, I will say that even if the anomaly pointed out by Shri Bhupesh Gupta exists we have still to accept the Award. There is no way of getting out of it.

SHRI BHUPESH GUPTA Which Award?

DR H N KUNZRU Of Sir Cyril Radcliffe.

SHRI BHUPESH GUPTA It has been pointed out by the Supreme Court now that this thing does not fall within the ambit of the Award. It is a misconception of the Award.

DR. H N KUNZRU I know very well what the Supreme Court said.

and I shall now refer to that. The Supreme Court's argument is this. Granted that there was some controversy with regard to what Sir Cyril Radcliffe said with regard to the boundary of Pakistan in so far as it related to Berubari Union, why was it not decided in accordance with the principles laid down by Sir Cyril Radcliffe in paragraph 3 of Annexure A to his Award? In that paragraph, it is only the thanas that had been taken into consideration and that principle if followed in this particular case would not have rendered the transfer of any part of the Berubari Union to Pakistan necessary. The Prime Minister dealt with this question fully yesterday. What the Supreme Court has said amounts to this that if this matter had been referred to a tribunal again and had been decided in accordance with the principles laid down in the Annexure to Sir Cyril Radcliffe's Award, then it would not have been a cession of territory; it would only have meant acting in accordance with the Award of Sir Cyril Radcliffe but as the matter was not referred to a Tribunal but was settled by the two Governments amicably between themselves, it cannot be regarded as arising out of Sir Cyril Radcliffe's Award. The Prime Minister very clearly explained why this was not done. Technically, I have no doubt that the Supreme Court is in the right. Who can question, Sir, the verdict of that august body, but looking at it as a human question, as a question that has to be solved in a friendly way by both the Governments, I cannot say that there was anything wrong in the two Governments trying to settle the matter between themselves. And this is what has been done. It is, let me repeat, painful that any part of the Berubari Union should have to be transferred to Pakistan but all that can be said in the present circumstances is this. The Prime Minister has made it clear that those people now living in the Berubari Union and who want to continue to live in India would be resettled in India and that the Government of India will give all help in this connection.

Sir, there are just one or two things more that I should like to say on this point. It has been said, I believe in the other House, that Sir Cyril Radcliffe could not have meant to give Pakistan any part of the Berubari Union because practically only Hindus live there. The people who use this argument forget what the Prime Minister pointed out yesterday with regard to Sir Cyril Radcliffe's Award in connection with the twelve police stations south of the Kushiara river in Assam. That territory was inhabited wholly by Hindus. I do not know according to what principle it was transferred by Sir Cyril Radcliffe to Pakistan. Even the Bagge Tribunal confirmed that Award. It was asked only to indicate the course of the Kushiara river but it went further than that and said that the line drawn by Sir Cyril Radcliffe on the map including the twelve thanas in Pakistan was correct. It cannot, therefore, be said, taking the Award as it is, that Sir Cyril Radcliffe did not mean that any part of the Berubari Union should go to Pakistan. These, I think, are the most important points that can be said about the transfer of Berubari Union.

**SHRI BHUPESH GUPTA** Such things were argued before the Supreme Court and the Supreme Court rejected them

**DR H. N. KUNZRU:** I have already pointed out, Sir, that the Supreme Court did not regard this dispute as technically arising out of Sir Cyril Radcliffe's Award because its argument was that the matter was not referred to a tribunal. Had the matter been referred to a tribunal, I doubt whether the Supreme Court would have expressed this opinion but the fact that the matter was settled between the two Governments should not obscure the fact that what the two Governments were trying to settle was a matter arising out of the ambiguity of the Award of Sir Cyril Radcliffe. It may not technically

**SHRI K. SANTHANAM (Madras):** May I point out to the hon. Member

[Shri K. Santhanam.]

that whatever the merits of the dispute may be, so long as it has gone into the First Schedule of the Constitution, it has become part of West Bengal and so the Supreme Court says that it has to be altered only through a Constitutional amendment?

DR. H. N. KUNZRU: I do not doubt that and I am not disputing the propriety of placing the Constitution (Ninth Amendment) Bill before the House—that is necessary—but let us not get ourselves so entangled in technicalities as not to be able to understand the substance of the operation that has taken place.

SHRI BHUPESH GUPTA: Let us not get disentangled from the correct position also. In the Supreme Court judgment it is said as to how it is not related to the Radcliffe Award irrespective of the fact whether it had been referred to the Bagge Tribunal or not.

MR. CHAIRMAN: That will do.

DR. H. N. KUNZRU: I have referred to this matter twice. I have read the judgment of the Supreme Court quite as carefully as my hon. friend, Shri Bhupesh Gupta. Nobody could speak on this question without going through the opinion given by the Supreme Court. The Supreme Court, from a purely legal point of view . . .

SHRI BHUPESH GUPTA. May I draw the hon. Member's attention to this line in the judgment?—

“We have carefully considered all clauses in the agreement and we are satisfied that it does not *purport* to be and *has not been* reached as a result of *any interpretation* of the Award”

MR. CHAIRMAN: Mr. Bhupesh Gupta, he has read the judgment as carefully as you have done

SHRI BHUPESH GUPTA: Two careful men can help each other.

MR. CHAIRMAN: You are not very careful.

DR. H. N. KUNZRU: My hon. friend, Shri Bhupesh Gupta, was attending more to the correction of the speech than to what I was saying and therefore missed what I said on this point.

MR. CHAIRMAN: You said one or two points. One is over; which is the second?

DR. H. N. KUNZRU: Mr. Bhupesh Gupta has succeeded so far in making me lose the thread of my thought that I cannot think of the second point.

I will only say that taking all things into consideration, I am prepared to support the Bills before us and I do so not merely because the object of the Bills is to translate into action the agreement arrived at between the Prime Ministers of India and Pakistan or because the prestige of the Prime Minister of India is involved in our acceptance of the agreement but because I think after a sober consideration of the facts that India will not be a loser thereby. If we consider even from the narrowest point of view the area to be transferred from Pakistan to India and the area to be transferred from India to Pakistan and also the area which was in dispute formerly but over which Pakistan has conceded the claim of India, I do not think that we can be regarded as having lost anything by the agreement that we have arrived at. All that can be said is that the Prime Minister should be more careful in future before such agreements are entered into. We have to learn from what has happened in connection with Bengal that it is necessary not merely to take the officials of the Government concerned into consultation but to have on record the definite opinion of the Government of the State concerned so that no controversy on the subject might arise in the future. I frankly do not blame the Prime Minister for not having gone so far as to have obtained the opinion of Dr. B. C. Roy so that the file relating to the transfer of a part of the Berubari

Union might be completed. I think it was the duty of the officials of the Bengal Government to apprise the Prime Minister before the agreement was arrived at that refugees from Pakistan had been settled there. If they did not do so, the responsibility is not that of the Prime Minister. I think, therefore, that we can say that while having full regard to the difficulties of those unfortunate people who will be uprooted again, the agreement as a whole is good, that the Government of India or rather the Prime Minister was not guilty of neglect of his duty in not obtaining formally the opinion of Dr B C Roy and that even considering the areas which will go from one side to the other, the Bill is one that ought to be accepted by the House. Nothing need be said about the Merger Bill. Nobody has raised any controversy about it. I think all are happy that we would get certain territories from Pakistan.

**SHRI N VENKATESWARA RAO** (Andhra Pradesh) Mr Chairman, Sir, I would not have intervened in this debate but for the chance happening of my looking into the official report of the West Bengal Assembly debates on the special resolution on the transfer of the Berubari Union. Copies of this report have been supplied to us at the special request of Shri Jyoti Basu, the Leader of the Communist Party in the West Bengal Legislative Assembly. At the very outset of his speech on the special resolution he suggested that the debates should be translated into English and supplied to all Members of Parliament. Sir, I am not personally acquainted with this gentleman.

**SHRI BHUPESH GUPTA** He is a fine gentleman.

**SHRI N VENKATESWARA RAO** But as a working journalist I of course, know that he is the Leader of the Opposition in the West Bengal Assembly. Even otherwise I could not have failed to become quite familiar with his name for my hon friend, Shri Bhupesh Gupta, brings it up almost

every day in this House. If I remember aright, he brought it up even yesterday—and with what affection, what admiration.

**SHRI BHUPESH GUPTA** Two people are well known in Bengal, Dr B C Roy and Shri Jyoti Basu. You bring up the name of Dr B C Roy and I bring up the name of Shri Jyoti Basu, so we co-operate.

**SHRI N VENKATESWARA RAO** Mr Bhupesh Gupta can shower his affection and admiration on anyone he prefers, I have no quarrel with him about that but surely he does not expect everyone of us to share his preferences. That apart, I wonder, Sir, why Shri Jyoti Basu was so keen, so insistent, that the reports of the debate on Berubari in their Assembly should be supplied to us. Is it only to let us know that he called our revered Prime Minister a liar? No, Sir, I am not exaggerating. Referring to our Prime Minister, he said; "He told lies". It is—to borrow some of the favourite expressions of Shri Bhupesh Gupta—an atrocious statement, an outrageous statement, a barbarous statement, a statement which would hold up the man who made it to the contempt of the whole civilised world.

**SHRI B D KHOBARAGADE** (Maharashtra) There were no protests from the Congress Members in the Assembly at that time.

**SHRI BHUPESH GUPTA** Well, Sir I can tell you.

**MR. CHAIRMAN** You correct your speech, let him go on.

**SHRI N VENKATESWARA RAO** Well, Sir, Shri Jyoti Basu said in his speeches other wicked things too about our Prime Minister, but I do not care to mention them here for they are beneath contempt. I would however, like to draw your attention to just one more statement of his, for it illustrates a favourite technique of our Communist friends. Shri Jyoti Basu said that Pandit Nehru "is devoid of any sense of responsibility", having said that he

[Shri N Venkateswara Rao.]

immediately proceeds to add, "I, for one, of course, would not like to call him irresponsible" Is not saying that "a person is devoid of any sense of responsibility" the same thing as calling one irresponsible? Both mean one and the same thing. Shri Jyoti Basu knows it and my hon friend, Shri Bhupesh Gupta, knows it too. But they pretend to see some difference in it, for they deceive themselves that by so doing they are pulling off a very clever trick. They call you bad names, uncivil names, harsh names, and in the same breath they assert that they do not really mean anything bad, uncivil or harsh.

Indeed, it is no wonder, Sir, that people who delude themselves that cheap tricks like these would bring them the leadership of the people and the country are blissfully ignorant of the historical processes that are at work in India today. They do, no doubt, often talk of historical compulsion, historical inevitability, historical materialism, historical this and historical that. But they have absolutely no grasp of the basic factors that shape history.

Whatever Marxism might say, history is shaped not merely by the compulsion of economic forces, not merely by the pressures of the changing patterns of production, but also by the impact of personality. Had not the powerful personality of Lenin given a particular shape, content and character to the Russian Revolution? Is not this equally true of Gandhiji and the Indian revolution? Economic forces, however powerful, are blind. They can create a crisis, a chaos, but certainly not a revolution. Most revolutions, especially violent revolutions, are no doubt attended by chaos, but it is chaos with a purpose, with a programme, with an objective. It is the leader that provides the purposes, the programme, and the objective. If this truth is borne in mind, it would be immediately obvious how great, vital, dynamic is

the role which Pandit Nehru is playing in our Indian revolution.

MR. CHAIRMAN Let us talk about the Bill, not about Marxism, Communism, etc. They indulge in all sorts of things.

SHRI N VENKATESWARA RAO Ours is, of course, a peaceful revolution—a democratic revolution. We have no faith either in violence or in dictatorship. Neither do we believe in one party, one leader. But even in a democratic society, the role of a leader is of vital importance. The part played by great British Prime Ministers like Chatham and Churchill, Gladstone and Attlee in shaping British democracy and its institutions is by no means small. It is, in fact, crucial, vital, powerful. Failing to realise this and to attack Pandit Nehru is nothing short of subverting the Indian revolution. Hurt Nehru, you hurt India. Belittle him, you belittle the new nation and the new world he is striving to build. I say this because like all great men, Nehru had long ago come to be much more than a mere individual; he is the personification of a multitude of creative and constructive forces that are bursting their bounds everywhere in the world today to emerge into a new society, a new life, richer, vaster and nobler than anything seen in history so far.

I know, Sir, that when we say this my hon. friend, Shri Bhupesh Gupta, gets angry; he flies into a passion and . . .

SHRI BHUPESH GUPTA: No.

SHRI N. VENKATESWARA RAO . . . calls us the flatterers of Nehru, his sycophants. He said something to this effect . . .

SHRI BHUPESH GUPTA: When?

SHRI N VENKATESWARA RAO . . . in this very debate yesterday . . .

SHRI BHUPESH GUPTA: Look at the proceedings. He cannot say that

MR. CHAIRMAN: Order, order  
Please go on and finish your speech

SHRI N VENKATESWARA RAO  
Well, I know this He made a refer-  
ence to it yesterday while speaking  
All the speeches that were made

MR CHAIRMAN Please go on, Mr  
Venkateswara Rao

SHRI BHUPESH GUPTA I am just a  
little cleverer than this

(Interruptions.)

SHRI N VENKATESWARA RAO  
Is it wrong—I question him, Sir—to  
have as much emotional allegiance to  
our leaders like Gandhiji and Nehru,  
as he has for his mentors like Marx  
and Lenin?

SHRI B D KHOBARAGADE How  
is this relevant to the Bill under consi-  
deration? He has spoken for five  
minutes and has still not come to the  
Bill

SHRI BHUPESH GUPTA It is a  
eulogy I can also eulogise, say some-  
thing good about Pandit Jawaharlal  
Nehru

SHRI N VENKATESWARA RAO  
I suppose that in a debate like this a  
Member is entitled to answer the  
points made by other Members

MR CHAIRMAN He is entitled to  
answer all the points made by other  
Members But your present discussion  
is on the general question of Marxism,  
leadership cult of personality, and all  
that

SHRI N VENKATESWARA RAO  
I am coming to that (Interruption)  
At least we have this to justify us, that  
we worship at national shrines and are  
thus loyal to our motherland, its his-  
tory its culture, its traditions

Without working myself up into a  
passion like Shri Bhupesh Gupta I can  
see that some of our fellow-country-  
men would be subjected to real hard-  
ships as a direct result of the division

of the Berubari Union But those  
hardships can be mitigated and shall be  
mitigated The terrible upheaval that  
followed the partition of the country  
threw us a by far bigger challenge  
We met it with courage and fortitude  
and we have rehabilitated some mil-  
lions of refugees Can we not, if need  
arises, give a fair chance, a full oppor-  
tunity, to about five or six thousand  
of our brethren that may be uprooted  
from that half of Berubari that would  
be going to Pakistan? I am the last  
person to dismiss it as unimportant or  
insignificant Quantitatively it may be  
a small problem, but since it is a  
human problem, it makes us sad It  
makes us feel that it had not arisen at  
all But I maintain that in spite of  
heartaches, it is not beyond some  
immediate, effective solution, provided,  
of course, it is not complicated by  
mass hysteria As an editor I  
know

SHRI BHUPESH GUPTA Which  
paper?

MR CHAIRMAN Please do not  
interrupt

SHRI N VENKATESWARA RAO  
how easy it is to work up the  
mass mind into a hysteria Isolate  
an issue from its larger context,  
reduce it to simple terms, link it up  
with some local or personal interest,  
give it an emotional content by play-  
ing upon some baseless fear or sus-  
picion and reiterate day in and day  
out not only in the editorials but also  
through the unobtrusive but effective  
slant you give to all news on the sub-  
ject, and the trick is done I do not  
often appear on the public platform,  
like Shri Bhupesh Gupta, but I  
believe that the technique of work-  
ing up mass hysteria from a platform  
is not much different Hysteria how-  
ever can solve no problem whether  
individual or national It is cool  
courage firm determination and  
equanimity of spirit even under the  
severest of strains that could meet a  
challenge however mighty

Now, Sir, as we all know, we are  
facing a much bigger problem on

[Shri N. Venkateswara Rao]

our northern borders in which thousands and thousands of square miles of our territory are involved and not a little bit here and a little bit there, or a few enclaves here and a few enclaves there. Why is this not making Shri Bhupesh Gupta fly into a passion? Is it because that bigger dispute is with a country that has a large place in its heart? Anyway, is it not an act of wise statesmanship that we should get the smaller border issue with Pakistan out of the way by solving it in the best possible way, so that we could concentrate on the bigger dispute with China, which is patently fraught with graver dangers? But for its dispute with us, China would not have, I am sure, settled up so quickly either with Burma or Nepal. Shri Bhupesh Gupta has no hesitation in acclaiming China's settlement with Burma and Nepal as an earnest of its desire to live peacefully with its neighbours. Why does he fail to view our settlement with Pakistan in the same light? It is a question best left to be answered for themselves by Shri Bhupesh Gupta and his partymen. As far as we are concerned, we know how they react differently to identical situations, when one of the parties to the dispute happens to be a communist country.

And, now, Sir, may I say a final word? I would rather be wrong with Pandit Nehru than be right with Shri Bhupesh Gupta, not because Nehru is the Prime Minister of India, but because he is "one of the greatest minds of our time." Maybe I have to point out to this House that the words "one of the greatest minds of our time" are not mine, but yours, Sir. This is how you have described our Prime Minister in your brief preface to the new book of Shri R. K. Karanjia, "The Mind of Mr. Nehru." You have, Sir, a worldwide reputation for your keen perceptions and your just, wise and unfailing judgment of men and matters. As such, your words have far more value and significance than what I

am capable of saying by way of my tribute to our Prime Minister. Because he is one of the greatest minds of our time, I would follow him unhesitatingly wherever he chooses to lead me, feeling certain that whatever step that he takes is in the larger interest of the nation and the world. I may fail to appreciate it immediately. I may not understand all its implications. I may at times even feel a little puzzled. But still my instinct would always tell me that a man who is a great dreamer, a noble visionary and a born leader like Nehru can rarely, if ever, go wrong.

With these words I support the two motions moved by the Prime Minister.

**SHRI BHUPESH GUPTA** Only one thing I want to point out. From the proceedings of the West Bengal Legislative Assembly, at page 7, you will see how the hon. Member has been misquoting Shri Jyoti Basu.

**MR. CHAIRMAN** All right. The proceedings are there.

**SHRI G. S. PATHAK** (Uttar Pradesh) Mr. Chairman, I have closely followed the statement made by the hon. Prime Minister and the other statements made in the debate. This question has roused passions and emotions outside the House, and it is all the more necessary that we should examine the question calmly and dispassionately.

Sir, looked at straight in the face, what are the facts? There was partition in 1947 and the Radcliffe Award, boundary disputes, snipping at places, some injury to life or property, and efforts made to have the disputes settled. The Prime Minister enters into negotiations with Pakistan. He has the right to do so. He is the Prime Minister of the State and neither has the Constitution nor any Act made by Parliament imposed any restriction on the right of the executive to enter into treaties, and it could be only by means of a treaty,

by means of an international arrangement, that disputes like this could be solved. Therefore, we arrived at an arrangement in the interests of the people residing at the border, in the general interests of the country as a whole, in the fulfilment of our policy, namely that international disputes will be settled by peaceful means. This is what has been done. Now, there has been no serious legal objection to the validity of this international arrangement nor to the processes followed, and therefore I shall refrain from making any observation so far as the so-called legal objections are concerned.

Sir, we have heard the debate at some length. We have heard detailed statements. The question, and the only question, is whether the arrangements or the agreements made are reasonable, whether they are just and in the interests of our country. Now, Sir, there are two questions arising on this matter. One is, what is the proper method of approach to matters of this kind? The agreements in order that they may be correctly assessed must be viewed in their proper perspective. They cannot be viewed in their proper perspective if you just tear out one part of the agreement and concentrate on that part and try to evaluate that part alone. Each part constitutes a consideration for the remaining agreement. Each part in itself is a consideration for the whole agreement, the settlement of the dispute itself is a consideration for the whole agreement, and each party benefits by the settlement of the dispute itself. Therefore, it is a wrong approach to pick out Berubari from that agreement and concentrate on Berubari and evaluate the merits or demerits of the decision on Berubari, because, if the decision about Berubari had not been arrived at in the manner in which it had been arrived at, there might have been no agreement at all. Therefore, in order to evaluate this agreement, you must look at it as a whole and in its proper perspective.

Then, Sir, can there be any evaluation of any agreement unless you look at it in the background of the surrounding circumstances? Why was that agreement made, what was the objective to be achieved, who made the agreement, and in what connection? Sir, if this Berubari question has been the subject-matter expressly mentioned in the Radcliffe Award, there would have been no trouble at all. The decision would not have been open to any objection whatsoever, and it could not be said at that time that there were some human problems involved. It could not be said at that time because with the knowledge that human problems would be involved, with the knowledge that large areas were the subject-matter of partition, this partition was decided on. If after a few days or after a short time, that is to say a short time after the partition this question had been raised and decided, even then there might not have been any objection. Has this time factor altered the situation and, if so, in what respect? I submit that so far as the principle is concerned, if objection could not be raised at the time when the Award was made then no objection could be raised even now. This human element has come in because of this time factor. We have begun to feel that there are people there who for so many years have considered themselves to be a part of our population. That is the only difference.

Sir, the situation which has arisen here presents a striking resemblance to what we find in our national life. Disputes are raised with regard to a territory. 'A' says that the entire territory belongs to him. 'B' says that the entire territory belongs to him. There is a compromise of doubtful rights. 'A' says "I acknowledge the title of 'B' with regard to a portion." 'B' says likewise "I acknowledge the title of 'A' with regard to the remaining portion", the title of the two being in doubt. This is the manner in which a compromise of doubtful claims is arrived at, and

[SHRI G. S. Pathak]

that was how it was arrived at here. It is commonplace that if a compromise is arrived at in this manner, really there is no transfer, although in the process of executing that compromise there may be transfer of possession, but otherwise in cases of doubt it is the acknowledgment of title that matters.

Now, Sir, I am not going to engage myself in any debate on the question of what the Supreme Court did. The Supreme Court was concerned with the question of procedure only—how will this agreement be put through, what are the constitutional requirements of putting this agreement through? That was the only question which was referred for advice to the Supreme Court, and no other question, and their judgment should be interpreted in that manner, in that manner alone. The Supreme Court is my natural habitat, and I have got the utmost respect for the Supreme Court. But the Supreme Court's advice is not binding upon even the President. It is not binding upon this Parliament. Even the Supreme Court judgment can be set aside by means of a law made by Parliament.

But I am not saying that there was anything wrong in that judgment of the Supreme Court. All that I am saying is that the Supreme Court judgment should be interpreted in the light of the subject-matter which was before the Supreme Court. The only subject-matter before the Supreme Court was what were the procedures which had to be adopted. Can it be disputed that the procedures adopted by the Government in the present case are not the procedures laid down by the Supreme Court judgment? Can it be disputed that the only foundation for the claim of Pakistan was the Radcliffe Award? Could Pakistan claim any amount of territory from India as against India except on the basis of the Radcliffe Award? How can it be said then, "Leave alone the Radcliffe Award and treat the whole problem as if you are making a gift of a property." There

was bound to be a question whether the Radcliffe Award omitted to consider this bit of property and whether on a proper interpretation of the Radcliffe Award, this property belonged to Pakistan or to India.

Sir, the only question of some importance so far as this matter is concerned is the human question. But that question we should not, I submit, magnify. This human question is a question which has not arisen for the first time in world history in the case of Berubari. From recent history you will find a number of treaties entered into where populations have had to be transferred, where people have had to decide whom they would owe allegiance.

According to international practice, there are three options given to such people. Either they may owe allegiance to, and adopt the citizenship of, the State to whom the territory with which they are concerned is allotted or they may accept the nationality of the other State while choosing to reside where they have been residing or they may migrate and adopt the nationality of the other State. There might be hardship, there might be inconvenience, involved in this process but if the price which has to be paid in the interests of peace and in the interests of those people themselves who might have liked to live in territories whose borders are safe, is it not right that that hardship should be eliminated by suitable action taken by the States concerned? And is this temporary inconvenience or hardship too big a price as compared to the return that they would get? Suppose these people want to migrate and become part of our population, they will share our future and cast their lot with us. Now, is the inconvenience involved too big a price for them to pay when they want to join us? Therefore, this human question also should not be magnified and exaggerated too much.

We have a certain ideology. We believe in world peace and the efforts

of our country towards that end have been recognised and applauded throughout the world

[MR DEPUTY CHAIRMAN in the Chair ]

It that has become a part of our mental processes, how can it be that when it is a matter of our own borders, we should give up the policy of settling international disputes by peaceful means, we should allow the stresses and strains to continue on the border for a long time and we should not adopt in practice the method which we have preached or we have asked others to adopt?

These are big matters and should not be looked at in a narrow way, and I submit that these two Bills deserve the support of all of us in this House and if there could be any objection to any of these Bills, then you could never have a settlement of any dispute by peaceful means

DR. A N BOSE (West Bengal)  
Mr Deputy Chairman, it is very much regrettable that at the very moment when a note of discord is going to be struck against the chorus of praise that has been sung by my predecessors, the Prime Minister is absent from the House not to listen to the criticisms of the job he has done and for which he seeks our approval

THE DEPUTY MINISTER OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON) We are taking down notes

DR A N BOSE In that case, you may also take down that the Prime Minister is not in the House

There is a history behind the two Bills before us to which I shall briefly refer in spite of the risk of repetition. The two Prime Ministers of India and Pakistan came to an agreement on the 10th September, 1958 for the purpose of settling the border disputes between the two countries. In the course of this settlement, Berubari came in on a mistaken assumption. The territory of Berubari was written off in full ignorance of its position, of

local data and population data. The Supreme Court has given the final word on this issue and has clearly advised that the question of Berubari is not a question of border adjustment but a question of cession of territory. That is the reason why this Constitution (Ninth Amendment) Bill is before us. But apparently, the Ministry is not yet educated, is not yet enlightened, by the light thrown by the Supreme Court. We are told in the Statement of Objects and Reasons that the agreements between the Governments of India and Pakistan are to settle certain boundary disputes between the two Governments. It seems that they are persisting in the error which they committed in the beginning. It is interesting to see how far and how . . .

DR H N KUNZRU How is it that they are persisting in an error when the Government has brought forward a Bill relating to article 368?

DR. A N BOSE I speak of the inconsistency between this Statement of Objects and Reasons and the contents of the Bill. It is interesting to observe how far the constitutional propriety has been respected in the whole Bill. There is article 3 which clearly states that whenever there is a question of altering the boundaries of a State, of ceding or of acquiring any part of the territory of a State, the matter has to be referred to the State Legislature concerned for its opinion.

The West Bengal Assembly, by a Resolution which was moved by the Chief Minister of West Bengal and which was unanimously adopted, gave the opinion that the Bills were unconstitutional. Thereafter, before the Bills formally came before the two Houses of West Bengal Legislature for discussion, the Legislative Assembly was prorogued by the Governor and the Legislative Council was adjourned by the Chairman. So the only opinion of the West Bengal Legislative Assembly which is before us is their unanimous and unequivocal condemnation of the Bills as unconstitutional.

[Dr. A. N. Bose.]

Sir, I am not very fond of constitutional niceties. Leaving apart the questions of constitutional procedure or propriety, it is mere justice and common-sense that whenever you cede the territory of a State to a foreign country, you have got to take the opinion of that State—nay the approval of that State. India is not a unitary state. It is a sort of commonwealth, a federation of a number of States, each with its own loyalties, each with its own affinities and traditions, and here the federal Government, the Government of the Union is bartering away the territory of one State, a constituent State, without caring for its feelings or for its opinion.

Sir, there is an unseemly controversy between the Central Government and the West Bengal Government as to whether and as to how far the West Bengal Government was taken into confidence in this deal. The Chief Secretary of West Bengal was there at the time of the negotiations. The Prime Minister says that the deal was made with his full knowledge, and it was expected that he would communicate the views of his Government. That is true. We do not disbelieve the statement of the Prime Minister. On the other hand the Chief Minister of West Bengal says that the West Bengal Government never gave its approval, nor was its approval sought when the deal was finalised. Sir, I think both are correct. It is true, it cannot be otherwise—that the West Bengal Government was in the dark about this business. When the Chief Secretary on behalf of his Government comes to attend the negotiations or to observe the negotiations in respect of a deal, he must have come with proper instructions, and when the deal was going to be settled, he must have sought the opinion of his Government or must have sent a report on what was being done or on what was going on. Obviously, these things were done, but there are a few palpable facts which deserve notice. In the first

place the Prime Minister never talked directly to the Chief Secretary of West Bengal, nor did the Chief Secretary of West Bengal seek an interview with the Prime Minister to give the views of his Government. Apparently the Prime Minister did give the facts to the Chief Secretary indirectly and, for the matter of that, to the West Bengal Government but did not seek the consent and approval of the West Bengal Government; nor did the West Bengal Government intervene at any moment nor seek the necessary facts nor give its own views nor care to clinch the issue. Neither party—neither the Centre nor the State—tried to clinch the issue. Both kept the things vague, and there was an unholy pact to observe silence and to pretend ignorance entered into by the two parties to save their faces and to get the deal done smoothly so that the West Bengal Government at the proper time may claim that it was not a party to this deal and that it was not consulted, and the Prime Minister may claim, as he has rightly claimed, that the West Bengal Government was in the know of the affair. I do not share the views of the hon. Members who accuse the Chief Secretary or the West Bengal officials. Officials do not deal with these things; they are not makers of policy; the policy of the West Bengal Government was **not** to be given out or communicated by the Chief Secretary of West Bengal. So it is not proper to make a scapegoat of them. The prime and the chief offenders are the Prime Minister of India and the Chief Minister of West Bengal; they are the offenders of this unholy and ignominious deal. By keeping the whole thing vague and never clinching the issue and never bringing the thing before the public they saved themselves from an unpleasant dilemma, and that is also the reason why the Chief Minister of West Bengal, after so many heroic words swallowed those words and came forward to save the prestige of the Prime Minister.

After 2½ years—since the agreement was signed—our Prime Minister

has discovered that apart from the constitutional and territorial questions there is also the human question, he has discovered also that there are about six thousand people who live in the area which is going to be ceded, that these people have their hearths and homes there and that these people have their roots in that soil. Sir, what a colossal ignorance. We are ceding some territory to a foreign country without knowing the location of that territory, without knowing the population of that territory. When even as far back as the 30th October, 1958 a reference had been made to the West Bengal Government—I am quoting from the Prime Minister's speech in the Lok Sabha on the 5th December—

“On the 30th October 1958, a request was made to the West Bengal Government for population and other local data regarding the Berubari Union”

This was what he did for answering a question in Parliament. So they knew nothing about the territory and only two months after the deal the information about population had to be sought from the West Bengal Government. Perhaps he thought that Berubari was a desert that it was wilderness or it was a snow-clad or frost bitten region where not a blade of grass grew. That was the unfortunate mistake made for which six thousand people have to pay with their destiny.

Sir, most of them are people who had been once uprooted from their hearth and homes, who had been driven away from their land and had settled in a new land on their own strength, with their own initiative without seeking doles from our Government. These people are now going to be thrown to the wolves.

The hon Member who preceded me was satisfied with the promise, namely that every arrangement will be made for their rehabilitation, that they will be one amongst us. Well, there are still several thousands only from

Assam still rotting in the camps of West Bengal crying for rehabilitation. Have we rehabilitated the people who migrated from Pakistan six or eight years ago? We have not. What is the meaning of such a promise? The people of this locality know well the meaning and weight of these promises of rehabilitation.

Sir, I wonder if any Prime Minister of any democratic country will survive such an act of commission, will survive such a failure and even an admission that the agreement was made without any knowledge of the population of the locality and now admitting that there is a human problem in this ceded area. Would any Prime Minister survive in his office in a democratic country.

SHRI ARJUN ARORA (Uttar Pradesh) He will.

DR. A N BOSE Yes, he will in a country like ours.

Then, we are told that India will make a great gain. Of course, India will make a great gain although she has no right to claim compensation for the extra area going to Pakistan.

Sir, we are being asked to sign a blank cheque. These two Bills are like blank cheques which we are required to sign. We do not as yet know exactly what territories are going to be lost and what territories are going to be gained. The territories are not defined. They are going to be defined by the officials, and if that definition or demarcation is approved by our Government, that will be final and will not come up further for our opinion. We are going to give our consent to giving away our territory without knowing exactly what amount of territory or what area of territory we are giving.

SHRI J S BISHT (Uttar Pradesh) Yes, erday, the Prime Minister gave the figures. Approximately we are giving 68 sq miles and getting 78 sq miles.

DR. A. N. BOSE: Yes, a law made on the basis of approximation. I wonder whether any such Bill will stand for a moment in a court of law, a deal in which the exact things which are proposed to be exchanged are not stated but merely an act of exchange, a contract of exchange, is being stated.

DR. W. S. BURLINGAY (Maharashtra): The description is sufficiently precise.

DR. A. N. BOSE: It is not at all precise. I am sorry, that along with this Bill there is not even a map of the area showing the territory along which the demarcation will follow. Moreover, the First Schedule of the Bill is very clear in vagueness. It mentions only certain rivers, and it is said there that the demarcation line will be drawn, as far as possible, along these river lines on the basis of records.

Further, there is going to be an exchange of enclaves. What are these enclaves? We do not know how many enclaves are there in India or how many enclaves are there in Pakistan. Furthermore, is Berubari Union an enclave? Is it encircled by Pakistani territory? Neither in the Bill nor in the Explanatory Memorandum which has been circulated is there any precision about the enclaves or about the other territories which are going to be ceded away by demarcation.

Sir, we hear a lot and speak a lot about the sacredness of the Constitution. All of us here have taken a solemn oath of allegiance to the Constitution. But here now we are going to change the Constitution to save the face of the Prime Minister even though he has exceeded his powers, even though he has made a deal on a mistaken assumption, even though he is bartering away the fortunes of thousands of our people. Sir, in a democratic country what is more valuable? The prestige of the Prime Minister or the fortunes of the people,

I ask. And we have been told that the prestige of the Prime Minister means the prestige of the country. But, what is the prestige of the country at the cost of its people, at the cost of the fortunes of its people? Sir, is this democracy or is this a masked dictatorship? Is this not a dictatorship masquerading in a parliamentary form, the Parliament merely rubber-stamping whatever the executive does in the name of the prestige of the Prime Minister?

Sir, dictatorship of any kind is bad. But in spite of the faults of dictatorship there is at least one virtue in it. The dictators are generally strong men. They are strong enough to resist forces of disintegration inside and forces of aggression from abroad. That was done by President Nasser of Egypt, that was done by Marshal Tito of Yugoslavia. But what has our democratic dictator done? He has bartered away parts of our country. He is a man of iron within India but a man a straw outside. Sir, if we give our rubber-stamp to these Bills, I should not wonder if one day Bengal is bartered away in this fashion between China and Pakistan.

SHRI J. S. BISHT: No. Nothing of that sort will happen.

SHRI FARIDUL HAQ ANSARI: (Uttar Pradesh): U.P. also.

DR. A. N. BOSE: There are ominous clouds hovering over the sky of Asia. There are ominous developments going on all around, and the ideals of democracy in Asia stand today on the brink of a narrow precipice. No one knows when at the slightest push this last bastion of democracy in Asia will tumble down the precipice. It has survived so many stresses and strains. I am afraid whether it has reached the limit of that strain, whether the slightest push will not blow it out. And in such a crisis it is not the Constitution which saves people from danger. The people do not look to the Constitution; there

are other things to which the people have to turn.

**SHRI BHUPESH GUPTA** Look, Sir, the Minister of Parliamentary Affairs is holding a sub-committee meeting over there. It is well that we bear with him. We can adjourn for the convenience of the Minister.

**DR A N BOSE** I think, Sir, we shall take this warning and not proceed further and not allow the people to seek the remedy for themselves.

**SHRI S C DEB** (Assam) Mr Deputy Chairman, Sir, first of all I would like to say that I am supporting these two Bills, but at the same time I express the same feelings, the same sentiments as were expressed by my hon friend, Dr Nihar Ranjan Ray. I do not like to again narrate those sentiments.

While supporting these two Bills, I may also say that it is a fact that some troubles are going on between India and Pakistan, border firings and other things, and coming as I do from a place on the border, I know how from day to day and from month to month the people are experiencing difficulties and they are always thinking that some sort of agreement should be there for settling these disputes. I must, however, say that our External Affairs Ministry is not as anxious as Pakistan Government is anxious to grab our territory. We always take some action only when Pakistan is active enough to grab our territories. At that time we become conscious of having to do something. That is my feeling.

I have to put some questions to the Government which are agitating my mind. At the time of the partition, as you know, Sir, there was the question of the district of Sylhet which was always a part of Assam province. There a referendum was held under peculiar circumstances and about that also the Radcliffe Tribunal had to give an Award. In the Explanatory Memorandum placed before the House

by the Prime Minister there is a statement in para 8 on page 11 which runs as follows

“It was agreed that all outstanding boundary disputes on the East Pakistan—India and West Pakistan—India border raised so far by either country should be referred to an impartial tribunal consisting of three members, for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction, if any. Any dispute which may have been referred to the tribunal can be withdrawn by mutual agreement.”

I invite reference to this para and say that in connection with the Radcliffe Award there was the question of the Sylhet district and the demarcation of the areas to show how some portion of Sylhet district should go to East Bengal and the rest would remain with Assam, in India. As early as in the year 1947-48, a memorandum was placed before the Government of India claiming that according to the Radcliffe Award, 12 thanas should be claimed by India as part of India. And so far as I know, Sri Kanwar Delp Singh, the then Legal Adviser to the Government of India when asked by the Commonwealth Relations and External Affairs Ministry, recommended that this issue should be taken up with the Government of Pakistan. So my first question is whether this issue was referred to in all these discussions that we have been having. According to the Radcliffe Award when Sir Cyril Radcliffe drew the line, he was placing it like this. It starts from a fixed point forming the meeting point of the thanas of Kulaura, Patharkandi and the State of Tripura. It then proceeds northwards to the Kushiyara river as shown in the map that was attached and from this point turns eastward along the river up to the boundary of Cachar and Sylhet districts. It then proceeds to assign to East Bengal

“so much of the district of Sylhet as lies to the west and north of this line”

[S. C. Deb.]

And then the Award proceeds to say:

“no other part of the Province of Assam shall be transferred.”

So the question arises like this. If you draw that line, then only the northern and western part of that line should go to East Bengal and the remaining portion should remain in Assam and the rest of India. So I ask whether in these discussions this issue was raised and if so, what was the decision? Was any decision arrived at; or whether this issue is still pending and whether it is to be referred to any tribunal to be set up later?

Here I may point out that if we interpret this Award correctly, we should get twelve thanas from the district of Sylhet and they will be: Srimangal, Kamalganj, Kulaura, Rajnagar, Maulvibazar, Lakhai, Habiganj, Madhabpur, Chunarughat, Bahubal, Baniachung and Nabiganj. These 12 thanas should come to India.

When we are ceding some territory i.e., Berubari, from India to Pakistan, should we not claim according to the correct interpretation of the Radcliffe Award, these 12 thanas for India? Was there any discussion held on this question or is it still in darkness? That is my question.

AN HON. MEMBER: We have not raised that as a point at issue.

SHRI S. C. DEB: But a memorandum was placed before the Government and the legal advice was that there should be discussion on this. If my memory is correct, in the year 1954 there was a discussion held. But I do not know what happened afterwards. That is one point that I would like to make clear.

Then there is another point and that relates to the five villages in Patharkandi thana, i.e., Karkhanaputnigaon, Barputnigaon, Putnigaon, Latitilla and Dumabara. Pakistan is claiming these five villages even after the dispute was over and when agreement had been reached. All of a sudden they are claiming all these five villages.

1 P. M.

It was part and parcel of India in Patharkandi all along. According to the Memorandum dated 4-12-49 placed before the Bagge Tribunal regarding this part of the area—I refer to para 7 of the Memorandum—the Pakistan authorities submitted like this:

“In the month of April, 1940, correspondence began between the Police authorities and the Survey authorities with a view to defining more clearly the boundaries of thana Patharkandi, the correspondence resulting in an approved form of draft notification describing the boundaries, dated the 6th October, 1941, in which the western boundary of the thana was described as follows:

“From the last point northward by the crest of the Jampoi Range to the source of the Kurti Gang and thence by the midstream of the Kurti Gang and later the Thal Gang to the south-west corner of village Kharkhana Putnigaon, thence by the western boundaries of villages Kharkhana Putnigaon, Berpatnigaon, Latitilla and Dimabara to the south east corner of the Patharia Hills Reserve Forest and thence by the eastern boundary of this reserve to the starting point.”

These villages form part of Patharkandi. How the dispute arose is a question to be answered. I do not know what is going to be the fate of these five villages, whether they would be going to Pakistan for no fault. These areas have always been in India and this fact will be amply proved from old records and documents. The Assam Government have always exercised jurisdiction over these villages. I want to know whether the dispute would be referred to a tribunal or whether discussion is not complete or whether it is the demarcation which will give the final decision regarding these five villages.

Now, Sir, coming to the Patharia Reserve Forest, we are releasing

about 17 square miles. The area to be transferred is a forest area. It may be a forest area but it is a rich forest area. There was firing on this very spot. This boundary of Berubari and Karimganj thanas mentioned in the Bagge Award has always been there from 1921 onwards. I am seeing it also, but Pakistan is claiming it. It is the fault of our Government that we could not draw our maps as a result of which we are ceding 17 square miles of rich forest area. I would stress upon the Government, as the hon. Dr. Kunzru has also stressed, that in future we should have our boundaries wherever they exist already. In my area when firing was going on, the civilian population and the Armed Forces on the other side were very active but our people were terrified. This was the situation. We must always be on our guard about our boundary. We always share the feelings of the Prime Minister that settlement should be there. I agree that settlement should be there but it should not be in the interests of Pakistan but in the interests of India and for the benefit of India.

**SHRI SURENDRA MOHAN GHOSE** (West Bengal): Mr. Deputy Chairman, Sir, I rise to support the two Bills moved by the hon. Prime Minister. I am not giving my support to this Bill just because the Prime Minister's prestige is involved in it; it is also not as if I do not agree with the view that the Prime Minister's prestige is India's prestige today. One of the eminent international writers, Mr. Nirad Chaudhury who always criticises our Prime Minister and his policy has described in one of his articles that he is the only one man in the whole history known to us who within such a short period could raise the status and prestige of the country so much after achieving independence. That credit he has given to our Prime Minister. Sir, the constitutional and legal points which have been raised by some of my hon. friends in the Opposition have, I think, been ably answered by one of our independent Members, Dr. H. N. Kunzru,

and by another Member of our party, Shri Pathak. I need not go into the details as I consider that both of them have given an effective reply to all the points raised by our friends in the Opposition. I want to take a realistic view of the whole deal. This Berubari and this exchange of territories have come out from one deal with Pakistan. Now, what was the other alternative before us? We also know, and some of the Opposition Members also have hinted at that point, that before this agreement was arrived at almost weekly, if not weekly at least monthly for certain, Pakistan was firing on our people on this side of the border.

And they created a situation in which India could not remain an idle spectator. Either India must return the fire and declare war to settle these international disputes or she must try to settle them by peaceful negotiation. Sir, I shudder to think what would have been the cost for the people of Berubari themselves if we were to go to war on this issue; leave apart the people of the whole of India. How much would they have suffered? Now, on the emotional aspect also I feel that the best thing possible under the circumstances which could be done was done by our Prime Minister by coming to an agreement with Pakistan. My young friend, Shri Bhupesh Gupta, in his speech also said and he wanted to take credit for it—that they want good relations between India and Pakistan to exist and that they were working for it. If they want better relations between India and Pakistan, we also want that but remember this unhappy, unwanted partition of India has come up on us not of our choice. However, now we want to live in peace and with enough of goodwill between these two countries. In that case, would helping a situation to develop, in which there could not be any other solution except to go to war be a wiser step? No; certainly not. Sir, India has given a lead not only for our people here but to the whole world that all efforts should be made to settle international disputes by

[Shri Surendra Mohan Ghose.]

peaceful negotiations. India has given this lead to the nations of the world and could she remain idle where her own interests are involved, where she herself is involved? The reply must be an effective 'no'. Therefore, Sir, apart from any other thing, I consider that this agreement which has been arrived at between our Prime Minister and the Prime Minister of Pakistan was made in all good faith and in the best interests of both the countries, especially of our country, and if it goes through, I am confident that this will pave the way for further better understanding which certainly will be for the benefit of the people of India, the people of West Bengal and certainly the people of Berubari also.

Sir, there is one point which is not very clear to me. The Prime Minister in his speech said that there were three alternatives for the people who are in Berubari today. The first was to remain there as citizens of India, the other was to remain there and accept the nationality of Pakistan and the third was, if they so chose they could come out and we take the responsibility of rehabilitating them. I can understand their remaining there and changing the nationality. I understand—and I would welcome—the suggestion that we take full responsibility to rehabilitate them in near-about places. But I would like some light to be thrown on the point as to how they can remain there as Indian citizens. I do not know the international implications of such a thing but I would like that some light may be thrown on this particular point, how they can remain in Pakistan as Indian nationals. If that is possible, and if at the time of partition this was known to us, then this problem of refugees which practically became an unsolvable problem would not have arisen. Most of these people would have remained there as Indian citizens enjoying all the rights and privileges of Indian citizens. So I would like some light to be thrown on this point.

Sir, one more point I must make. I also share the feeling expressed by my friend in the Opposition and also by my friend from Bengal, Dr. Nihar Ranjan Ray, regarding the emotional upsurge which has taken place in Bengal over this issue but at the same time I would like all of you present here to remember that Bengal and the Bengali people are not only emotional; in intellectual field they also occupy a position which is not inferior to any other people of India or outside. So when the entire thing is placed before them in the proper light, I am confident that they will be able to look at it in the proper perspective and give their verdict on it as we are giving here today. But in this connection I appeal to other Members coming from other States to realise one thing that mishap after mishap has overtaken that unfortunate State. Here I may point out one thing. Before partition I had been to East Bengal and North Bengal to consult the opinion of the local leaders there. At that time I happened to be the President of the Bengal Congress and I was not giving my opinion in favour of or against partition. I wanted to consult these people and I found that the leaders of East Bengal and North Bengal were furious why as President I was not giving my opinion in favour of partition. Sometimes feelings are aroused which the people forget afterwards. The very same people have accused us and are still accusing us why we were a party to this partition. Similarly, in the case of these people of Berubari, their feeling has been worked up today and probably they will say whatever the leaders of those movements who are organising them say but I have no doubt in my mind that the other alternative would have been worse, very much worse, for the people of Berubari themselves. Sir, I make an appeal to the Members of this House to remember that mishaps, one after another, had befallen Bengal. There was partition; after partition came the question of these linguistic provinces; then came Assam and now there is this question of Berubari. Before the people, not only the refugees but also

the other people, could settle down and accept things in their proper perspective, one after another mishap was coming. And there are friends to exploit the emotional aspect of these things in Bengal. They exploit them. I am giving a warning to my friends in Bengal also that in this way they are creating a feeling of despair, a feeling of worst pessimism, in the minds of the people of Bengal and a feeling of distrust of people from other States. This will bring ruin to the Bengali people. Our friends who are indulging in such activities should remember that today in a free India, if Bengalis think that the rest of India has conspired against Bengalis, then except ruin there is nothing before them.

The next thing is I am making an appeal to the press of Bengal. Let them also realise it. I am saying these things with all the seriousness I have. Let them not exasperate the Bengali people. None will be able to control them. The situation will go out of hand of everybody. Therefore, in all humility, I say, let us accept this as a step towards building up a new approach for solving international disputes, and building up a new approach for our national outlook also. The days of isolated nationalism are going and let us think of the international order which has become a necessity today, without which we cannot expect even to survive. That is the situation in which we find ourselves today. Therefore, whatever may be our feeling, whatever emotions we may have in ourselves, let us be realistic and let us face the situation and accept it, not as a thing forced upon us, not as a thing by which India is going to lose anything, but as a thing by which India is really laying the foundation of a better world, a better society and a better international order.

Thank you.

SHRI SUDHIR GHOSH (West Bengal): Mr. Deputy Chairman, I have a very few remarks to contribute to this discussion. After the Prime Minister's

explanation of the circumstances in which he had to bring this Bill to this House, it seems that the only thing that we can do is to approve of this Bill and I, therefore, support this Bill, in spite of my knowledge that the people who elected me to this House, from the State Assembly of West Bengal, have very strong views on the subject.

My remarks will be confined only to one small subject and that is the human problem that the Bill involves. As Dr. Kunzru has very rightly pointed out, it is because the human beings who are involved in Berubari are twice uprooted refugees, it has roused such intense feelings in the minds of the people of West Bengal. Now, yesterday very haltingly I asked the Prime Minister a small question after he made his statement in support of the Bill as to what is to be done about compensation for the property left behind by these people in Pakistan. And he gave me a very over-simplified answer to an extremely difficult question. He says: "Oh, well, these people can come in a nice, tidy, disciplined manner and they can dispose of their landed property, houses, etc., sell them to other people and in a quiet and tidy manner come over to West Bengal." The facts of life are very different from what the Prime Minister thinks they are. I have had personal experience of attempting to dispose of landed property in East Bengal. I am a man from East Bengal, although I did not come away as a refugee. I came away before the partition of India. But my mother came away as a refugee from East Bengal. She could not detach herself from the attachment to the ancestral home and stick to it for some years, but ultimately she came away as a refugee to West Bengal. I tried on her behalf to dispose of the landed property—very good land too—and I know how difficult it is to dispose of that sort of landed property or house property once that becomes a part of Pakistan. I am speaking with some knowledge and some authority, when I tell the

[Shri Sudhir Ghose]

Prime Minister that this question of the property left behind by those people in Pakistan is not so simple as he thinks it is, and when he replies to this debate I venture to hope that he will tell us something precise about what he means when he says that he takes responsibility to rehabilitate these people and what he means by saying that they could come away in a tidy way after disposing of their property. I can understand the Government telling them: 'Well, in the circumstances, there is no other way but to accept responsibility for settling you in India. We know where the land exists. We shall give you land in lieu of land which you have left behind.' The Government can even make a friendly arrangement with the Pakistan Government for the sale of these lands to the Pakistan Government and the proceeds can be distributed amongst these people. But left to themselves, I am quite certain that they cannot dispose of this property except for a song. And there are very severe restrictions about transfer of money from East Pakistan to Bengal. All these are very real difficulties, which these people, in a human way, will be faced with and I very much hope that the Prime Minister will throw some light on what he proposes to do about them.

Now, one more word about rehabilitation. We know the problem of refugee rehabilitation in Bengal. If the Prime Minister will forgive my saying so, the people of Bengal have a sense of grievance against him personally about this question of refugee rehabilitation, because they know that if he showed a fraction of the interest which he took in his inimitable way in the problem of refugees from West Pakistan—people who came to India from West Pakistan—then the refugee problem of Bengal would have been solved long ago. In fact, I know a very great deal about the resettlement of refugees from West Pakistan, because I was a senior officer of the Government of India and a deputy to the gentleman who

is now the Rehabilitation Minister. I remember how many times I pestered the Prime Minister again and again on behalf of the refugees about their problems, and it was very heart-warming to see a man of his position, with all his burdens on his shoulders, how he always had time for the refugees and how much personal interest he took in their problems. Even regarding our little Faridabad Development Board, he sat on that Board month after month for three long years because of his interest in the refugees. I know the kind of interest he is capable of taking in such human problems. And yet it is a matter of disappointment for the people of Bengal that the same human person has not shown a fraction of that interest in the Bengal refugees. I do not know what the Bengalis have done to incur his displeasure. One of these days, I hope, he will frankly tell us what is it that they have done to incur his displeasure. Why is it that he took a very keen interest only in the West Pakistan refugees? There are already in and around Calcutta 22 lakhs of refugees from Pakistan, to whom these new refugees are to be added. There are eight lakhs more in other parts of Bengal. The Dandakaranya Development Project, we know, is not going to produce any result, so long as the present Rehabilitation Minister is there. These 22 lakh refugees somehow eke out a miserable existence out of the existing economy of Calcutta and the surrounding districts. Now, there is a process of disintegration going on in that part of the country, which is a very dangerous thing.

Even the World Bank Mission, which came here, said that, with the continued neglect by the Central Government of the problems of this vast mass of humanity there and the breakdown of the elementary services like water supply, drainage and sewerage, the whole area is in a state of disintegration. Even the World

Bank Mission, which came here, drew the attention of the Prime Minister to these problems, but they do not seem to have created much of an impression on him. I have received letters from the President of the World Bank, from the Director of the U.N. Special Fund and from the Director of the Ford Foundation. All these outsiders are only too willing to come and contribute their resources, financial and technical, to help that area and arrest this process of disintegration. Curiously enough neither the Prime Minister nor the Finance Minister seems to be impressed, in spite of all their great qualities. We have not been able to make much of an impression about this serious problem of refugees and about this problem of disintegration of that area on the minds of our leaders here. The Chief Minister of West Bengal comes here every now and then with a begging bowl. He goes and sees the Prime Minister, he goes and sees the Finance Minister. We know how he has been struggling with all these problems. We feel sorry to see a man of his age struggling with a problem like this and this extraordinary lack of sympathy that these big leaders who are otherwise so high-minded, are showing to the problem of the refugees. This lack of sympathy for the displaced person in Bengal, is a matter of great disappointment for the people of that area. I would like the Prime Minister to tell us in his reply, when he talks about this new class of refugees who will be added on to the others, what he means by saying that he will take on the responsibility of rehabilitating them and what he proposes to do about this question of compensation to be paid to those people in lieu of the property that they will leave behind in Pakistan. It was simpler in the case of West Pakistan refugees because there were so many millions who went from India to Pakistan and so many other millions who came from Pakistan to India. We had vast quantities of landed property in Punjab, PEPSU, Bikaner, Alwar, Bharatpur, and so on, left behind by the Muslims which we

could distribute amongst those who came to us as refugees from West Pakistan.

[THE VICE-CHAIRMAN (SHRI ROHIT M. DAVE) in the Chair.]

Here in the case of Bengal it is a purely one-way traffic. Nobody went from West Bengal to East Pakistan with the result that there is no question of any Muslim evacuee property lying in West Bengal which the West Bengal Government could make available to these refugees and to the new ones who will be coming now. The Prime Minister should give us a very clear idea as to where the land is going to come from to be given to these new refugees, and what he exactly means when he says that he accepts the responsibility for rehabilitating them.

With these remarks and an expression of our sorrow that the Prime Minister has not shown the kind of interest that we expected him to show in the problem of Bengal refugees, I support this Bill, and I suggest that the House should give him the support that he wants.

SHRI M. M. SUR (West Bengal): Mr. Vice-Chairman, the dispute about our border areas is as old as our independence. We had to do something to stop the frequent intrusions into our border areas and the disturbances that were being caused, and our respected Prime Minister took upon himself the responsibility for settling these border disputes once and for all.

Sir, seventy-six square miles of territory have come to India, and 46 square miles including a portion of Berubari have gone to Pakistan. The propriety of giving and not giving Berubari has been discussed by a number of speakers, and I need not go into the merits of that. But one fact remains that after the settlement of this dispute, disturbances in our border areas have ceased and better relations have come to stay between

[Shri M. M. Sur.]

Pakistan and India. We have to honour the pledge given by our Prime Minister, and I fully support the two Bills that have been brought forward. But when the date fixed for the transfer is known, there is no doubt that there would be an exodus of people, who have settled there, to India. The thought of so many of our brothers and sisters, who are living in a part of West Bengal, coming to us as destitutes aches the heart of the people of Bengal and agitates their minds. The horror of refugee camps and transit camps fills the minds of Bengalis with dismay. They are to suffer for the benefit of the whole of India. Man after all is a social being. He feels separation from families and friends, separation from his social surroundings. He can stand a lot of economic privations because he gets sympathy and advice and encouragement from his friends. But when he has to leave his friends and his relations and his ancestral homes, he takes that to heart.

When we know, Sir, that this demarcation of border and the consequent exodus of refugees is going to take place, why should we not be forewarned and make housing and other accommodation needed for these 5,000 unfortunate people? Five thousand people mean a thousand families, and if you reckon at Rs. 1,000 for each family, it comes to a sum of Rs. 10 lakhs. Why should we not try to build up beforehand a few villages where those who want to opt out to India could be straightway shifted from Berubari to these new homes? We know that the other portion of Berubari is less populated. So, if we build up a few villages, the type of villages that are envisaged ten years from now—with supplies of good drinking water, with village schools, with facilities for higher education, with community centres, with medical facilities, sanitation, and so on—if we conceive now and prepare the homes where they would have to

come when the date is fixed for the transfer of this territory, this human suffering can be obviated. The political parties are making the best use of the situation. They live on agitation. We shall be able to stop them if we make preparations beforehand. After all it is just a question of transferring one thousand families from one part of a border of India to an adjoining part. They can live in the same climatic conditions. They will not be very far from their friends and relations. They will be quite happy to live there. If we take this precaution, if we are prepared beforehand and if we take seriously into consideration this question of settling the people coming from the Berubari portion that has been given to Pakistan, I think much of the trouble and agitation that is taking place in Bengal will be obviated. So, I request the Prime Minister to take into consideration that before the date is fixed or before the transfer is made, arrangements should be made so that those people may not have to go to transit camps but could go straight from there with all their belongings that they can take with them to their new homes.

SHRI P. N. SAPRU (Uttar Pradesh):  
 Mr. Vice-Chairman, the two Bills which have been introduced by the Prime Minister give effect to what might be called an agreement arising out of a package deal with the neighbouring State of Pakistan. One of these Bills effects a change in our Constitution in order to enable us to do so and it seeks to amend the First and the Second Schedules of the Constitution. The executive or, to be more exact, the Crown under the British Constitution can cede any territory under the prerogative powers of the Crown without the sanction of Parliament. This was held in a leading case which is reported in a famous passage by Bagehot. Enumerating the powers of the Crown, he points out that the Queen can cede territory if she wishes to do so. Here we have what Bagehot would have called a controlled Constitution. Here the

position is that a territory can be ceded only—and this is the view the Supreme Court has taken—by a change in the Constitution itself. It is for this reason that they have come to the conclusion that the Constitution needs to be changed, and in accordance with the advisory opinion of the Supreme Court, the second Bill has been brought before us for consideration. Though it is not specifically stated by the Supreme Court, yet it is quite clear that these transactions are taking place as a result of the partition and as a result of the different interpretations placed upon the Radcliffe Award and the Bagge Committee's Award. One way of dealing with this matter was to refer this question to arbitration. Well, arbitration is never without risk, and Sir Cyril Radcliffe has stated categorically—and reference has been made by the Supreme Court to that opinion of Sir Cyril Radcliffe—that where his description is divergent from that given in the map, the latter should be taken into consideration and that has led to a lot of trouble. Undoubtedly, as in any border dispute, there have been constant harassment and friction over this. Therefore, taking a big view of the matter, the Prime Minister who had as his advisers some officials from the West Bengal Government, came to the conclusion that the best thing to do in the interests of both the countries was to arrive at a settlement of these disputes. This arrangement was therefore arrived at with the knowledge of the people of Bengal. When the matter went up to the Supreme Court, the West Bengal Government was represented by its own Advocate General. That does not show that the West Bengal Government or the people of West Bengal were unaware of all that had happened. After all, in a parliamentary system of government, the Prime Minister cannot act as if he is a mere servant of the legislature. The difference between the parliamentary system of government and the presidential system or the Swiss system is that under the parliamentary system, it is for the Cabinet or for the Prime

Minister to arrive at international agreements. Lord Attlee, in some of the articles which he has been contributing to the press and in some of the speeches he has been making, has commented upon the defect of the American Constitution that no one knows in America with whom they are dealing with. The President may agree to something and the President may be repudiated by the Congress because there is no harmony between the legislative and the executive organs of that Government. Fortunately, in our country there is harmony between the Legislative and the executive organs of the Government and when the Prime Minister of the country speaks, he speaks with the authority of the people behind him, he speaks with the authority of Parliament behind him, he speaks with the authority of the electorate behind him.

Well, it is essential that in international dealings, respect should be shown to international treaties. This is in the nature of an international treaty. No one will respect us, no one will look at us, if they feel that our plighted word cannot be honoured. Therefore, it is a matter of supreme importance that this agreement should be put through, that this agreement should receive the complete approval of this House.

Sir, I would say that after all we must not exaggerate the magnitude of the evil effects of this transfer. When we agreed to the partition of the country, it was effected with the consent of the people. Here it is a question of a little adjustment here or a little adjustment there. It is in the nature of a settlement of what might be called doubtful claims and it is always wise to settle these doubtful claims; not by arbitration because arbitration leads to many other evils but through negotiation, and this is what has been done on this score. It has been said that we have given more than what we have received. Well, that is not the proper way of looking at the arrangement. In fact I do not know whether we have

[Shri P. N. Saprú.]

given more than what we have received. But assuming that it is so, I would say that that is an irrelevant consideration. The paramount consideration with those who were parties to this agreement was that it would lead to greater cordiality between the two countries. I know that Pakistan is rather a difficult neighbour to deal with and none of us wants a policy of appeasement but want to be true to our policy of Panchsheel and want to be true in letter and in spirit to our policy of dealing with these questions in a large-hearted spirit. It is with the desire that there should be no future friction in these border areas that we have arrived at this agreement. It is all right for emotional speakers in the West Bengal Assembly to denounce the Prime Minister and use all sorts of vulgar language about him and about the Government. But I do not think that cuts any ice. You can fool some people for some time but you cannot fool all people for all time and I think the average voter in this country is a pretty shrewd person. I would like, however, to say that this question raises a human problem also. Twice within thirteen years, the people of Berubari who number about six thousand find themselves uprooted. They can stay, if they like, in Pakistan but we know that they will not like to do so. If I were in their place, I would hesitate to do so. Well, I do not want to live in a totalitarian state. That is a different matter. But twice within thirteen years they had to be uprooted. Therefore, Sir, their feelings in this matter are understandable; one should show sympathy to them. It is therefore imperative for us to do something to rehabilitate them. We should show our large-heartedness by providing them with facilities for rehabilitation in the State of West Bengal, if possible. Bengal has made very great contributions to the political and national life of this country. It was in the forefront of the national struggle for freedom. It gave us in the past very great leaders, and even today, Sir, Bengal is famous for its

literary, artistic, scientific and political talent. There is much talent in that State. The people of that State are intellectuals, and they are a people worthy of all respect, and our heart goes out to our people, to our brothers of Bengal. I am certain that the Prime Minister has nothing but goodwill for the people of Bengal. He has deep attachment for not only Bengal but for all parts of the country, because he symbolises in his unique personality the unity which is India. Mr. Vice-Chairman, the people of West Bengal may rest assured that we are viewing this problem from a large-hearted point of view and I am certain that so far as the Union Government is concerned, it will do everything to facilitate the rehabilitation of these people if they want to be rehabilitated. There are about six thousand people involved in Berubari, which is the principal territory in dispute. Now, we have a population of very nearly 400 millions and we do not know how to manage this population, and 6,000 will not add very much to our population. It should be possible for us and we should be able to provide them with suitable vocations and we should be able to provide them with suitable areas for resettlement. I know, Sir, that a Bengali is averse to go out of Bengal; that I think is one of their weaknesses. He is not as enterprising in this respect as the people of the Punjab are. That is the weakness. Otherwise, he is artistic, he is musical, he is eloquent, he has courage, he has dash, he has energy, he has vigour and he can do a lot in the world of thought. But ask him to do something mechanical, to take to mechanical processes involving manual labour and work with hands. He does not very much like that sort of work using his hands; he is not very good at that. By so saying I mean no reflection on my Bengali friends. If I was asked to drive a motor-car—well, that is the easiest probably that a person can do—I would miserably fail, and I have never attempted to do so in my life. Therefore, our efforts should be to provide vocations which would suit

the genius of the people of Bengal and I think, if we do that, the people of Bengal will see that this transfer is in the larger interests of the country of which they are an integral part, and to the independence of which they contributed a very great deal. Sir, who does not remember the glories of Bengal? Who does not remember that it is that land which produced Ram Mohan Roy, Chittaranjan Das, Surendranath Banerjee, Swami Vivekananda and last but not the least of all, Subhas Chandra Bose? Who does not remember, Sir, that it is the land of Bidhan Chandra Roy who in the troublous period during the dark days of the Assam trouble kept the people of Bengal in the right mood, he did not allow any disorder in his State. Therefore, I would appeal to my Bengali friends to approach this question from that large-hearted point of view which has always characterised their national outlook. I hope, Sir, that this measure, or these two Bills—one is the Merger Bill, I did not talk about that—will enable in some small measure to improve our relations with our neighbouring State of Pakistan. Nothing is more important from the point of view of this sub-continent than that the future relations between our two countries should be good and neighbourly.

Thank you very much

KUMARI SHANTA VASISHT (Delhi) Mr Vice-Chairman, Sir, I feel that in a matter where other States particularly are concerned it should not only be for them to express concern for their particular States but for other people also to be concerned about them. I feel a little surprised that sometimes the Members from Bengal only have to espouse the cause of the welfare of Bengal or of her people or of her area. I feel that it should be just as much for anxiety and worry

SHRIMATI LAKSHMI MENON Other Members also spoke, besides Bengal Members

KUMARI SHANTA VASISHT I know, yet I feel that it should be just as much our problem and our anxiety to give thought and consideration to it. It should not merely be for them to show concern. I have been concerned and I have heard with interest some of the arguments of our friends. Mr Bhupesh Gupta read at length some letters of some people and of another person, the Chairman of the Jalpaiguri Bar Association about the Award and stated that the maps that were presented by Pakistan were not correct and also that certain territories which really should have belonged to India were shown adversely in those maps, and according to those local people and members of that Bar Association some portion of the Award was challenged by them. When a certain territory is in dispute, we cannot say that it is ours or it is somebody else's. When a territory or a thing is in dispute, it belongs to neither, it is neither Pakistani property nor Indian property, the area does not belong to either. Therefore, only an Award can decide as to where it goes, and in this agreement it is not the opinion of the Bar Association Chairman or some of those other people which can be taken as authoritative on the subject. But they can always present their case and make a good case out of the materials available or enable the Bengal Assembly make a good case of it and present it when it was being considered. But their opinion as such will not and cannot really matter in a question of Award. I am particularly concerned with the question—when the transfer of areas takes place—as to how far we should be prepared for the question of the transfer of population. I am particularly concerned with the question of the transfer of population if it does take place.

These people have been affected at least once already. They may be affected another time. Are we going to presume that no trouble will take place that it will be a peaceful

[Kumari Shanta Vasisht.]

transfer of population? Even now we are receiving refugees from Pakistan, specially in the Bengal area, and I have no particular reason to believe that when this particular transfer takes place, there would be no refugees, no problems. There may be no problems at all, God willing, but the likelihood is that there would be problems. People would be frightened. It can be even an extreme case of arson, looting, murder, riots and considerable lawlessness, etc. We should not rule out the possibility that troubles will not be there. They may be there. While we know that refugees have been coming constantly from East Bengal to West Bengal, we have no reason to believe today that when this transfer takes place, it will be very peaceful and there will be no trouble. Therefore, my suggestion is that in the case of all these people, about 6,000 or so, who are going to be transferred from the Berubari Union, all their statistics, if possible, even their photographs, should be taken as was done in the case of the refugees in Delhi who had to be rehabilitated. Verifications were made—the number of people in a family, number of families, how much food they would need, how much clothing and accommodation they would need and all that. Everything should be made out in respect of every single family. The statistics of their requirements should be prepared beforehand. Even the opinions of the people may be taken before the appointed date of transfer. It should be done before the transfer actually takes place so that the Government may be in complete and thorough possession of the data. In respect of those people who want to stay in India, who do not want to go to Pakistan when the territory is transferred, we should have complete arrangements for them to stay in India; in case they get transferred to Pakistan, we should have complete arrangements for their coming to India. For a large country like ours it is not at all difficult to rehabilitate

about a thousand families or in all about 6,000 people.

In this connection, Sir, I remember the example of England when the war broke out. They probably expected it and they had all arrangements made beforehand. They were going to introduce rationing and for that they calculated the number of ration cards that would be required, the number of families, number of children in each family, how much food was to be given to each family, which was the rationing office or the rationing shop for each family and so on. Everything was clearly settled so that everybody knew that within a day or even a few hours where exactly they had to go to get their rations etc. Everything was ready before hand. Similarly, we should also have everything ready. We should not be caught unawares in a situation which can almost become a great tragedy. We should be prepared for it. So, I would request the hon. Prime Minister to see that all such things are kept ready so that we are not caught again in a confusion, chaos, panic or even a tragedy. If it can be averted, all steps should be taken to avert the situation. Of course, it may not arise at all. In that case also we will not be losing much. Only we will have to make some preparations.

Sir, Mr. Sudhir Ghosh discussed at length and I am very grateful to him that he thought that the hon. Prime Minister was at least humane. I am very glad that at least he gave him that much tribute. He said that he was not as sympathetic as some U.N. agencies or the Chairman of the World Bank or the Chairman of the Rockefeller Foundation or others. I cannot understand whether he is implying that some of them are much more sympathetic to the refugee problem in India than our hon. Prime Minister who has been known for his sympathy and so on.

Sir, the hon. Member also said that the West Bengal Chief Minister came

here with a begging bowl at his old age for money, etc. Sir, he is one of our senior stalwarts of the Congress and an old patriot, and of course, a very great personality, not only in his own State but in the whole of India where his word is almost law, one who gets whatever he wants, and he should get. But to say that he comes here with a begging bowl is not correct. If he wants the Prime Minister to go and visit that State, well, any time, any day the Prime Minister would always have some time to spend in the refugee areas with the refugees or can even visit these areas periodically. I do not think if he has ever shown any unwillingness or indifference towards such problems, especially the refugees problem. So, this thing coming from Mr. Sudhir Ghosh did not convince me very much that all these American bodies are more interested in our welfare than our own country people and our own Prime Minister. I feel very sorry that he should have put an interpretation of this kind.

[MR. DEPUTY CHAIRMAN in the Chair]

Dr. Kunzru, I think, said that he wrote to some of those people and got the answer that the Award could not be changed. Sir, the hon. Member also knows that when an award is given, it is an award and you have to take it as it is, and what the future generations would say about this agreement only history can tell. But in the present circumstances it seems that that is the only way though it might cause great anxiety and trouble to the people. For that, I think, we should have great sympathy. But I will only impress upon the Government that if exchange of population does not take place so far so good, but if it does, we should be absolutely ready for it.

श्री गोपीकृष्ण विजयवर्गीय (मध्य प्रदेश) :  
उपसभापति महोदय, मैं यद्यपि बंगाल प्रांत का नहीं हूँ फिर भी इन दो बिलों के  
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बारे में बोलने के लिए खड़ा हुआ हूँ। इसका कारण यह है कि यह जो तीन समझौते हिन्दुस्तान और पाकिस्तान के बीच में हुये हैं वे सिर्फ बेरूबाड़ी का ४॥ स्ववायर मील का हिस्सा जो बंगाल में पड़ता है उसमें ही सम्बद्ध नहीं है बल्कि श्रीर प्रांतों के भी हिस्से इसमें शामिल हैं। इस ४॥ स्ववायर मील वाले हिस्से के लिये इतना झगड़ा उठाना, इस छोटी बात को इतना बढ़ावा देना, मैं समझता हूँ कुल हिन्दुस्तान की हालत को देखते हुए मुनासिब नहीं है। इस समझौते में ४॥ स्ववायर मील का छोटा सा बेरूबाड़ी का इलाका तो है ही, साथ ही आसाम का भी मसला इसमें है। इस समझौते में त्रिपुरा और पंजाब के बार्डर भी शामिल हैं और कुल हिन्दुस्तान और पाकिस्तान के बीच शान्ति का सवाल शामिल है। दो राष्ट्रों के बीच हमेशा झगड़े चलते रहें, दोनों की सरहदों में झगड़े होते रहें, कभी कभी सरहदों में फायरिंग होती रहे, जिसमें फौजों को उधर से उधर लाना पड़ जाय, उससे डर होता है कि एक छोटी लड़ाई बड़ी लड़ाई की शकल में न तबदील हो जाय। इन सब बातों को रोकने के लिये, दोनों मुल्कों के पश्चिमी और पूर्वी इलाके में शान्ति रखने के लिये, एक समझौता करना जरूरी था। यह समझौता बड़ी दूरदेशी से किया गया है। यह बात जरूरी है कि इससे हमारे भाई जो बेरूबाड़ी क्षेत्र में रहते हैं उनको तकलीफ हुई और होगी। लेकिन इस बारे में हमारे प्रधान मंत्री जी ने अफसोस जाहिर करते हुये कहा है कि चूकि यह एक बहुत बड़ा सवाल है और इस समझौते द्वारा जिस पांच या छः हजार आदिमियों को कष्ट पहुँचेगा उनके प्रति सारे हाउस और देश के हर आदमी की सहानुभूति होगी। लेकिन मैं समझता हूँ कि सारे हिन्दुस्तान और पाकिस्तान के लिये यह समझौता एक हद तक अच्छा साबित होगा और इससे दोनों देशों के बीच सद्भावना और शान्ति कायम होगी जो कि एक बहुत कीमती चीज होगी। दोनों देशों के बीच जो अब तक तनाव और

[श्री गोपीकृष्ण विजयवर्गीय]

सर्वथ थोडा बहुत रह गया था वह इस समझौते से दूर हो जायेगा ।

इस समझौते से बेरूबाडी वाले इलाके के लोगो को कष्ट तो होगा जिमका मुल्क को बहुत अफसोस है और स्वय प्रधान मंत्री जी को भी अफसोस हो रहा है । लेकिन कुल मुल्क की हालत को देखते हुये इस समझौते को हमे मंजूर करना चाहिये । यह सवाल केवल प्रधान मंत्री जी की इज्जत का सवाल नहीं है बल्कि यह हमारे मुल्क की इज्जत का सवाल है कि हमने एक वादा किया है, एक समझौता किया है और उस पर हम कायम रहते है या नहीं । वेस्ट बगाल गवर्नमेन्ट ने अपनी पोजीशन साफ की और आखिर तक वह लडती रही कि सेंटर की इसमे गलती है या प्रधान मंत्री की गलती है । लेकिन वेस्ट बगाल गवर्नमेन्ट की मैं तारीफ करूंगा कि आखिर मे वेस्ट बगाल गवर्नमेन्ट ने कहा कि देश के प्राइम मिनिस्टर हमारे भी प्राइम मिनिस्टर हैं, इसलिये हम भी उनके साथ हैं और इस समझौते को हमे मानना चाहिये । उन सब बगाली माननीय सदस्यो ने इससे असहमत होते हुये, यह जानते हुये कि वहा के बहुत से लोगो को तकलीफ होगी, दो दो दफा वहा से हटना पडेगा, इसकी जो तार्ईद की है वह भी तारीफ के योग्य है ।

इस समझौते की आलोचना मे बहुत सी बातें कही गईं । मसलन सुप्रीम कोर्ट ने कुछ फौसला दिया, उसका जवाब हमारे प्रधान मंत्री जी ने दे दिया कि सुप्रीम कोर्ट ने तीन आल्टरनेटिव बताये और उनमे से एक हमने कबूल कर लिया और उसी आल्टरनेटिव के मुताबिक यह बिल आपके सामने लाया गया है ।

और भी मसले हैं । एक मसला यह है कि उस वक्त जो आफिसर थे वे क्या कर रहे थे । मैं भी कभी कभी इस राय का होता हू कि मलतिया अक्सर आफिसर करते हैं और

भुगतना मिनिस्टरो को पडता है । मे भी चीफ मिनिस्टर रह चुका हू और मुझे याद है कि ऐसा मेरे साथ भी हुआ । सन् १९५० में जब हिन्दुस्तान का कास्टिट्यूशन बन रहा था तो कुछ इलाका राजस्थान और मध्य भारत के बीच मे तब्दील हुआ, एक्सचेंज हुआ । उसमे हमारी गलत जानकारी की वजह से कुछ इलाका मध्य भारत का राजस्थान मे चला गया । इसमे कोई अफसोस की बात नहीं है क्योकि वह इलाका कही गया नहीं है, हिन्दुस्तान मे ही है । लेकिन मैं कह सकता हू कि ऐसे मामलो मे अक्सर आफिसर्स की गलती होती है । या तो वे सोते रहते है या पूरी तरह से जानकारी साथ नहीं लाते हैं और जब कोई मसला तय हो जाता है तो फिर बाद मे एक तकलीफ खडी हो जाती है । उस वक्त जो नेहरू जी के साथ आफिसर थे, चाहे वे कानमवेल्थ सेक्रेटरी हो या और दूसरे आफिसर हो, वे क्या कर रहे थे ? उनको सोचना चाहिये था कि वेस्ट बगाल गवर्नमेन्ट को कन्सल्ट करे ताकि मुनासिब ढंग से मसला तय हो जाय । इसके साथ साथ यह बात नहीं है कि वेस्ट बगाल गवर्नमेन्ट को पता नहीं था । उसके चीफ सेक्रेटरी यहा थे । हम बहुत से मसलो मे देखते है, चाहे वह प्लानिंग का मामला हो या कोई दूसरा मामला हो, कि अगर किसी स्टेट को इडाइरेक्ट तरीके से भी यह मालूम हो जाता है कि उसका इन्टरेस्ट इनवाल्व है तो स्टेट वाले दौड कर आते हैं और सेंटर मे अपने तमाम मसलो को हल करने का प्रयत्न करते है । मैं यह पूछना चाहता हू कि डाइरेक्टली न सही, इडाइरेक्टली जब वेस्ट बगाल के अफसरो को पता था तो वे क्या कर रहे थे । इसलिए यह मसला भी बहस का नहीं है । मसला सिर्फ यह है कि नेहरू जी ने मुल्क की भलाई मे जो काम किया है उसको हमें सपोर्ट करना चाहिये ।

वाकई बगाल ने बहुत तकलीफ उठाई है । पार्टिशन से पहले भी बगाल में प्लड्स

आते रहे, फेमिन आया और पार्टिशन से बहुत तकलीफ हुई। अब फिर इस मामले में बगाल को कुर्बानी देनी पड़ रही है। सारा मुल्क इस तकलीफ में उनके साथ शामिल है। लेकिन यह नहीं समझा जाना चाहिये कि यह कोई नेहरू जी ने बहुत बड़ा जुल्म किया है। उन्होंने मुल्क की शांति के वास्ते और दोनों देशों में तनाव न बढ़े, इसके लिए काम किया है।

एक बात और कहना चाहता हूँ। कुछ ऐसी पार्टियाँ हैं, मसलन जन संघ और कम्युनिस्ट पार्टी, जो केवल विरोध करने के लिए इस मामले को पोलिटिकल रंग देना चाहती हैं। पहले जनसंघ वालों का यह असूल था कि पाकिस्तान को अपोज़ नहीं करना चाहिये और अगर ज़रा भी बार्डर टूबल हो तो फौरन फौज भेज दी जाय और जवाबी कार्रवाही की जाये। उसके बाद यह कहा जाने लगा, और जनरल अयूब से मिलते हैं और कहते हैं कि पाकिस्तान के साथ ज्वाइंट डिफेंस पैक्ट कर लेना चाहिये। इस प्रकार पहले अपोज़ में पालिसी का विरोध किया गया और फिर ज्वाइंट डिफेंस पैक्ट या दोस्ती की बात कही जाने लगी। अब जब ब्रेरूबाड़ी का मसला आया तो वे जलूस निकालते हैं और कहते हैं कि कांग्रेस ने बड़ी भारी ग़तती की, क्यों पाकिस्तान के साथ समझौता किया। तो उनका एक असूल नहीं है। उनका काम केवल विरोध करना है। कम्युनिस्ट पार्टी के विषय में क्या कहूँ। चीन ने भारत के इतने बड़े इलाके पर कब्जा कर लिया, लेकिन वे कोई हल्ला नहीं करते हैं। इस साढ़े चार वर्ग मील इलाके के लिए वे बहुत ज्यादा हल्ला कर रहे हैं। मैं हिस्ट्री की एक बात बतलाना चाहता हूँ। हमारे कम्युनिस्ट पार्टी के लीडर ने कहा था कि चैटेल्स की तरह हमारे हज़ारों आदमी उधर दिये जा रहे हैं, यह क्या बात है? आप इंटरनेशनल मसलों को देखिये। जब सैंकिड वर्ल्ड वार खत्म हुई तो सोवियट रूस

ने फिनलैंड और रूमानिया का बहुत सा इलाका अपने देश में मिला लिया। इस प्रकार फिनलैंड और रूमानिया के बहुत से लोग रूस में चले गये। तो क्या वे चैटेल्स की तरह से चले गये या क्या हुआ? सोवियट रूस ने खुद जब इलाकों का तबादिला किया तो हज़ारों नहीं बल्कि लाखों आदमी उधर से उधर चले गये। उसको क्या चैटेल्स का तबादिला कहा जायगा। इसी तरह से जर्मनी का बहुत सा हिस्सा पोलैंड को दे दिया गया। तो खुद सोवियट कंट्रीज़ में इस तरह से इलाकों का तबादिला होता है और उसमें कुछ न कुछ तकलीफ होती ही है।

मैं सिर्फ यह कहना चाहता हूँ कि हमारे मुल्क की भलाई के वास्ते यह समझौता हुआ है और यह बहुत अच्छी चीज़ है और इसको हमें मंजूर करना चाहिये। यह ठीक है कि इसमें कुछ लोगों को तकलीफें होंगी, लेकिन उनको फिर बसाने के लिये गवर्नमेंट खुदबखुद कार्यवाही करेगी। प्राइम मिनिस्टर साहब ने भी कहा है कि हम इसके लिए कोशिश करेंगे कि उनको अच्छी तरह से रिहैबिलिटेड किया जाय और उनको तकलीफ न होने पाये। जो लोग इसमें अफेक्टेड हैं उनके साथ हमारी सहानुभूति है। लेकिन दो मुल्कों के बीच में जो एक समझौता हुआ है वह हमारी ज़बान और हमारे वर्ड की इज़्जत का सवाल है, इसलिए उसको हमें मंजूर करना चाहिये।

SHRI J. S. BISHT: Mr. Deputy Chairman, I rise to support the Constitution (Ninth Amendment) Bill, 1960 and the Bill regarding the merger of some territories. Various points have been raised here. The first point to be considered is that we have the fact of the Nehru-Noon agreement. That agreement has been arrived at after very careful consideration and after taking the advice of the various officers concerned. It has been alleged here from the other side that certain officers have made a great mistake, that the correct position was not brought to the notice of the Prime

[Shri J. S. Bisht.]

Minister and that the human aspect of the problem was ignored. Maybe, for after all, we are human beings and we are liable to err. However careful we may be, mistakes are apt to occur. Even so, it is not possible for us now to go back on that agreement solemnly entered into by the two Prime Ministers of the two neighbouring States.

After that, the Government of India wanted that a Bill be introduced in Parliament to legalise the transfer of the territories which were mutually agreed upon between India and Pakistan. But doubts were expressed that Parliament was not competent to pass such a law. The matter, was, therefore, referred to the Supreme Court. We all know that what the Supreme Court has said is only in the nature of an advisory opinion. The very title of it shows that it is:

“Advisory opinion of the Supreme Court of India in Special Reference No. 1 of 1959.”

I will just quote for the benefit of hon. Members one or two points from that opinion of the Supreme Court. After examining the various contentions put before them by our Attorney-General, they say:

“Therefore our conclusion is that it would not be competent to Parliament to make a law relating to Article 3 of the Constitution for the purpose of implementing the Agreement. It is conceded by the learned Attorney-General that this conclusion must inevitably mean that the law necessary to implement the Agreement has to be passed under Article 368.”

And then they go on quoting article 368. And thereafter they say:

“We have already held that the Agreement amounts to a cession of a part of the territory of India in favour of Pakistan; and so its implementation would naturally involve the alteration of the content of and the consequent amendment of Article 1 and of the

relevant part of the First Schedule to the Constitution, because such implementation would necessarily lead to the diminution of the territory of the Union of India. Such an amendment can be made under Article 368. This position is not in dispute and has not been challenged before us; so it follows that acting under Article 368 Parliament may make a law to give effect to, and implement, the Agreement in question covering the cession of a part of Berubari Union No. 12 as well as some of the Cooch-Bihar Enclaves which by exchange are given to Pakistan. Parliament may, however, if it so chooses, pass a law amending Article 3 of the Constitution so as to cover cases of cession of the territory of India in favour of a foreign State. If such a law is passed then Parliament may be competent to make a law under the amended Article 3 to implement the Agreement in question. On the other hand, if the necessary law is passed under Article 368 itself that alone would be sufficient to implement the Agreement.”

In accordance with this advice which has been given by the Supreme Court, the Government of India has now come forward with these two Bills one for the amendment of the Constitution and another for the acquired territories merger. Having gone so far, it has been pointed out by the other side that we are not being ruled by a democracy. It is said that there is a sort of dictatorship and that it is masquerading under the name of democracy. Nothing could be more untrue and such speeches are liable to mislead the people. When we were discussing the Preventive Detention Bill, this was the point brought forward by me also that it would be better for the parties to advise their own followers in the country in general to obey the laws made by Parliament which is a body elected by the people themselves. It does not lie in their mouth to propagate ideas which are totally contrary to facts. We all know, Sir, how

democracies function. A democracy must be distinguished from mobocracy. Democracy is not mob rule. A democracy functions in an organised manner and that organised manner is that people from various constituencies elect their representatives and the representatives elect their Government. Whatever group happens to be the majority party, that party has got the power of government and that is the recognised Parliamentary form of democracy in the world, and to say that we are here enacting a law merely to see that the prestige of Pandit Nehru does not suffer is to distort the truth completely and to malign the Congress party here. In every country, whenever there have been crises in war or in emergency, you must have seen that the democracy does function through the accredited leader of the majority party. It was so in America when Mr. F. D. Roosevelt was the President for the long period of twelve years. He was a dictator, you may call him so, but he was a dictator willingly adopted by the people. He was the spokesman and he was voicing the will of the people. That was so during the First World War in England when Lloyd George was functioning as the Prime Minister; that was so during the Second World War when Sir Winston Churchill was functioning. A dictator cannot be removed whereas in a parliamentary democracy the whole party can be removed. In 1962 there will be a general election. It will be open to our friends here to carry on propaganda in their constituencies to convince the people there that we had been wrong, that we had entered into wrong treaties and that we had somehow done something which is quite harmful to the interests of the country. They can get a mandate in their favour and do whatever they like. Until then, to tell the people that we are not functioning in a democratic manner or that we are doing something which is ultra-constitutional is to defame not only the party in power but to defame the very idea of democracy itself.

I have really very great sympathy for these six thousand refugees who were settled in Berubari. Of course, all of them are not refugees; some of them may be refugees who were settled there and they will have to strike their tents again for the second time but that is something tragic which we cannot help. We have to balance these factors. We have been having trouble with Pakistan on both the eastern and the western borders for almost twelve years continually. We have been having skirmishes and we have been having people invading the areas. There has been firing on this side and there has been firing on that side. The people who were cultivating their small holdings in that area were not safe and their property was not safe. Their cattle were not safe because cattle lifting was going on on a very large scale. Now, we have to decide whether we want to have peace on these long frontiers, east and west, or just for the sake of a small bit of land, nearly  $4\frac{1}{2}$  square miles and six thousand people, we have to have again a renewal of the same old trouble, the same old skirmishes, the same old firing on the Assam border, on the Bengal border and on the Tripura border. These are the factors that have to be balanced. Suppose, for the sake of argument that the officers who are said to have made a mistake in not bringing this point to the notice of the Prime Minister had brought this point to the notice of the Prime Minister, even then the Prime Minister would have had to balance these factors. What else could he do? We have to make a choice between two evils, one very big evil, namely, perpetual firing against one another, perpetual skirmishes, perpetual cattle lifting and insecurity of life and property, and the other, this cession of a small bit of territory of six thousand persons.

SHRI BHUPESH GUPTA: Now, it is a big-scale human lifting.

SHRI J. S. BISHT: No, it is not a big-scale lifting. The point is this. Partition itself was very painful to us all and I think it was painful to my friend also but it had to be done

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when a group of people had developed the two-nation theory and did not want to live in a common motherland, what could be done? That was the only way left. If in a family two brothers are determined to quarrel with each other, is it better that they go on quarrelling under the same roof or that they peacefully divide and go different ways? Partition meant a great migration of people from east to west and west to east and nearly a crore of people from India to Pakistan and from Pakistan to India were involved, if you take both India and Pakistan together. Formerly they belonged to India and lived under the same Government and very peacefully, but unfortunately there were all kinds of violence and this mass migration took place. As compared to that, what is this? It is only a minor affair. I know that harm should not be caused even to a single human being but what is to be done? should we continue to have strained relations, constant squabbles and skirmishes or should we have peace on our two frontiers? I say, Sir, that is why Government was right in deciding that it is better to pay this little price in order to have peace on our two frontiers. Whether we shall have peace or not is a matter for the future to decide but, at the same time it is an act of faith for all. If we had not started taking these small measures, deciding the border questions by cession of a small bit of territory, having the Indus water dispute resolved and so on and so forth, how could we reach that stage when we could live like Canada and America together without a soldier on our frontiers? This should be our aim and it is necessary that for the prosperity of India we should live in peace together. Therefore, I submit, that taking this point of view into account, it is right and proper that these Bills should be passed and the Nehru-Noon agreement should be ratified by Parliament.

Lastly Sir, I have to say only one thing and it is this. The Prime Min-

ister said yesterday that there are certain steps to be taken, for instance, after these Bills have been passed, officers would go to the spot to demarcate the places because without the sanction of Parliament demarcation cannot take place. Demarcation will take place, and I believe the verification also will take place with regard to property of the people there. Every possible precaution should be taken during this interval of three or four months so that no harm is done to any man, woman or child or to any property. If those people want to migrate, they should migrate peacefully and the transference of population should be done as peacefully as possible.

SHRI BHUPESH GUPTA: They cannot transfer property.

SHRI J. S. BISHT: Why? What is the difficulty?

SHRI BHUPESH GUPTA: That would be Pakistan territory after this measure. As you know, from East Pakistan authorities you cannot bring more than fifty rupees and that too you have to take back. No use telling these things.

SHRI J. S. BISHT: This is a new agreement in which we say that two sets of officers will go to the place and demarcate the area. At the same time two sets of officers can go to the place and take all these precautions in this matter and when they come back, those who come back will have to be resettled properly and necessary protection, police protection and army protection, both by Pakistan and India, should be given so that no harm is done to anyone, whether man, woman or child. With these few words, Sir, I support these two Bills.

SHRI SUDHIR GHOSH: Sir, on a point of personal explanation, it has been brought to my notice that while I was absent from the House a little while ago, the hon. Lady Member, Miss Shanta Vasishit, made a speech in which she has put into my mouth things that I had not said about the

Prime Minister. According to her understanding or misunderstanding of what I said I am supposed to have said that outside agencies like the World Bank or the U.N. Special Fund or the Ford Foundation were more interested in the troubles of West Bengal than the Prime Minister. I said nothing of the sort. What I said was that the World Bank Mission had very sharply drawn the attention of the Government to this problem of refugees and disintegration in the Calcutta area and in fact they have described it as one of the most dangerous weaknesses of the Third Five Year Plan. And I said that in our part of the country we have a sense of sorrow that we have not been able to rouse in the Prime Minister and the Finance Minister, in spite of the efforts of the Chief Minister, the kind of interest that is wanted.

**SHRI BHUPESH GUPTA:** The World Bank is one of his fads. West Bengal does not need such things.

**THE PRIME MINISTER AND MINISTER of EXTERNAL AFFAIRS (SHRI JAWAHARLAL NEHRU):** Mr. Deputy Chairman, Sir, I do not think the hon. Member who has just given a personal explanation need trouble himself about explaining what he says. It does not really matter very much what he said or did not say because he brought into this matter which we are discussing a much wider issue and that is the question of rehabilitation in Bengal. It is a very big issue and there can be no doubt whatever that conditions there have been bad, continue to be bad, in many ways. Who is responsible for this, how many people or Governments share this responsibility, it would be difficult for me to say in a few words. It will require a long analysis. It is not a question of money, may I say straightway, except in the sense that everything ultimately depends on money to some extent? It is a question of the people themselves being helped to do some things. It is well known that many of the efforts the Bengal Government or the Government of India

have made have been to some extent frustrated by big agitations raised against them. Here is this very great project in Dandakaranya; a vast tract of territory is being built up and agitations have been made so that people may not go there.

**SHRI BHUPESH GUPTA:** Never.

**SHRI JAWAHARLAL NEHRU:** The hon. Member says 'never' and it would be unbecoming of me to describe that 'never' as I should like to but the fact is that certain groups have encouraged them to stay on in Calcutta and continue to draw doles and allowances instead of going and getting rehabilitated. And when some action was taken to see that either they go there or their doles are stopped, there were agitations against that. Why should any person go anywhere if he continues to get a free allowance? I am not blaming the refugees at all; maybe, I might have done the same if I were in the Opposition.

**SHRI BHUPESH GUPTA:** Here again is another matter on which the Prime Minister is wrongly advised.

**SHRI JAWAHARLAL NEHRU:** In this matter I was not speaking from advice but from personal knowledge. However, that is not a matter for me to deal with here.

We are dealing with this Amendment Bill and the Merger Bill, two Bills which are parts of the same transaction, and I should imagine that after the debate we have had here and also of course elsewhere, the facts lying behind this transaction and what happened subsequently are fairly clear. There can be a difference of opinion, of course, about some matters but the facts are clear, the law is clear, though I regret that some people, in spite of all these efforts of ours, have not perhaps been convinced. So I do not think any new words that I can say can convince them. References are made to the law, references are made to the Supreme

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Court's advice in the matter and rather extraordinary conclusions are drawn from them. I have just again, to refresh my mind, looked at the Supreme Court's advice and I can see nothing to justify the kind of comments that have been made by some hon. Members opposite in regard to that, as if we are doing something against that advice. About this question of cession, much is made of the use of that word. Of course, it is cession; anything that goes is cession; you can call it transfer or you can call it cession. But what lies behind it? Surely, the whole question of these agreements, the matters contained in these three agreements and the whole question of Berubari have not descended from the heavens. They arose out of certain backgrounds, certain conditions. They arose out of partition. Let us put aside the question of whether our agreeing to these agreements was right or wrong; I shall deal with that later. But the fact is obvious, unchallenged, that they flow from the difficulties of the partition, the whole partition, more particularly the partition as affecting the eastern area of West Bengal, Pakistan, Assam, Tripura and those areas. There is no doubt about it. They would not have occurred if there had been no partition. Secondly, they arise from Justice Radcliffe's Award. There is no doubt about it. It does not matter whether each individual thing is mentioned in Justice Radcliffe's Award or not. They come out of it. All the time, first Justice Radcliffe and then Justice Bagge have been dealing with these many problems on the border—there was a vast number of problems to begin with—solving many, some to our advantage, some to our disadvantage. So this question of Berubari, as I said before it is perfectly true, is not referred to in Justice Bagge's Award. It was not referred to because at that time a larger area was vaguely referred to; not this and the Pakistan Government did not bring this forward as a specific item before Justice Bagge. We

could not bring it forward of course; why should we? But very soon after the Bagge Award this matter was brought up eight years ago and since then it has been a continuously pending question, being argued, being disputed and all that. So it was obviously a dispute connected with, and flowing from, partition, and we had either to solve it or to allow it to remain unsolved or to refer it to some tribunal or other. This was the choice. If that was the choice then we could consider it by itself or as part of a larger understanding dealing with all these issues. We have tried for eight long years to come to an agreement about several things. The second approach was taken up of having a complete understanding of all those issues which were in dispute in the Punjab, in Assam and in the Bengal border. In doing this one has to take it as an integrated whole and see in the balance whether it is good or bad and if it was doubtful one could even reject it. The other possibility was to refuse to settle these things, to have these borders always giving trouble to the people who live on either side, constant trouble, constant conflict, poisoning the relations between the two countries and doing great harm to the country more especially on the border. West Bengal was intimately interested of course. They wanted a peaceful border. So also Punjab. So we took up that attitude. That does not mean of course that in taking it as a whole we should do something that is wrong or unjust in regard to a part of it. Obviously, when you take up these things, there is a measure of give and take. It cannot be all taking, nor can it be all giving. Otherwise, you do not arrive at a settlement. After all, as I said, we have had this argument going on for the last twelve years or in this particular matter eight years. It had profited none, certainly not the people living on the border, who could neither properly trade nor properly live because of these difficulties. So, it was taken up. And I have ventured to say that taken as a whole it was definitely

a good agreement, advantageous to India, and if I may say so, advantageous to West Bengal and Punjab. There is the question of some population going over. If some territory goes or is exchanged, these population problems inevitably do arise. Nobody was ignorant of them at the time we did it. Nobody has mentioned it here, the fact that in Punjab, in one of the settlements relating to Punjab border, somewhat over two thousand people go over from India to Pakistan, and some other thousands come over to India. Obviously, people live there, except in a completely forest area. Maybe, people do not live in the Patharia forest or very few people live there. Take the Cooch-Bihar enclaves. I forget it now, but over ten thousand people come to this side, to India. In the Suleimanke Headworks area, in Punjab, 2100 of our citizens go over. They may not actually go over. They may come over. That is a different matter. But at present they reside in the area which is going over there. So, it inevitably happens. One cannot escape that. We have to balance it with various considerations. I would submit that balancing it with all the various considerations I have no doubt in my mind that the advantages of this agreement far outweigh the disadvantages. There are disadvantages. There is unhappiness. We can try to reduce that unhappiness, lessen it and help in that. But in the broad analysis much more happiness is caused by the mere fact of putting an end to the troubles on the border. I may submit that I may be partial to this in the sense that I had been connected with it. Maybe my mind is somewhat coloured by too much looking at it and maybe it has got into a rut. But I have looked at this problem in various ways for the last twelve years. As I mentioned yesterday I took the burden of these Indo-Pakistan disputes a little bit too heavy for me. So first of all, I transferred the formal looking into them—of course, I was connected with it—to my dear colleague, respected colleague, Shri Gopalaswami

Ayyangar, who brought no passion or prejudice to this question. He brought to it his cool, objective intellect. He dealt with these problems for several years till unfortunately he died. Of course, we, the other colleagues of mine, always work together. The Cabinet works together. So, it may be that for these many years looking at these maps and this and that I might get confused, I might get into a rut of thought. That may be so. But I was glad to see that a person who certainly cannot be accused of having got into this rut of thought or of any partiality in this matter, the hon. Dr. Kunzru, after closely examining all these matters came to a certain conclusion in regard to this arrangement when he said: "Broadly speaking, this is a desirable one and it should be supported." I value that opinion not only because I value his opinions, but more especially he brings a fresh mind, an objective mind, with no trace of partiality this way or that way. So, as he said, on a consideration of all facts, India is not a loser even from the narrowest point of view. From a broad point of view he is against it certainly, but even from the narrowest point of view, India is not a loser as Dr. Kunzru said.

All kinds of arguments have been raised about maps. Hon. Member, Shri Bhupesh Gupta, talked about maps. There are maps and maps, many maps. There are maps printed in the newspapers in West Bengal. There is a blueprint, to which he referred, of a map published by the Bengal Government Drawing Office in 1923. There are later maps and so on and so forth. Some people said that the then West Bengal Government forged the map. Maybe. It is very difficult for me to decide as to what is a forgery. What we have to decide at the present moment is to interpret Mr. Justice Radcliffe. We cannot go behind his decision in this matter. And it appears, as was, I think, stated in the other House and referred to here, that even Mr. Radcliffe's attention was specifically

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drawn to all these maps, forged maps and whatever it is. This argument was raised before him and he sent a reply that he was not prepared to consider these things again or afresh. The West Bengal Government at that time appeared before Mr. Justice Radcliffe. They were our judges there. There is no doubt that all the proposals were there at their disposal, unless some fresh discovery is made. Even so, the major event in India is the partition of India, followed by Justice Radcliffe drawing that boundary. One cannot go behind that, not in law or fact. It is a known fact that some of their decisions are beyond my understanding. I can criticise them as they do. As I mentioned yesterday, one of them is the Chittagong Hill tract. I cannot conceive of that large area, though with a small population, being handed over to Pakistan. Some of our friends from the Chittagong Hill tract and others complained to me bitterly. I said: "What am I to do about it? I agree with you entirely. Having accepted Mr. Justice Radcliffe as the person who will decide this, I have to accept his decision." And so I had to accept it. You can criticise it, but I cannot go back to maps and charts now, except from the historical point of view. We can look at them. Nevertheless, having looked at these maps and charts, I have seen nothing to change my mind in regard to these matters. I think Dr. Kunzru already mentioned the border of this thana, the border of Deviganj, and all that. We did not go into that. All that comes out of it is a certain measure of confusion. There it is. Further, whether it is confusion or even lack of confusion, the fact still remains that Justice Radcliffe, in a sense, ended that argument by taking up a certain position. Now, we can only interpret Mr. Justice Radcliffe. We cannot say that Mr. Justice Radcliffe was misled by a wrong map or a forged map. We cannot go into that. At any rate, I do not see how we can go into it.

Then, there is this argument about the Supreme Court's advice. As I said—I have read it again and just before I came here I again looked into it—it is not for me anyhow to criticise the Supreme Court. But I have found no difficulty. I see no conflict between broadly what our approach had been and what the Supreme Court had been pleased to say. They pointed out that this area of Berubari had been a part of Bengal in the records of Bengal, etc., it cannot be handed over without an amendment of the Constitution, and that it cannot be treated as one might treat perhaps some small adjustment of the border. Now, on that there was long argument in the Supreme Court that that might be tried. They have decided that we cannot. If I may say so with all respect, they have rightly decided. But take another thing, take the Cooch-Bihar enclaves. There was dispute about them. But if that exchange takes place, it means cession, transfer of enclaves in our possession which are in the middle of Pakistan, and cession by Pakistan of the enclaves in their possession. It is cession. There can be no doubt that the Cooch-Bihar enclaves are not covered by Justice Radcliffe or Bagge or anybody. It is an independent act of two Governments for their own convenience to exchange territories which they can deal with much better in that way. Anyway that involved a proper cession.

So far as Berubari is concerned, I would beg hon. Members to remember that all these areas including Berubari are after all small areas. The whole of Berubari Union is 8.75 square miles. Half of it is 4.37 square miles or whatever it is. It is a tiny chip. Maps, apart from very very large scale maps, do not show these areas, a tiny area in a border in a big State or a big country. There is no doubt that it had been included in Bengal all this time, all these areas have been. I do not know what might have been the opinion of the Supreme Court if this matter had

come up, let us say, a year after partition. It might have been different, but after all these years I think we should always err on the side of protecting our territory and not allowing it by some extension or some argument to be transferred without the full process of law as contained in our amendment. Indeed one of the proposals which the Supreme Court had been pleased to make as to the method of doing this—which is quite correct of course, but we thought that that would make easy in the future for such transfers to take place—was by the majority in Parliament. We thought that we should make it more difficult and not easy at all. Therefore, we did not accept that particular proposal but accepted the second one or the third one which they had suggested. Therefore, I do venture to submit that there is nothing in the Supreme Court's advice which comes in the way at all, legally or factually, of what we are putting forward here.

Now, Sir, in judging these things in the balance, one may do so in many ways. Of course, there is territory, there is population, there are other factors, and these are factors which you can weigh and measure. There are other factors which it is very difficult to weigh and measure—psychological factors, a whole situation may change, a peaceful frontier may be disturbed and become a war-like frontier, those you cannot measure, although you know, you feel. Look at this problem from either the strictly narrow point of view of area, population, etc., or the broader point of view of a peaceful frontier which is after all a very important one, a peaceful frontier, that is, arrived at by more or less friendly agreement, not a frontier imposed upon us by force of arms, that is not a peaceful frontier. It is a big thing, and there can be no doubt at all that everyone on either side of the frontier gains very greatly by a peaceful frontier. But leave that

out for the moment and measure this by these more solid tests if you like, about population, about territory, this kind of thing. If you measure it from that point of view, again, we are not losers. We are broadly gainers both in regard to population and—I am not quite clear about territory, but I think we are, broadly. For the moment I was talking about the whole agreement on all these areas, because, naturally, in these matters one thinks of an integrated approach, of India as a whole, of the Punjab, of Assam, of Tripura, of Bengal, and all that, avoiding injury to any particular State or any particular area. Naturally, if you take up just one little bit and forget the rest, it may appear to you that there is some disadvantage to us there. But if you look at it as a whole, there is no doubt that we are gainers apart from that broad perspective of a peaceful frontier.

Hon. Members who opposed this have spoken, some of them, with great vehemence about my own competence and all that. Whether I am competent or incompetent I am no judge obviously, but in regard to this particular matter it seems to me that a little more cool-headedness is necessary. It does not help in the slightest if we lose our heads because we are emotionally worked up. It does not matter always to be swept away in one's thinking or emotions, but it is particularly dangerous to allow that to happen when we are dealing with foreign countries. My getting excited may affect my people, I may affect my people, but my getting excited will not affect the foreigner or the foreign country in the slightest. It is only I who will lose by it, by losing my balance, and the other party will take advantage of it. We are dealing in this case, as we often have to do, with international matters, international boundaries, with other countries, other countries with whom we want to have friendly relations for the simple reason that it is inevitable that countries so closely allied but

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gain. However much we want those friendly relations, those relations have not been there. I am not referring to any particular person but to the consequences of history, to what has happened. We are trying to get out of it because it is a bad thing to think that we live in eternal conflict. Conflict is bad anywhere. Conflict in such a case comes in the way of our development, everything. We want to concentrate on development, economic, social and other. It comes in the way our minds are turned away, and our passions are directed to other ends when one tries to do it in the right way, because there is no ending of trouble if one is afraid and if one does something under compulsion or coercion. This was the approach, and I submit that after all these debates and everything, if this matter came up before me again, I had thought what I would do. What I would do it is difficult for me to say, but I think the right thing to do would be what has been done, let there be no mistake about my opinion about it, with one saving clause. I would say that the saving clause is this. I said here and in the other House that I was not at that time particularly acquainted, that my mind was not drawn to the human aspect of this problem, just as I have said nobody told me at that time and I did not think that that part of the agreement relating to Suleimanki in the Punjab has affected two thousand of our citizens. I knew that it affected people, because people usually live on land. Punjab is not a desert country or wasteland, they live there, but nobody directed till I fished it out myself. Everybody has accepted this agreement in the Punjab, and they say they are going to celebrate it by illuminations. That is one reaction to it, although they are losing 2,100 citizens and not getting many back from any other area, some of them, very few. Of course those 2,100 people may remain our citizens; they may come into India. That is a different matter. So, I knew that if an area went, persons would be affected. That is obvious. I did

not know at that time the composition of the population, whether Hindus or Muslims. I did not know at that time how many were refugees from East Pakistan. That made a difference to my thinking later and a certain tragic aspect of this question came before me, apart from the normal aspect, that people would be affected. If I knew that, what would have happened at that time? As I said, I did not know it. But as far as I can judge, what I would have tried to do was to get this agreement through as it was more or less but perhaps, in that atmosphere which was a good atmosphere for a settlement I would have tried to exchange this for some other part—that would have depended upon the agreement with Pakistan, these matters depend on agreement—if I had thought then that there was a considerable possibility of the whole of the Berubari Union going away from us—there was a possibility—and that has no relation to what the Government of India or the Government of West Bengal or the people of Berubari did, because this was an approach flowing from the partition and arbitration and judicial procedures. If I get a decree against me, what am I to do? Either I break the law, take it in my hands—national or international—or I submit to it whatever the consequences are. In effect, some people have used this expression: "Obviously, this was some kind of a free gift being made to appease Pakistan." The word 'appease' is particularly popular with some people in this country. And personally, I rather fancy the word 'appease'. I do not see why we should not have peace, if by peace you get good consequences. There is no meaning in this kind of appeasement. If it is meant normally that steps are taken in fear of something, then I deny it absolutely. I hope that whatever the consequences may be, India will not react to any situation in fear. But if it means that we are always trying to gain the friendship of others, to undermine their hostility and thereby strengthen ourselves and not to do anything wrong, then

it is the right step to take. These words have no meaning. It is a broad mental and physical approach that has any meaning. Surely, the strength of a nation does not consist in loud slogans and long processions and generally shouting a lot. Maybe sometimes some people believe that they may do it. But again I would repeat that this kind of a thing done by a people of a country does not impress another country. If we function in this way, let us say, against China with whom we have a very serious dispute and trouble, if we have processions here against China, as the Chinese or some other people have against some other countries sometimes, well, the other countries are not affected. Our procession will not affect the Chinese just as theirs will not affect us. So, let us look at these problems—international problems—in some perspective and understand them. We are not going to shout down others by our slogans here. We are not going to affect anybody else except ourselves in that process. Here are serious grave problems and they have to be considered as much as possible objectively and with determination. If any of us is guilty of being casual or careless about the interests of India or as the expression has been used “betraying the interests of India”, hang him; the slogan is not enough. Let this be understood that the first thing for any government or any Member of Parliament is to protect the freedom and integrity of India. That is the first thing but do not imagine that either freedom or integrity is going to be protected by hysterical outbursts which have no relation to facts. The world is not of our making. Here we stand today in this world with at least two areas—maybe more—where there is extreme peril, extreme danger—Laos on the one side and the Congo on the other. Both are in a highly perilous state. I cannot control them. I can occasionally express my opinion. I try to do so in moderate language. I cannot control it. No. Any resolutions that we pass, even a statute of Parliament here

will not control those matters, what happens there. So, I would beg of this House to look at this problem, as other problems, in this perspective. I do not mean to say that the Congo or Laos has any relation to Berubari. None whatever, of course. But what I mean to say is we live in a world where we have to function with firm determination and if you like, with clenched teeth but with cool heads and not a kind of super-heated atmosphere where emotions seize us and draw us hither and thither and where we cannot judge a particular position or situation correctly. I do submit therefore that the agreement that was arrived at in 1958 and the two subsequent agreements which are not in dispute, all these three agreements, were the right approaches to solve an important problem, and right even from the narrow point of view. If at that time possibly my mind had been brought to that fully, I would have tried to get something in exchange for Berubari. That is a different matter. That too I tried later without success. There it is.

May I say that when we talk about peace on the border, etc. I have been asked, “Can you guarantee peace there all the time?” How can I guarantee anything? I cannot guarantee the behaviour of any other country. I cannot give any guarantee about the behaviour of my own country and who am I to guarantee the behaviour of other people? Others will be in charge of this country; generations come and go. Things happen. But I hope this will last. All of us love our country dearly, we love it not only because of many factors but because we think that it has tried to keep up a certain moral and ethical outlook in the world. That it has followed. Individuals may err. But the broad attitude of our policy—certainly, I am not talking about historical ages, but certainly since Mahatma Gandhiji’s time—has been not to do the wrong thing even though it might appear to be advantageous to us, because fundamentally it cannot be advantageous to us if it is a wrong thing. And may I remind this House

[Shri Jawaharlal Nehru]

of what happened in the early days of independence? And those were the last days of Mahatma Gandhiji. When discussing about our financial affairs with Pakistan, there was a long list of matters to be discussed and decided. One item on the list was about certain balances to be divided. At one of the conferences held, it was in regard to this first item that a temporary, provisional agreement was arrived at, under which we had to give Rs. 50 crores to Pakistan, but under some other head, they had to give us much, a great deal. But the discussions did not continue then; they were postponed to a later day. Our whole approach to this matter was that we would go through all this and in the balance, whoever owed money to the other party would pay up. While this was happening, about that time, there was the invasion of Kashmir by the raiders who were supplied with arms and buses and all that by Pakistan. And that created a tremendous reaction in India, an angry reaction. That was the background. Pakistan claimed those Rs. 50 crores, which we had agreed to, but agreed only in the sense that one item of the agreement had been decided on and many still remained, tied up with it, to be disposed of. None of us was in a position to agree that that amount should be paid outright when there were other items in respect of which they were to pay. None of us, when we discussed this issue in the Cabinet ever thought that there could be another answer to the issue of our paying them Rs. 50 crores. We said that that was only part of the agenda and that when the whole was finished, we would pay the sum. No doubt in our mind there was this other factor that Pakistan through the raiders and others was waging war against us. Are we going to present them that money to fight us, Rs. 50 crores—a tidy sum. Well, that is how we felt being ordinary fallible mortals. But when Mahatma Gandhi heard of it, he was much upset and said: "You have given your word; do not find excuses to break it; pay them the

Rs. 50 crores even if they use them against you in Kashmir or anywhere; your word given on behalf of India is more important than anything else." Naturally, under his advice we paid the Rs. 50 crores, and I should imagine that that was perhaps almost a unique example in history anywhere, that we paid this money to a country that was fighting us in the battle-field at that time, that we supplied the sinews of war to them to do the fighting, when really it was a very much arguable case that a settlement had not been arrived at. Only item No. 1 on the agenda had been taken up and disposed of. There were ten more items in which they owed us money and which were not taken up till then. A few of us were capable of living up to that high standard but certainly something of it, I hope, still clings to our minds and hearts. Even so, presumably we are more or less practical politicians and we have to consider all these matters from the strictly practical point of view, and so far as this is concerned, we have done so, we have tried to do so and I believe we did the right thing. I have ventured to place all these matters in the hope that the House will also agree.

Thank you.

SHAH MOHAMAD UMAIR (Bihar): Sir, admittedly it is to the credit of the historical greatness of India that her words are going to be kept up; they are not only going to be kept up but are going to be given concrete shape by amending our Constitution for that purpose.

MR. DEPUTY CHAIRMAN: No speech, Mr. Umair.

SHAH MOHAMAD UMAIR: No speech, Sir, but I seek a clarification. Now no Government of India will be able to undo this agreement which is going to be covered by an Act today. Now may I ask one word? Because Pakistan has got no Constitution and the agreement is now going to be made with the President of Pakistan.....

MR. DEPUTY CHAIRMAN: Order,  
 order.

SHAH MOHAMAD UMAIR: . . . whether any future Government of Pakistan will be able to keep alive this Agreement for all time to come and honour it, which India will have to under her Constitution which is being amended today?

MR. DEPUTY CHAIRMAN: 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, as passed by the Lok Sabha, be taken into consideration."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—  
 172; Noes—16.

AYES—172

- Abdul Rahim, Shri.
- Abha Maity, Shrimati.
- Abid Ali, Shri.
- Agarwala, Shri R. G.
- Agrawal, Shri J. P.
- Ahmad, Shri Ansaruddin.
- Ahmad Hussain, Kazi.
- Akhtar Hussain, Shri.
- Ali, Shri Mohammad.
- Amrit Kaur, Rajkumari.
- Anis Kidwai, Shrimati.
- Annapurna Devi Thimmareddy, Shrimati.
- Anwar, Shri N. M.
- Arora, Shri Arjun.
- Bansi Lal, Shri.
- Barlingay, Dr. W. S.
- Barooah, Shri Lila Dhar.
- Basu, Shri Santosh Kumar.
- Bedavati Buragohain, Shrimati.
- Bharathi, Shrimati K.

- Bhargava, Shri B. N.
- Bhargava, Shri M. P.
- Bisht, Shri J. S.
- Chakradhar, Shri A.
- Chandravati Lakhnapal, Shrimati.
- Chatterji, Shri J. C.
- Chaturvedi, Shri B. D.
- Chauhan, Shri Nawab Singh.
- Chavda, Shri K. S.
- Chettiar, Shri T. S. Avinashilingam.
- Chinai, Shri Babubhai.
- Das, Shri Biswanath.
- Das, Shri N. K.
- Deb, Shri S. C.
- Deogirikar, Shri T. R.
- Deokinandan Narayan, Shri.
- Desai, Shri Janardhan Rao.
- Desai, Shri Khandubhai K.
- Deshmukh, Shri R. M.
- Dey, Shri S. K.
- Dharam Prakash, Dr.
- Doogar, Shri R. S.
- Dutt, Shri Krishan.
- Ghose, Shri Surendra Mohan.
- Ghosh, Shri Sudhir.
- Gilbert, Shri A. C.
- Gopalakrishnan, Shri R.
- Gupta, Shri Maithilisharan.
- Gurudev, Shri.
- Hagjer, Shri J. B.
- Hardiker, Dr. N. S.
- Himatsingka, Shri P. D.
- Iyer, Shri N. Ramakrishna.
- Jairamdas Daulatram, Shri.
- Jalali, Aga S. M.
- John, Shri M.
- Joshi, Shri J. H.
- Jugal Kishore, Shri.
- Kabir, Shri Humayun.
- Kalelkar, Kakasaheb.
- Kapoor, Shri Jaspat Roy.
- Kaushal, Shri J. N.
- Keshvanand, Swami.
- Khan, Shri Akbar Ali.

Khan, Shri Pir Mohammed.  
Kashori Ram, Shri.  
Krishna Kumari, Shrimati.  
Kulkarni, Shri G. R.  
Kumbha Ram, Shri.  
Kunzru, Dr. H. N.  
Kurre, Shri Dayaldas.  
Lakshmi Menon, Shrimati.  
Latif, Shri Abdul.  
Lila Devi, Shrimati.  
Lingam, Shri N. M.  
Lohani, Shri I. T.  
Mahapatra, Shri Bhagirathi.  
Mahesh Saran, Shri.  
Malkani, Shri N. R.  
Malviya, Shri Ratanlal Kishorilal.  
Mani, Shri A. D.  
Mathen, Shri Joseph.  
Mazhar Imam, Syed.  
Mehta, Shri M. M.  
Mirza, Shri D. A.  
Misra, Shri S. D.  
Mitra, Shri P. C.  
Modi, Shri J. K.  
Mohammad Ibrahim, Hafiz.  
Nafisul Hasan, Shri.  
Nagpure, Shri V. T.  
Naik, Shri Maheswar.  
Nair, Shri K. P. Madhavan.  
Nallamuthu Ramamurti, Shrimati T.  
Nanjundaiya, Shri B. C.  
Neki Ram, Shri.  
Paliwal, Shri Tikaram.  
Pande, Shri T.  
Panikkar, Shri K. M.  
Panj hazari, Sardar Raghubir Singh.  
Pant, Shri Govind Ballabh.  
Parameswaran, Shri B.  
Parmanand, Dr. Shrimati Seeta.  
Patel, Shri Maganbhai S.  
Pathak, Shri G. S.  
Patil, Shri Sonusing Dhansing.  
Patil, Shri V. P.

Pattabiraman, Shri T. S.  
Pawar, Shri D. Y.  
Punnaiah, Shri Kota.  
Pushpalata Das, Shrimati.  
Raghu Vira, Prof. Dr.  
Raghubir Singh, Dr.  
Rajabhoj, Shri P. N.  
Rajagopalan, Shri G.  
Rao, Shri D. Ramanuja.  
Rao, Shri V. C. Kesava.  
Ray, Dr. Nihar Ranjan.  
Reddi, Dr. B. Gopala.  
Reddi, Shri J. C. Nagi.  
Reddy, Shri A. Balarami.  
Reddy, Shri N. Sri Rama.  
Reddy, Shri S. Channa.  
Reddy, Shri M. Govinda.  
Sadiq Ali, Shri.  
Sahai, Shri Ram.  
Saksena, Shri H. P.  
Saksena, Shri Mohan Lal.  
Santhanam, Shri K.  
Sapru, Shri P. N.  
Sarwate, Shri V. V.  
Satyacharan, Shri.  
Satyanarayana, Shri M.  
Savitry Devi Nigam, Shrimati.  
Savnekar, Shri Baba Saheb.  
Seeta Yudhvir, Shrimati.  
Shah, Shri K. K.  
Shakoor, Moulana Abdul.  
Shanta Vasisht, Kumari.  
Sharda Bhargava, Shrimati.  
Sharma, Shri L. Lalit Madhob.  
Sharma, Shri Madho Ram.  
Sharma, Shri Purna Chandra.  
Shervani, Shri M. R.  
Shetty, Shri B. P. Basappa.  
Shrimali, Dr. K. L.  
Singh, Thakur Bhanu Pratap.  
Singh, Sardar Budh.  
Singh, Shri Mohan.  
Singh, Shri Ram Kripal.  
Singh, Giani Zail.

Sinha, Shri Awadeshwar Prasad  
Sinha, Shri B K P  
Sinha, Shri R. B  
Sinha, Shri R P. N  
Sinha Dinkar, Prof. R D.  
Sur, Shri M M  
Tajamul Husain, Shri  
Tankha, Pandit S S N.  
Tara Chand, Dr  
Tayyebulla, Maulana M.  
Tripathi, Shri H V.  
Tumpalliwar, Shri M D  
Umair, Shah Mohamad.  
Venkataraman, Shri S  
Venkateswara Rao, Shri N  
Vijaivargiya, Shri Gopikrishna  
Violet Alva, Shrimati.  
Vyas, Shri Jai Narain.  
Warerkar, Shri B V (Mama).  
Yajee, Shri Sheel Bhadra  
Yashoda Reddy, Shrimati.

NOES—16

Ansari, Shri Faridul Haq.  
Basavapunniah, Shri M  
Bose, Dr A N.  
Dave, Shri Rohit M  
Desai, Shri Suresh J.  
Gour, Dr R B.  
Gupta, Shri Bhupesh  
Gurupada Swamy, Shri M. S.  
Lal, Prof M. B.  
Narasimham, Shri K L  
Reddy, Shri Mulka Govinda.  
Roy, Shri Biren.  
Singh, Shri D. P.  
Sinha, Shri Ganga Sharan.  
Solomon, Shri P A.  
Subba Rao, Dr A

*The motion was adopted 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.*

MR DEPUTY CHAIRMAN We shall now take up the clause by clause consideration of the Bill.

The question is:

“That clause 2 stand part of the Bill”

*The House divided*

MR DEPUTY CHAIRMAN. Ayes—172, Noes—15

AYES—172

Abdul Rahim, Shri  
Abha Maity, Shrimati.  
Abid Ali, Shri.  
Agarwala, Shri R G.  
Agrawal, Shri J. P  
Ahmad, Shri Ansaruddin.  
Ahmad Hussain, Kazi  
Akhtar Husain, Shri  
Ali, Shri Mohammad  
Amrit Kaur, Rajkumari.  
Anis Kidwai, Shrimati.  
Annapurna Devi Thimmareddy, Shrimati.  
Anwar, Shri N. M  
Arora, Shri Arjun.  
Bansi Lal, Shri.  
Barlingay, Dr. W S  
Barooah, Shri Lila Dhar.  
Basu, Shri Santosh Kumar  
Bedavati Buragohain, Shrimati  
Bharathi, Shrimati K.  
Bhargava, Shri B N  
Bhargava, Shri M P.  
Bisht, Shri J S  
Chakradhar, Shri A.  
Chandravati Lakhnapal, Shrimati.  
Chatterji, Shri J C  
Chaturvedi, Shri B D  
Chauhan, Shri Nawab Singh.  
Chavda, Shri K. S.  
Chettiar, Shri T S Avinashilingam

- Chinai, Shri Babubhai.  
Das, Shri Biswanath.  
Das, Shri N. K.  
Deb, Shri S. C.  
Deogirikar, Shri T. R.  
Deokinandan Narayan, Shri.  
Desai, Shri Janardhan Rao.  
Desai, Shri Khandubhai K.  
Deshmukh, Shri R. M.  
Dey, Shri S. K.  
Dharam Prakash, Dr.  
Doogar, Shri R. S.  
Dutt, Shri Krishan.  
Ghose, Shri Surendra Mohan.  
Ghosh, Shri Sudhir.  
Gilbert, Shri A. C.  
Gopalakrishnan, Shri R.  
Gupta, Shri Maithilisharan.  
Gurudev, Shri.  
Hagjer, Shri J. B.  
Hardiker, Dr. N. S.  
Himatsingka, Shri P. D.  
Iyer, Shri N. Ramakrishna.  
Jairamdas Daulatram, Shri.  
Jalali, Aga S. M.  
John, Shri M.  
Joshi, Shri J. H.  
Jugal Kishore, Shri.  
Kabir, Shri Humayun.  
Kalelkar, Kakasaheb.  
Kapoor, Shri Jaspat Roy.  
Kaushal, Shri J. N.  
Keshvanand, Swami.  
Khan, Shri Akbar Ali.  
Khan, Shri Pir Mohammed.  
Kishori Ram, Shri.  
Krishna Kumari, Shrimati.  
Kulkarni, Shri G. R.  
Kumbha Ram, Shri.  
Kunzru, Dr. H. N.  
Kurre, Shri Dayaldas.  
Lakshmi Menon, Shrimati.  
Latif, Shri Abdul.
- Lila Devi, Shrimati.  
Lingam, Shri N. M.  
Lohani, Shri I. T.  
Mahapatra, Shri Bhagirathi.  
Mahesh Saran, Shri.  
Malkani, Shri N. R.  
Malviya, Shri Ratanlal Kishorilal.  
Mani, Shri A. D.  
Mathen, Shri Joseph.  
Mazhar Imam, Syed.  
Mehta, Shri M. M.  
Mirza, Shri D. A.  
Misra, Shri S. D.  
Mitra, Shri P. C.  
Modi, Shri J. K.  
Mohammad Ibrahim. Hafiz.  
Nafisul Hasan, Shri.  
Nagpur, Shri V. T.  
Naik, Shri Maheswar.  
Nair, Shri K. P. Madhavan.  
Nallamuthu Ramamurti, Shrimati T.  
Nanjundaiya, Shri B. C.  
Neki Ram, Shri.  
Paliwal, Shri Tikaram.  
Pande, Shri T.  
Panikkar, Shri K. M.  
Panjhazari, Sardar Raghbir Singh.  
Pant, Shri Govind Ballabh.  
Parameswaran, Shri B.  
Parmanand, Dr. Shrimati Seeta.  
Patel, Shri Maganbhai S.  
Pathak, Shri G. S.  
Patil, Shri Sonusing Dhansing.  
Patil, Shri V. P.  
Pattabiraman, Shri T. S.  
Pawar, Shri D. Y.  
Punnaiah, Shri Kota.  
Pushpalata Das, Shrimati.  
Raghu Vira, Prof. Dr.  
Raghubir Singh, Dr.  
Rajabhoj. Shri P. N.  
Rajagopalan, Shri G.  
Rao, Shri D. Ramanuja.

Rao, Shri V. C. Kesava.  
Ray, Dr. Nihar Ranjan.  
Reddi, Dr. B. Gopala.  
Reddi, Shri J. C. Nagi.  
Reddy, Shri A. Balarami.  
Reddy, Shri N. Sri Rama.  
Reddy, Shri S. Channa.  
Reddy, Shri M. Govinda.  
Sadiq Ali, Shri.  
Sahai, Shri Ram.  
Saksena, Shri H. P.  
Saksena, Shri Mohan Lal.  
Santhanam, Shri K.  
Sapru, Shri P. N.  
Sarwate, Shri V. V.  
Satyacharan, Shri.  
Satyanarayana, Shri M.  
Savitry Devi Nigam, Shrimati.  
Savnekar, Shri Baba Saheb.  
Seeta Yudhvir, Shrimati.  
Shah, Shri K. K.  
Shakoor, Moulana Abdul.  
Shanta Vasisht, Kumari.  
Sharda Bhargava, Shrimati.  
Sharma, Shri L. Lalit Madhob.  
Sharma, Shri Madho Ram.  
Sharma, Shri Purna Chandra.  
Shervani, Shri M. R.  
Shetty, Shri B. P. Basappa.  
Shrimali Dr. K. L.  
Singh, Thakur Bhanu Pratap.  
Singh, Sardar Budh.  
Singh, Shri Mohan.  
Singh, Shri Ram Kripal.  
Singh, Giani Zail.  
Sinha, Shri Awadeshwar Prasad.  
Sinha, Shri B. K. P.  
Sinha, Shri R. B.  
Sinha, Shri R. P. N.  
Sinha Dinkar, Prof. R. D.  
Sur, Shri M. M.  
Tajamul Husain, Shri.  
Tankha, Pandit S. S. N.

Tara Chand, Dr.  
Tayyebulla, Maulana M.  
Tripathi, Shri H. V.  
Tumpalliwar, Shri M. D.  
Umair, Shah Mohamad.  
Venkataraman, Shri S.  
Venkateswara Rao, Shri N.  
Vijaivargiya, Shri Gopikrishna.  
Violet Alva, Shrimati.  
Vyas, Shri Jai Narain.  
Warekar, Shri B. V. (Mama).  
Yajee, Shri Sheel Bhadra.  
Yashoda Reddy, Shrimati.

NOES 15

Ansari, Shri Faridul Haq.  
Basavapunnaiah, Shri M.  
Bose, Dr. A. N.  
Dave, Shri Rohit M.  
Desai, Shri Suresh J.  
Gupta, Shri Bhupesh  
Gurupada Swamy, Shri M. S.  
Lal, Prof. M. B.  
Narasimham, Shri K. L.  
Reddy, Shri Mulka Govinda.  
Roy, Shri B ren.  
Singh, Shri D. P.  
Sinha, Shri Ganga Sharan.  
Solomon, Shri P. A.  
Subba Rao, Dr. A.

*The motion was adopted 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.*

*Clause 2 was added to the Bill.*

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—  
172; Noes—16.

AYES—172

Abdul Rahim, Shri  
Abha Maity, Shrimati  
Abid Ali, Shri  
Agarwala Shri R G  
Agrawal Shri J P  
Ahmad, Shri Ansaruddin  
Ahmad Hussain Kazi  
Akhtar Husain, Shri  
Ali, Shri Mohammad  
Amrit Kaur, Rajkumari  
Anis Kidwai, Shrimati  
Annapurna Devi Thimmareddy, Shri-  
mati  
Anwar Shri N M  
Arora, Shri Arjun  
Bansi Lal, Shri  
Barlingay, Dr W S  
Barooah, Shri Lila Dhar  
Basu, Shri Santosh Kumar  
Bedavati Buragohain, Shrimati  
Bharathi, Shrimati K  
Bhargava, Shri B N  
Bhargava, Shri M P  
Bisht Shri J S  
Chakradhar, Shri A  
Chandravati Lakhanpal, Shrimati  
Chatterji, Shri J C  
Chaturvedi, Shri B D  
Chauhan, Shri Nawab Singh  
Chavda, Shri K S  
Chettiar Shri T S Avinashilingam  
Chinal, Shri Babubhai  
Das, Shri Biswanath  
Das, Shri N K  
Deb, Shri S C  
Deogirikar, Shri T R  
Deokinandan Narayan, Shri  
Desai, Shri Janardhan Rao  
Desai Shri Khandubhai K  
Deshmukh Shri R M  
Dey, Shri S K  
Dharam Prakash, Dr

Doogar Shri R S  
Dutt Shri Kishan  
Ghose, Shri Surendra Mohan  
Ghosh, Shri Sudhir  
Gilbert, Shri A C.  
Gopalakrishnan, Shri R  
Gupta, Shri Maithilisharan  
Gurudev, Shri.  
Hajjei Shri J B  
Hardiker, Dr N S  
Himatsingka, Shri P D  
Iyer, Shri N Ramakrishna  
Jairamdas Daulatram, Shri.  
Jalali, Aga S M.  
John, Shri M  
Joshi, Shri J H  
Jugal Kishore, Shri  
Kabir, Shri Humayun  
Kaleika, Kakasaheb  
Kapoor, Shri Jaspat Roy.  
Kaushal Shri J N  
Keshvanand Swami  
Khan, Shri Akbar Ali  
Khan, Shri Pir Mohammed  
Kishori Ram, Shri  
Krishna Kumari, Shrimati  
Kulkarni, Shri G R  
Kumbha Ram, Shri  
Kunzru, Dr H N  
Kurre, Shri Dayaldas  
Lakshmi Menon, Shrimati  
Latif, Shri Abdul  
Lila Devi, Shrimati  
Lingam, Shri N M  
Lohani, Shri I T  
Mahapatra, Shri Bhagirathi  
Mahesh Saran, Shri  
Malkani, Shri N R  
Malviya, Shri Ratanlal Kishorilal.  
Mani, Shri A D  
Mathen, Shri Joseph  
Mazhar Imam, Syed  
Mehta, Shri M M

Mirza, Shri D. A.  
 Misra, Shri S. D.  
 Mitra, Shri P. C.  
 Modi, Shri J. K.  
 Mohammad Ibrahim, Hafiz.  
 Nafisul Hasan, Shri.  
 Nagpure, Shri V. T.  
 Naik, Shri Maheswar.  
 Nair, Shri K. P. Madhavan.  
 Nallamuthu Ramamurti, Shrimati T.  
 Nanjundaiya, Shri B. C.  
 Neki Ram, Shri.  
 Paliwal, Shri Tikaram.  
 Pande, Shri T.  
 Panikkar, Shri K. M.  
 Panj hazari, Sardar Raghbir Singh.  
 Pant, Shri Govind Ballabh.  
 Parameswaran, Shri B.  
 Parmanand, Dr. Shrimati Seeta.  
 Patel, Shri Maganbhai S.  
 Pathak, Shri G. S.  
 Patil, Shri Sonusing Dhansing.  
 Patil, Shri V. P.  
 Pattabiraman, Shri T. S.  
 Pawar, Shri D. Y.  
 Punnaiah, Shri Kota.  
 Pushpalata Das, Shrimati.  
 Raghu Vira, Prof. Dr.  
 Raghbir Singh, Dr.  
 Rajabhoj, Shri P. N.  
 Rajagopalan, Shri G.  
 Rao, Shri D. Ramanuja.  
 Rao, Shri V. C. Kesava.  
 Ray, Dr. Nihar Ranjan.  
 Reddi, Dr. B. Gopala.  
 Reddi, Shri J. C. Nagi.  
 Reddy, Shri A. Balarami.  
 Reddy, Shri N. Sri Rama.  
 Reddy, Shri S. Channa.  
 Reddy, Shri M. Govinda.  
 Sadiq Ali, Shri.  
 Sahai, Shri Ram.  
 Saksena, Shri H. P.

Saksena, Shri Mohan Lal.  
 Santhanam, Shri K.  
 Sapru, Shri P. N.  
 Sarwate, Shri V. V.  
 Satyacharan, Shri.  
 Satyanarayana, Shri M.  
 Savitry Devi Nigam, Shrimati.  
 Savnekar, Shri Baba Saheb.  
 Seeta Yudhvir, Shrimati.  
 Shah, Shri K. K.  
 Shakoor, Moulana Abdul.  
 Shanta Vasisht, Kumari.  
 Sharda Bhargava, Shrimati.  
 Sharma, Shri L. Lalit Madhob.  
 Sharma, Shri Madho Ram.  
 Sharma, Shri Purna Chandra.  
 Shervani, Shri M. R.  
 Shetty, Shri B. P. Basappa.  
 Shrimali, Dr. K. L.  
 Singh, Thakur Bhanu Pratap.  
 Singh, Sardar Budh.  
 Singh, Shri Mohan.  
 Singh, Shri Ram Kripal.  
 Singh, Giani Zail.  
 Sinha, Shri Awadeshwar Prasad.  
 Sinha, Shri B. K. P.  
 Sinha, Shri R. B.  
 Sinha, Shri R. P. N.  
 Sinha Dinkar, Prof. R. D.  
 Sur, Shri M. M.  
 Tajamul Husain, Shri.  
 Tankha, Pandit S. S. N.  
 Tara Chand, Dr.  
 Tayyebulla, Maulana M.  
 Tripathi, Shri H. V.  
 Tumpalliwar, Shri M. D.  
 Umair, Shah Mohamad.  
 Venkataraman, Shri S.  
 Venkateswara Rao, Shri N.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Jai Narain.  
 Warerkar, Shri B. V. (Mama).

Yajee, Shri Sheel Bhadra.  
Yashoda Reddy, Shrimati.

NOES—16

Ansari, Shri Faridul Haq.  
Basavapunnaiiah, Shri M.  
Bose, Dr. A. N.  
Dave, Shri Rohit M.  
Desai, Shri Suresh J.  
Gour, Dr. R. B.  
Gupta, Shri Bhupesh.  
Gurupada Swamy, Shri M. S.  
Lal, Prof. M. B.  
Narasimham, Shri K. L.  
Reddy, Shri Mulka Govinda.  
Roy, Shri Biren.  
Singh, Shri D. P.  
Sinha, Shri Ganga Sharan.  
Solomon, Shri P. A.  
Subba Rao, Dr. A.

*The motion was adopted 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.*

*Clause 3 was added to the Bill*

MR. DEPUTY CHAIRMAN: The question is:

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

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—172; Noes—16.

AYES—172

Abdul Rahim, Shri.  
Abha Maity, Shrimati.  
Abid Ali, Shri.  
Agarwala, Shri R. G.  
Agrawal, Shri J. P.

Ahmad, Shri Ansaruddin.  
Ahmad Hussain, Kazi.  
Akhtar Husain, Shri.  
Ali, Shri Mohammad.  
Amrit Kaur, Rajkumari.  
Anis Kidwai, Shrimati.  
Annapurna Devi Thimmareddy, Shrimati.  
Anwar, Shri N. M.  
Arora, Shri Arjun.  
Bansi Lal, Shri.  
Barlingay, Dr. W. S.  
Barooah, Shri Lila Dhar.  
Basu, Shri Santosh Kumar.  
Bedavati Buragohain, Shrimati.  
Bharathi, Shrimati K.  
Bhargava, Shri B. N.  
Bhargava, Shri M. P.  
Bisht, Shri J. S.  
Chakradhar, Shri A.  
Chandravati Lakhnapal, Shrimati.  
Chatterji, Shri J. C.  
Chaturvedi, Shri B. D.  
Chauhan, Shri Nawab Singha.  
Chavda, Shri K. S.  
Chettiar, Shri T. S. Avinashilingam.  
Chinai, Shri Babubhai.  
Das, Shri Biswanath.  
Das, Shri N. K.  
Deb, Shri S. C.  
Deogirikar, Shri T. R.  
Deokinandan Narayan, Shri.  
Desai, Shri Janardhan Rao.  
Desai, Shri Khandubhai K.  
Deshmukh, Shri R. M.  
Dey, Shri S. K.  
Dharam Prakash, Dr.  
Doogar, Shri R. S.  
Dutt, Shri Krishan.  
Ghose, Shri Surendra Mohan.  
Ghosh, Shri Sudhir.  
Gilbert, Shri A. C.  
Gopalakrishnan, Shri R.  
Gupta, Shri Maithilisharan.

Gurudev, Shri.  
Hagjer, Shri J. B.  
Hardiker, Dr. N. S.  
Himatsingka, Shri P. D.  
Iyer, Shri N. Ramakrishna.  
Jairamdas Daulatram, Shri.  
Jalali, Aga S. M.  
John, Shri M.  
Joshi, Shri J. H.  
Jugal Kishore, Shri.  
Kabir, Shri Humayun.  
Kalelkar, Kakasaheb.  
Kapoor, Shri Jaspat Roy.  
Kaushal, Shri J. N.  
Keshvanand, Swami.  
Khan, Shri Akbar Ali.  
Khan, Shri Pir Mohammed.  
Kishori Ram, Shri.  
Krishna Kumari, Shrimati.  
Kulkarni, Shri G. R.  
Kumbha Ram, Shri.  
Kunzru, Dr. H. N.  
Kurre, Shri Dayaldas.  
Lakshmi Menon, Shrimati.  
Latif, Shri Abdul.  
Lila Devi, Shrimati.  
Lingam, Shri N. M.  
Lohani, Shri I. T.  
Mahapatra, Shri Bhagirathi.  
Mahesh Saran, Shri.  
Malkani, Shri N. R.  
Malviya, Shri Ratanlal Kishorilal.  
Mani, Shri A. D.  
Mathen, Shri Joseph.  
Mazhar Imam, Syed.  
Mehta, Shri M. M.  
Mirza, Shri D. A.  
Misra, Shri S. D.  
Mitra, Shri P. C.  
Modi, Shri J. K.  
Mohammad Ibrahim, Hafiz.  
Nafisul Hasan, Shri.  
Nagpure, Shri V. T.

Naik, Shri Maheswar.  
Nair, Shri K. P. Madhavan.  
Nallamuthu Ramamurti, Shrimati T.  
Nanjundaiya, Shri B. C.  
Neki Ram, Shri.  
Paliwal, Shri Tikaram.  
Pande, Shri T.  
Panikkar, Shri K. M.  
Panjhzari, Sardar Raghbir Singh.  
Pant, Shri Govind Ballabh.  
Parameswaran, Shri B.  
Parmanand, Dr. Shrimati Seeta.  
Patel, Shri Maganbhai S.  
Pathak, Shri G. S.  
Patil, Shri Sonusing Dhansing.  
Patil, Shri V. P.  
Pattabiraman, Shri T. S.  
Pawar, Shri D. Y.  
Punnaiah, Shri Kota.  
Pushpalata Das, Shrimati.  
Raghu Vira, Prof. Dr.  
Raghubir Sinh, Dr.  
Rajabhoj, Shri P. N.  
Rajagopalan, Shri G.  
Rao, Shri D. Ramanuja.  
Rao, Shri V. C. Kesava.  
Ray, Dr. Nihar Ranjan.  
Reddi, Dr. B. Gopala.  
Reddi, Shri J. C. Nagi.  
Reddy, Shri A. Balarami.  
Reddy, Shri N. Sri Rama.  
Reddy, Shri S. Channa.  
Reddy, Shri M. Govinda.  
Sadiq Ali, Shri.  
Sahai, Shri Ram.  
Saksena, Shri H. P.  
Saksena, Shri Mohan Lal.  
Santhanam, Shri K.  
Sapru, Shri P. N.  
Sarwate, Shri V. V.  
Satyacharan, Shri.  
Satyanarayana, Shri M.  
Savitry Devi Nigam, Shrimati.

Savnekar, Shri Baba Saheb.  
 Seeta Yudhvair, Shrimati.  
 Shah, Shri K. K.  
 Shakoor, Moulana Abdul.  
 Shanta Vasisht, Kumari.  
 Sharda Bhargava, Shrimati.  
 Sharma, Shri L. Lalit Madhob.  
 Sharma, Shri Madho Ram.  
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 Singh, Shri Ram Kripal.  
 Singh, Giani Zail.  
 Sinha, Shri Awadeshwar Prasad.  
 Sinha, Shri B. K. P.  
 Sinha, Shri R. B.  
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 Sinha Dinkar, Prof. R. D.  
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 Tara Chand, Dr.  
 Tayyebulla, Maulana M.  
 Tripathi, Shri H. V.  
 Tumpalliwar, Shri M. D.  
 Umair, Shah Mohamad.  
 Venkatraman, Shri S.  
 Venkateswara Rao, Shri N.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Jai Narain.  
 Warerkar, Shri B. V. (Mama).  
 Yajee, Shri Sheel Bhadra.  
 Yashoda Reddy, Shrimati.

NOES—16

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 Basavapunnaiiah, Shri M.

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 Dave, Shri Rohit M.  
 Desai, Shri Suresh J.  
 Gour, Dr. R. B.  
 Gupta, Shri Bhupesh.  
 Gurupada Swamy, Shri M. S.  
 Lal, Prof. M. B.  
 Narasimham, Shri K. L.  
 Reddy, Shri Mulka Govinda.  
 Roy, Shri Biren.  
 Singh, Shri D. P.  
 Sinha, Shri Ganga Sharan.  
 Solomon, Shri P. A.  
 Subba Rao, Dr. A.

*The motion was adopted 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 First Schedule was added to the Bill.*

MR. DEPUTY CHAIRMAN: The question is:

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

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—172; Noes—16.

AYES—172

Abdul Rahim, Shri.  
 Abha Maity, Shrimati.  
 Abid Ali, Shri.  
 Agarwala, Shri R. G.  
 Agrawal, Shri J. P.  
 Ahmad, Shri Ansaruddin.  
 Ahmad Hussain, Kazi.  
 Akhtar Husain, Shri.  
 Ali, Shri Mohammad.  
 Amrit Kaur, Rajkumari.

Anis Kidwai, Shrimati  
 Annapurna Devi Thimmareddy, Shri-  
 mati  
 Anwar, Shri N M  
 Arora, Shri Arjun  
 Bansilal Shri  
 Barlingay Dr W S  
 Barooah, Shri Lila Dhar  
 Basu, Shri Santosh Kumar  
 Bedavati Buragohain, Shrimati  
 Bharathi, Shrimati K  
 Bhargava, Shri B N  
 Bhargava, Shri M P  
 Bisht, Shri J S  
 Chakradhari, Shri A  
 Chandravati Lakhnupal, Shrimati.  
 Chatterji, Shri J C  
 Chaturvedi Shri B D  
 Chauhan, Shri Nawab Singh  
 Chavda, Shri K. S  
 Chettiar, Shri T S Avinashilingam  
 Chinai, Shri Babubhai.  
 Das, Shri Biswanath.  
 Das, Shri N K.  
 Deb, Shri S. C.  
 Deogirikar, Shri T. R.  
 Deokinandan Narayan, Shri.  
 Desai, Shri Janardhan Rao  
 Desai, Shri Khandubhai K  
 Deshmukh, Shri R M  
 Dey, Shri S K  
 Dharam Prakash, Dr.  
 Doogar, Shri R S  
 Dutt, Shri Krishan  
 Ghose, Shri Surendra Mohan  
 Ghosh, Shri Sudhir  
 Gilbert, Shri A. C.  
 Gopalakrishnan, Shri R.  
 Gupta, Shri Maithilisharan.  
 Gurudev, Shri.  
 Hajer, Shri J B  
 Hardiker, Dr N. S.  
 Humatsingka, Shri P. D.  
 Iyer, Shri N Ramakrishna

Jairamdas Daulatram, Shri  
 Jalali, Aga S M  
 John, Shri M  
 Joshi, Shri J H  
 Jugal Kishore, Shri  
 Kabir, Shri Humayun  
 Kalelkar, Kakasaheb  
 Kapoor, Shri Jaspal Roy  
 Kaushal, Shri J N  
 Keshvanand, Swami  
 Khan, Shri Akbar Ali  
 Khan, Shri Pir Mohammed  
 Kishori Ram, Shri  
 Krishna Kumari, Shrimati  
 Kulkarni, Shri G R.  
 Kumbha Ram, Shri  
 Kunzru, Dr H N  
 Kurre, Shri Dayaldas  
 Lakshmi Menon, Shrimati  
 Latif, Shri Abdul  
 Lila Devi, Shrimati.  
 Lingam, Shri N M  
 Lohani, Shri I T  
 Mahapatra, Shri Bhagirathi.  
 Mahesh Saran, Shri  
 Malkani, Shri N. R  
 Malviya, Shri Ratanlal Kishorilal  
 Mani, Shri A D  
 Mathen, Shri Joseph  
 Mazhar Imam, Syed.  
 Mehta, Shri M M.  
 Mirza, Shri D A  
 Misra, Shri S. D  
 Mitra, Shri P. C  
 Modi, Shri J. K  
 Mohammad Ibrahim, Hafiz  
 Nafisul Hasan, Shri.  
 Nagpure, Shri V T  
 Naik, Shri Maheswar  
 Nair, Shri K. P Madhavan  
 Nallamuthu Ramamurti, Shrimati T.  
 Nanjundaiya, Shri B. C  
 Neki Ram, Shri

Paliwal, Shri Tikaram.  
 Pande, Shri T.  
 Panikkar, Shri K. M.  
 Panhazari, Sardar Raghbir Singh.  
 Pant, Shri Govind Ballabh.  
 Parameswaran, Shri B.  
 Parmanand, Dr. Shrimati Seeta.  
 Patel, Shri Maganbhai S.  
 Pathak, Shri G. S.  
 Patil, Shri Sonusing Dhansing.  
 Patil, Shri V. P.  
 Pattabiraman, Shri T. S.  
 Pawar, Shri D. Y.  
 Punnaiah, Shri Kota.  
 Pushpalata Das, Shrimati.  
 Raghu Vira, Prof. Dr.  
 Raghubir Singh, Dr.  
 Rajabhoj, Shri P. N.  
 Rajagopalan, Shri G.  
 Rao, Shri D. Ramanuja.  
 Rao, Shri V. C. Kesava.  
 Ray, Dr. Nihar Ranjan.  
 Ray, Shri Satyendraprosad.  
 Reddi, Dr. B. Gopala.  
 Reddi, Shri J. C. Nagi.  
 Reddy, Shri A. Balarami.  
 Reddy, Shri N. Sri Rama.  
 Reddy, Shri S. Channa.  
 Reddy, Shri M. Govinda.  
 Sadiq Ali, Shri.  
 Sahai, Shri Ram.  
 Saksena, Shri H. P.  
 Saksena, Shri Mohan Lal.  
 Santhanam, Shri K.  
 Sapru, Shri P. N.  
 Sarwate, Shri V. V.  
 Satyacharan, Shri.  
 Satyanarayana, Shri M.  
 Savitry Devi Nigam, Shrimati.  
 Savnekar, Shri Baba Saheb.  
 Seeta Yudhvir, Shrimati.  
 Shah, Shri K. K.  
 Shakoor, Moulana Abdul.

Shanta Vasisht, Kumari.  
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 Sharma, Shri L. Lalit Madhok  
 Sharma, Shri Madho Ram.  
 Sharma, Shri Purna Chandra.  
 Shervani, Shri M. R.  
 Shetty, Shri B. P. Basappa.  
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 Singh, Sardar Budh.  
 Singh, Shri Mohan.  
 Singh, Shri Ram Kripal.  
 Singh, Giani Zail.  
 Sinha, Shri Awadeshwar Prasad.  
 Sinha, Shri B. K. P.  
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 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Jai Narain.  
 Warerkar, Shri B. V. (Mama).  
 Yajee, Shri Sheel Bhadra.  
 Yashoda Reddy, Shrimati.

NOES—16

Ansari, Shri Faridul Haq.  
 Basavapurnaiah, Shri M.  
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 Dave, Shri Rohit M.  
 Desai, Shri Suresh J.  
 Gour, Dr. R. B.  
 Gupta, Shri Bhupesh.

Gurupada Swamy, Shri M. S.  
Lal, Prof. M. B.  
Narasimham, Shri K. L.  
Reddy, Shri Mulka Govinda  
Roy, Shri Biren  
Singh, Shri D. P.  
Sinha, Shri Ganga Sharan  
Solomon, Shri P. A.  
Subba Rao, Dr. A.

*The motion was adopted 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 Second Schedule was added to the Bill.*

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—172; Noes—16.

AYES—172

Abdul Rahim, Shri  
Abha Maity, Shrimati  
Abid Ali, Shri  
Agarwala, Shri R. G.  
Agrawal, Shri J. P.  
Ahmad, Shri Ansaruddin  
Ahmad Hussain, Kazi  
Akhtar Husain, Shri  
Ali, Shri Mohammad  
Amrit Kaur, Rajkumari  
Anis Kidwai, Shrimati  
Annapurna Devi Thimmareddy, Shrimati.  
Anwar, Shri N. M.  
Arora, Shri Arjun  
Bansi Lal, Shri  
Barlingay, Dr. W. S.

Barooah, Shri Lila Dhar  
Basu, Shri Santosh Kumar  
Bedavati Buragohain, Shrimati  
Bharathi, Shrimati K.  
Bhargava, Shri B. N.  
Bhargava, Shri M. P.  
Bisht, Shri J. S.  
Chakradhar, Shri A.  
Chandravati Lakhnupal, Shrimati  
Chatterji, Shri J. C.  
Chaturvedi, Shri B. D.  
Chauhan, Shri Nawab Singh  
Chavda, Shri K. S.  
Chettiar, Shri T. S. Avinashilingam.  
Chinai, Shri Babubhai  
Das, Shri Biswanath  
Das, Shri N. K.  
Deb, Shri S. C.  
Deogirikar, Shri T. R.  
Deokinandan Narayan, Shri  
Desai, Shri Janardhan Rao  
Desai, Shri Khandubhai K.  
Deshmukh, Shri R. M.  
Dey, Shri S. K.  
Dharam Prakash, Dr.  
Doogar, Shri R. S.  
Dutt, Shri Krishan  
Ghose, Shri Surendra Mohan  
Ghosh, Shri Sudhir  
Gilbert, Shri A. C.  
Gopalakrishnan, Shri R.  
Gupta, Shri Maithilisharan  
Gurudev, Shri  
Hagjer, Shri J. B.  
Hardiker, Dr. N. S.  
Himatsingka, Shri P. D  
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Jairamdas Daulatram, Shri  
Jalali, Aga S. M.  
John, Shri M.  
Joshi, Shri J. H.  
Jugal Kishore, Shri  
Kabir, Shri Humayun

Kalelkar, Kakasaheb  
 Kapoor, Shri Jaspal Roy  
 Kaushal, Shri J N  
 Keshvanand, Swami  
 Khan, Shri Akbar Ali  
 Khan, Shri Pir Mohammed  
 Kishori Ram, Shri  
 Krishna Kumari, Shrimati  
 Kulkarni, Shri G R  
 Kumbha Ram, Shri  
 Kunzru, Dr H N.  
 Kurre, Shri Dayaldas  
 Lakshmi Menon Shrimati  
 Latif, Shri Abdul  
 Lila Devi, Shrimati  
 Lingam, Shri N M  
 Lohani, Shri I T  
 Mahapatra, Shri Bhagirathi  
 Mahesh Saran, Shri  
 Malkani, Shri N R  
 Malviya, Shri Ratanlal Kishorilal  
 Mani, Shri A D  
 Mathen, Shri Josepha  
 Mazhar Imam, Syed  
 Mehta, Shri M M  
 Mirza, Shri D A  
 Misra, Shri S. D.  
 Mitra, Shri P C,  
 Modi, Shri J K  
 Mohammad Ibrahim, Hafiz  
 Nafisul Hasan, Shri  
 Nagpure, Shri V. T  
 Naik, Shri Maheswar  
 Nair, Shri K P. Madhavan  
 Nallamuthu Ramamurti, Shrimati T  
 Nanjundaiya, Shri B C.  
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 Paliwal, Shri Tikaram  
 Pande, Shri T  
 Panikkar, Shri K. M.  
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 Patil, Shri V P  
 Pattabiraman, Shri T S  
 Pawar, Shri D Y  
 Punnaiah, Shri Kota  
 Pushpalata Das, Shrimati  
 Raghu Vira, Prof Dr  
 Raghbir Singh, Dr  
 Rajabhoj, Shri P N.  
 Rajagopalan, Shri G.  
 Rao, Shri D Ramanuja  
 Rao, Shri V C Kesava  
 Ray, Dr Nihar Ranjan  
 Reddi, Dr B Gopala  
 Reddi, Shri J C Nagi  
 Reddy, Shri A Balarami  
 Reddy, Shri N Sri Rama  
 Reddy, Shri S Channa  
 Reddy, Shri M Govinda  
 Sadiq Ali, Shri  
 Saha, Shri Ram  
 Saksena, Shri H P.  
 Saksena, Shri Mohan Lal  
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Sinha, Shri B K P  
Sinha, Shri R B  
Sinha, Shri R P N  
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Venkateswara Rao Shri N  
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Warerkar, Shri B V (Mama)  
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Lal, Prof M B  
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Roy, Shri Biren  
Singh, Shri D P  
Sinha, Shri Ganga Sharan

Solomon, Shri P A  
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*The motion was adopted 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*

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

THE PRIME MINISTER (SHRI JAWAHARLAL NEHRU). Sir, I move

“That the Bill be passed”

*The question was proposed*

SHRI BHUPESH GUPTA Mr Deputy Chairman this morning there was the debate in this House and also in the afternoon Yesterday we spoke from this side of the House, not because we had a complaint against the policy of the Government, that there should be good relations between India and Pakistan We have never said that there should not be good relations between the two countries In fact, we have always advocated that our relations should improve, that every constructive step should be taken in that direction Therefore, that is not at all a point the Prime Minister need answer very much It is common ground between all progressive forces in this country But the question before us and the country is whether even in the context of that broad agreement called the Nehru-Noon Pact, that particular agreement or arrangement with regard to Berubari was done in a responsible manner or whether it did not contain a very serious blunder and mistake We pointed out in the course of our speeches and in the debates in both the Houses that a serious mistake which had arisen out of gross and criminal negligence on the part of some people had crept into that Agreement and to that extent it vitiated it We demanded that the Government, first of all, should have set about dealing with this matter with more circumspection and proper under-

[Shri Bhupesh Gupta.]

standing of the situation, with clear knowledge of the human and other elements in this matter. We pointed out in this House these things. But nothing was done. It was an act of gross negligence. We do not know even today who was responsible for it. It is no use trying to tell us that it was due to the Radcliffe Award or some such thing. We know the partition bequeathed to us so many bad things. But the question was whether those people who were entrusted with the responsibility of negotiating with the Pakistan authorities acted as reasonable men, whether they acted as persons with commonsense, acted with a knowledge of the case, or whether they acted in clear defiance of realities in arrogance and insolence. That is the question. No answer has been forthcoming even from the Prime Minister.

Another point is, when the mistake was committed we in this House and the other House took the earliest opportunity in the beginning of 1959, to point out to the Prime Minister and to the Government. "Here in your Agreement, you have committed an error. You should take steps to rectify it. You should take this up with the Pakistan authorities so that things could be rediscussed and the matter could be rearranged. After all, this is not something strange in international relations. When such things happen, it does happen that one of the two parties takes it up with the other party in all honour in order to arrive at an agreed modification." But nothing was done. Nothing was done for one year and a half. That is my complaint here. And then, instead of doing that, the Government stuck to their position. How many times did we raise this here? How many times did we do it? But the Prime Minister and the other Ministers of the Government said, "We shall implement this thing", as if nothing had happened. Nobody was questioning the right of the Government to enter into a treaty.

Nobody was asking the Government to dishonour the country's agreement. In all humility we pointed out that an agreement had been arrived at containing an element of material mistake and Government should have paid heed to that submission. The Pakistan authorities would have seen that there was a mistake. Whether they would have accepted our suggestion or contention or not, I cannot say. But then there is the world opinion. There is the opinion of the people not only of this country, but also of Pakistan. For instance, you could have made the world see that here was an agreement entered into in all good faith with a view to improving the relations between two countries which contained certain—due to inadvertence or somehow—element of material and serious mistake and, therefore, this Government was approaching the other contracting party to have the opportunity to have the mistake remedied. Would the world have blamed you? Would the world have called you unreasonable? No reasonable man behaves in an unreasonable manner. This is the reasonable thing that any country would have done in such a situation. But that was not done. On the contrary, the Attorney-General was briefed by the mighty Government of India in order to appear before the Supreme Court and plead the same mistaken case again and again, telling Pakistan and others that everything was all right, that what had happened was all right. We stuck to it and we weakened our position. We gave up the position that we could have taken at least during this year, 1959 and 1960, in the earlier part. That was not done. Are we not entitled to ask the Government this question? The Prime Minister says he did not know the human element of it. When did he know about it? And if he knew about it earlier, why did he not take it up much earlier, not in November this year, but much earlier, with the Pakistan authorities? Are we not entitled to ask the great Government of India how this mistake came about? What did you do after

the mistake was detected? That is not challenging the Prime Minister's right or prestige. That is not challenging the country or the State's right to enter into an agreement or a treaty with other countries. This is only pointing out a mistake to a party which had been a party to the mistake also. Pakistan did nothing. That is how things are happening.

And now, we made so many points here, but nothing has been said. The Prime Minister's constitutional and political responsibility we know. But what about the officers? What about the officers of the Government of India, the officers of the Government of West Bengal? I do not speak for Bengal or any other State here. I speak for India in this forum. What has happened? Was it not their duty to properly guide the Government in this matter? They did not do so. And what did the Prime Minister do? As he always does, he relied on his steel frame, the civil service, the infallible creatures. They can commit no mistake whatsoever, like the King of England. Just as the King of England can do no wrong, so also our civil servants can do no wrong. He proceeded on that assumption. And we have been landed into this today. We should have some explanation. At least for his own conscience and in the interest of the country, some explanation should be given. Who committed the mistake? Nothing is said, and they have completely by-passed our suggestion. Sir, is this right? Today the Congress Party has a huge majority, a formidable majority, I know and I know that they can get this passed. But tomorrow you may not have such a stalwart as the present Prime Minister. There may be some lesser person occupying that position. Then what would happen? What would have happened? Your own Government would have been tottering. That is why I say, take care of yourself before it is too late. Jawaharlal Nehru is not going to live for centuries. Understand the position. You have voted today and

you have defeated us. You should be satisfied and have a little patience to listen.

Our complaint is not on general things. We have never criticised the Government as far as the broad approach is concerned because a non-communal approach towards Pakistan has been good. It should be fostered and encouraged no matter what provocations come in the way. You should have a settlement with that country, and that is agreed but here gross negligence has taken place and the Prime Minister has not given any explanation as to how it happened. Somebody said that West Bengal should have been consulted. Well, it is good; it is your own constituent State but I need not go into all that here. The constituent States of the Indian Republic and the Central Government are here directly concerned and it is necessary to see that every step you take is in consonance with facts, is in consonance with the reality. Even that was not done and *ex cathedra* from the South Block of the Secretariat it was laid down, "Well, Berubari must go. We have decided. Let it go." That is the position. Is it right? It is a thing which spells not well for the country. That is why we have opposed this Bill, Sir. Yesterday, the Prime Minister mentioned about the refugees. He said that he sympathised with their lot. Human compassion is roused when we speak of these people who are about to be uprooted for the second time but what he said again is not based on clear understanding of the position. He said that when the territories go over to Pakistan, they, the people, should remain there. They can sell their property and they can come from there. The Prime Minister of India should know better than anybody else that from Pakistan people cannot come away selling properties in this manner. It is Pakistan property—they would be property of the private parties, of course, but subject to Pakistani laws regarding wealth, export and so on. Why then

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such things are said which are unreal even at this late hour? I understand the whole thing being done before transfer takes place. He advises them to go to Pakistan, sell their property, collect the money, take a permit and then he says that we shall give them visas for coming to India. Sir, what are we talking about? Are we in the midst of a picnic? We know that people who have got ample properties in Pakistan cannot bring more than Rs. 50. The Pakistan Government does not allow it. What the Prime Minister should have told us is the plan of rehabilitation of the six thousand people. Doors are wide open. Many of them come through the doors only to walk out through another door into poverty and sorrow. Many have come from East Bengal that way. Even today the Prime Minister did not tell us anything about this. The Prime Minister expressed many good sentiments about things in Congo and all that. We share those with him. We are alive in this world and there is no dispute, no issue to quarrel about on this. Why do you join issue where there is no difference? Why bring in the other things, things which are not an issue today? As far as we are concerned, we support good relations with Pakistan. Anyway, Sir, I do not know how things would proceed but might I make a suggestion at the last hour? I do not know to what extent it relates to the sphere of diplomacy or statesmanship but certainly it relates to the sphere of human compassion and consideration and on that basis we could discuss it. Is it not possible for the Government of India to see whether any reconsideration is not possible over this matter? I am not saying change it unilaterally, but is it not possible for the Government, on the ground of human compassion—I am not talking about this 4½ square miles but on human considerations—to approach the Pakistan authorities and ask them to reconsider this matter? I do not know how it is to be done, by what diplomatic channel, by writing what sort of notes but the appeal of

humanity is something which transcends all diplomacy. Even after the Bill is passed, I want the Government to make a dignified effort in order to see that the wrong is remedied and the poor people, the six thousand of them, men, women and children, are not uprooted from the soil and not made to become again refugees.

Thank you, Sir.

SHRI JAWAHARLAL NEHRU: Sir, I did not think it would be necessary for me to reply but the hon. Member opposite having done less than justice to himself in what he has just said, I have to say a few words to clear up a certain confusion he might have created in some peoples' minds.

First of all, he grew eloquent about the one and a half years that we sat in the South Block. Well, this one and half years has to be reduced by one year when this matter was with the Supreme Court. That is a big period taken off from that long period. While it was being considered, it would have been highly improper for us to do anything about it or to address Pakistan on this subject. After the Supreme Court gave its opinion on the 15th March of this year, it took us a month, six weeks or two months not only to read it but to consult our legal advisers and others in regard to it. It was after that, as a matter of fact, that we did on an official level broach this question to Pakistan, about the possibility of some variation in this agreement so that instead of Berubari some other equally big tract of territory could be taken by them. This kind of thing takes time. It was an informal official approach but it did not yield results. Finally, as I think I said in the House yesterday, I myself saw the High Commissioner of Pakistan and requested him to convey a message to the President of Pakistan which he did. The response was not only not favourable but rigidly unfavourable, if I may use the word. In those circumstances, I felt there was little more to be done by us and about what Mr.

Bhupesh Gupta has said about our approaching them again after all that has happened seems to be something that would not be desirable

Mr Bhupesh Gupta said of hinted that people in the South Block, meaning the External Affairs Ministry apparently, during this period of a year and half or more had sat in their offices chanting "Berubari must go" Well, I do not know, that may be the habit of hon Member's friends We do a little more solid work Then he talked about my ignorance of the refugee problem in Bengal, that is to say, about my expecting the refugees to be able to dispose of their property, etc Well I am not quite so ignorant of it, I know very well the great difficulties that the refugees have had in this matter coming from East Bengal And I cannot guarantee what will happen in Berubari but the two are different, that is, in East Bengal people lived under pressures, under difficult conditions and often left in a hurry All I say is, we should not do anything in a hurry Nobody would be injured by not acting in any panic but we should, by acting deliberately, with determination and at every attempt with the help of the Government try to get the best terms possible I do not guarantee what they will get, they will certainly get something For instance, I have no doubt whatever that all their movables they can easily bring over

SHRI BHUPESH GUPTA No, not allowed these days

SHRI JAWAHARLAL NEHRU I am not referring at the moment to what probably the hon Member has in mind I am not referring to that I am saying that this may very well be a matter for us to deal with Pakistan to see that this is done in this way; that is it should be done in an orderly way in a determined way, in a decided way After all, we may have to deal here at the most with 1000 families Now, this Bill is being passed by Parliament The next step for

us is to demarcate not only Berubari but wherever these changes are taking place The others are relatively simple but even so it takes time, even in the other places In Punjab it is almost ready but even so it will take two weeks or whatever that may be. Maybe, in Berubari it may take—I do not know—two months or three months more or less It will take some time It is only after that is done, by consent of the two Governments concerned that the appointed day is fixed There is no appointed day which is mentioned here It is only fixed after the demarcation is over During all these processes, when demarcation takes place and later when we have to fix the appointed day, these matters can be considered between the Government of India and the Government of Pakistan, how those people who wish to leave Berubari should leave, what facilities should be given to them, etc I do not guarantee anything; I promise nothing, but I say it is a different case and it does give us an opportunity to bring this about in an orderly way and with as little as possible loss to those concerned

MR DEPUTY CHAIRMAN The question is—

"That the Bill be passed"

*The House divided.*

MR DEPUTY CHAIRMAN Ayes—  
172 Noes—15

AYES—172

Abdul Rahim, Shri  
Abha Maity, Shrimati  
Abid Ali, Shri  
Agarwala, Shri R G  
Agrawal, Shri J P  
Ahmad Shri Ansaruddin  
Ahmad Hussain Kazi  
Akhtar Husain, Shri  
Ali, Shri Mohammad  
Amrit Kaur, Rajkumari

Anio Kidwai Shrimati  
Annapurna Devi Thimmaieddy Shri-  
mati  
Anwar Shri N M  
Arora Shri Aijun  
Bansi Lal, Shri  
Barlingay Di W S  
Balooh Shri Lala Dhai  
Basu Shri Santosh Kumar  
Bedavati Buragohain Shrimati  
Bhaiathi Shrimati K  
Bhargava Shri B N  
Bhaigava Shri M P  
Bisht Shri J S  
Chakradhar Shri A  
Chandravati Laknanpal Shrimati  
Chatterji, Shri J C  
Chaturvedi Shri B D  
Chauhan Shri Nawab Singh  
Chavda Shri K S  
Chettiar Shri T S Avinashilingam  
Chinal Shri Babubhai  
Das Shri Biswanath  
Das Shri N K  
Deb Shri S C  
Deogirikar Shri T R  
Deokinandan Narayan Shri  
Desai Shri Janaidhan Rao  
Desai Shri Khandubhai K  
Deshmukh Shri R M  
Dey, Shri S K  
Dhalam Prakash Di  
Doogar Shri R S  
Dutt Shri Krishan  
Ghose, Shri Surendra Mohan  
Ghosh Shri Sudhir  
Gilbert Shri A C  
Gopalakrishnan, Shri R  
Gupta, Shri Maithilisharan  
Gurudev, Shri  
Hagjer Shri J B  
Hard'ker Dr N S  
Himatsingka, Shri P D  
Iyer, Shri N Ramakrishna

Jairamdas Daulatiam Shri  
Jalali, Aga S M  
John, Shri M  
Joshi, Shri J H  
Jugal Kishore Shri  
Kabir Shri Humayun  
Kalelkar, Kakasaheb  
Kapoor Shri Jaspal Roy  
Kaushal, Shri J N  
Keshvanand Swami  
Khan Shri Akbar Ali  
Khan, Shri Pii Mohammed  
Kishori Ram, Shri  
Krishna Kumari, Shrimati  
Kulkarni, Shri G R  
Kumbha Ram Shri  
Kunzru, Dr H N  
Kurre Shri Dayaldas  
Lakshmi Menon Shrimati  
Latif Shri Abdul  
Lila Devi Shrimati  
Lingam Shri N M  
Lohani, Shri I T  
Mahapatra, Shri Bhagirathi  
Mahesh Saran Shri  
Malkani, Shri N R  
Malviva Shri Ratanlal Kishorilal  
Mani, Shri A D  
Mathen, Shri Joseph  
Mazhar Imam Syed  
Mehta, Shri M M  
Mirza, Shri D A  
Misra, Shri S D  
Mitra Shri P C  
Modi, Shri J K  
Mohammad Ibrahim Hafiz  
Nafisul Hasan Shri  
Nagpure Shri V T  
Naik, Shri Maheswar  
Nair Shri K P Madhavan  
Nallamuthu Ramamurti, Shrimati T  
Nanjundaiya, Shri B C  
Neki Ram, Shri

Paliwal, Shri Tikaram  
Pande, Shri T  
Panikkar, Shri K. M.  
Panj hazari, Sardar Raghbir Singh  
Pant, Shri Govind Ballabh  
Parmeshwaran, Shri B.  
Parmanand, Dr. Shrimati Seeta  
Pate, Shri Maganbhai S  
Pathak, Shri G. S.  
Patil, Shri Sonusing Dhansing  
Patil, Shri V. P.  
Pattabiraman, Shri T. S.  
Pawar, Shri D. Y.  
Punniah, Shri Kota  
Pushpalata Das, Shrimati  
Raghu Vira, Prof. Dr.  
Raghbir Singh, Dr.  
Rajabhoj, Shri P. N.  
Rajagopalan, Shri G.  
Rao, Shri D. Ramanuja  
Rao, Shri V. C. Kesava  
Ray, Dr. Nihar Ranjan  
Reddi, Dr. B. Gopala  
Reddi, Shri J. C. Nagi  
Reddy, Shri A. Balarami  
Reddy, Shri N. Sri Rama  
Reddy, Shri S. Channa  
Reddy, Shri M. Govinda  
Sadiq Ali, Shri  
Sahai, Shri Ram  
Saksena, Shri H. P.  
Saksena, Shri Mohan Lal  
Santhanam, Shri K.  
Sapru, Shri P. N.  
Sarwate, Shri V. V.  
Satyacharan, Shri  
Satyanarayana, Shri M.  
Savitry Devi Nigam, Shrimati  
Savnekar, Shri Baba Saheb  
Seeta Yudhvir, Shrimati  
Shah, Shri K. K.  
Shakoor, Moulana Abdul  
Shanta Vasisht, Kumari  
Sharda Bhargava, Shrimati

Sharma, Shri L. Latif Madhob  
Sharma, Shri Madho Ram  
Sharma, Shri Purna Chandra  
Shervani, Shri M. R.  
Shetty, Shri B. P. Basappa  
Shrimali, Dr. K. L.  
Singh, Thakur Bhanu Pratap  
Singh, Sardar Budh  
Singh, Shri Mohan  
Singh, Shri Ram Kripal  
Singh, Gian Zail  
Sinha, Shri Awadeshwar Prasad  
Sinha, Shri B. K. P.  
Sinha, Shri R. B.  
Sinha, Shri R. P. N.  
Sinha Dinkar, Prof. R. D.  
Sur, Shri M. M.  
Tajamul Husain, Shri  
Tankha, Pandit S. S. N.  
Tara Chand, Dr.  
Tayyebulla, Maulana M.  
Tripathi, Shri H. V.  
Tumpallwar, Shri M. D.  
Umar, Shah Mohamad  
Venkataraman, Shri S.  
Venkateswara Rao, Shri N.  
Vajavargiva, Shri Gopikrishna  
Violet Alva, Shrimati  
Vyas, Shri Jai Narain  
Warkerkar, Shri B. V. (Mama)  
Yajee, Shri Sheel Bhadra  
Yashoda Reddy, Shrimati

NOES—15

Ansari, Shri Faridul Haq  
Basavapunniah, Shri M.  
Bose, Dr. A. N.  
Dave, Shri Rohit M.  
Gour, Dr. R. B.  
Gupta, Shri Bhupesh  
Gurupada Swamy, Shri M. S.  
Lal, Prof. M. B.  
Narasimham, Shri K. L.

Reddy, Shri Mulka Govinda  
 Roy, Shri Biren  
 Singh, Shri D P.  
 Sinha, Shri Ganga Sharan  
 Solomon, Shri P A  
 Subba Rao, Di A

*The motion was adopted 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*

MR DEPUTY CHAIRMAN: Now, we take up the Merger 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 agreements entered into between the Governments of India and Pakistan and for matters connected therewith as passed by the Lok Sabha, be taken into consideration"

*The motion was adopted*

MR DEPUTY CHAIRMAN We shall now take up the clause by clause consideration of the Bill.

*Clauses 2 to 11 were added to the Bill.*

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

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

SHRI JAWAHARLAL NEHRU Sir, I move

'That the Bill be passed'

*The question was put and the motion was adopted*

THE INDUSTRIAL FINANCE CORPORATION (AMENDMENT) BILL, 1960

THE DEPUTY MINISTER OF FINANCE (SHRIMATI TARKESHWARI SINHA) Sir, I move.

"That the Bill further to amend the .

SHRI K. SANTHANAM (Madras): Sir, this is a Bill which requires careful consideration I asked our Chief Whip and he said that it was not to be proceeded with today

DR H N KUNZRU (Uttar Pradesh). It is an important Bill and it cannot be taken up today

SHRI N M LINGAM (Madras): We were definitely given to understand that it was not going to be taken up today

MR DEPUTY CHAIRMAN It is on the agenda It has been circulated long before Sufficient time has been given

SHRI K SANTHANAM We want to speak on the Bill.

MR DEPUTY CHAIRMAN It has been circulated Sufficient time has been given

SHRI K SANTHANAM I was about to get all the reports and other things, to study the Bill, and make a speech. When I asked the Chief Whip, he said that it would not be proceeded with today That is why we are in this helpless position

MR. DEPUTY CHAIRMAN What are the intentions of the Government?

THE MINISTER OF REVENUE AND CIVIL EXPENDITURE (DR B GOPALA REDDI) Sir, we want to proceed with the Bill It was passed by the Lok Sabha day before yesterday. We want to proceed with the Bill

SHRI K. SANTHANAM We require four hours for this.