

VOL. III

ASSAM LEGISLATIVE ASSEMBLY

GOVERNMENT OF ASSAM

GOVERNOR OF ASSAM

SHRI VISHNU SAHAY

Members of the Council of Ministers

1. Shri Bimala Prasad Chaliha, Chief Minister. Appointments, Political, Home, General Administration including Secretariat Administration, Relief and Rehabilitation, Minority Commission, Roads and Buildings Wing under the Public Works Department, Education, Tribal Areas and Welfare of other Backward Classes, Transport, Information and Publicity, Co-ordination of all other Departments including Development and matters not specifically allotted to any other Minister.
2. Shri Fakhruddin Ali Ahmed Finance, Community Development including National Extension Service Blocks, Panchayat (formerly Rural Development and Panchayat), Local Self-Government and Law (formerly Judicial and Legislative).
3. Shri Rupnath Brahma ... Medical (including public Health), Printing and Stationery, Registration and Stamps.
4. Shri Kamakhya Prasad Tripathy. Planning and Development, Statistics, Labour, Town and Country Planning, Industries (including Cottage Industries) and Power (Electricity).
5. Shri Hareswar Das... ... Revenue, Forests and Excise.
6. Shri Mahendra Nath Hazarika Sericulture and Weaving, Khadi and Village Industries Board, Social Welfare and Jails.

7. Shri Moinul Haque Agriculture, Pisciculture, Veterinary and Livestock, Supply including Consumer Goods and Textile, Trade and Commerce, Parliamentary Affairs, Co-operation and Flood Control and Irrigation Wing under the Public Works Department.
Choudhury.

Deputy Ministers

1. Shri Girindra Nath Gogoi ... Public Works Department (Roads and Buildings), Local Self-Government.
2. Shri Biswadev Sarma ... Co-operatives, Labour and Political Sufferers and Transport.
3. Shri Radhika Ram Das ... Education, Revenue.

Parliamentary Secretaries

1. Shri Lalit Kumar Daley ... Forest, Tribal Areas Department, Social Welfare.
2. Shri Sai Sai Terong ... Relief and Rehabilitation.

Mr. Speaker

Shri Mahendra Mohan Choudhury, B.L.

Mr. Deputy Speaker

Shri Rajendra Nath Barua, B.L.

Panel of Chairmen

1. Shri Ram Nath Das, B.L.
2. Mrs. Jyotsna Chanda, B.A.
3. U Jor Manik Siem, B.A., B.L.
4. Shri Nilmoney Barthakur, B.Sc.

Secretary

Shri R. N. Barua, M.Sc., B.L.

Under Secretary

Shri S. Kar Gupta, B.A.

Editor of Debates

Shri P. C. Deuri, M.A.

LIST OF MEMBERS OF THE ASSAM LEGISLATIVE ASSEMBLY

Serial No.	Name	Constituency by which elected
1	Mr. A. Thanglura, B.A., B.L. ...	Aijal-West (Reserved for Scheduled Tribes).
2	Vacant.	Karimganj—South.
3	Maulavi Abdul Matlib Mazumder, M.A., B.L.	Hailakandi.
4	Shri Baikuntha Nath Das ...	Rangiya (Reserved for Scheduled Tribes).
5	Shri Bhuban Chandra Pradhani, B.A.	Golakganj.
6	Shri Bimala Prasad Chaliha ...	Badarpur.
7	Shri Birendra Kumar Das... ...	Patacharkuchi (Reserved for Scheduled Tribes).
8	Shri Bishnu Lal Upadhyaya, B.A. ...	Gohpur.
9	Shri Biswadev Sarma, B.L. ...	Balipara.
10	Shri Bishwanath Upadhyaya ...	Patharkandi.
11	Shri Brojo Mohon Roy, B.A. ...	Shillong.
12	Shri C. Chhunga ...	Lungleh (Reserved for Scheduled Tribes).
13	Shri Chatrasing Teron, B.A. ...	Mikir Hills-West (Reserved for Scheduled Tribes).
14	Shri Dandeswar Hazarika, B.L., Advocate.	Morongi.
15	Shri Dandi Ram Dutta ...	Mangaldai.
16	Shri Debeswar Sarmah, B.L. ...	Jorhat.
17	Shri Devendra Nath Hazarika, B. com.	Saikhowa.
18	Shri Dhirsingh Deuri ...	Laharighat (Reserved for Scheduled Tribes).
19	Shri Durgeswar Saikia ...	Thowra.

Serial No.	Name	Constituency by which elected
20	Shri Dwijesh Chandra Deb Sarma ...	Digboi.
21	Shri Emerson Momin	Baghmara (Reserved for Scheduled Tribes).
22	Shri Fakhruddin Ali Ahmed, Barrister-at-Law.	Jania.
23	Shri Gaurisankar Bhattacharyya, M.A., B.L.	Gauhati.
24	Dr. Ghanashyam Das, L.M.P. ...	North Salmara (Reserved for Scheduled Castes).
25	Shri Ghanashyam Talukder, M.A. (Ben.), M.Sc. (Lond.).	Sorbhog.
26	Shri Girindra Nath Gogoi, B.L. ...	Sibsagar.
27	Shri Gopesh Namasudra ...	Patharkandi (Reserved for Scheduled Castes).
28	Shri Gouri Shankar Roy, B.A. ...	Katlicherra.
29	Shri Hakim Chandra Rabha, B.A. ...	Goalpara (Reserved for Scheduled Tribes).
30	Shri Hamdhon Mohan Haplangbar... ..	North Cachar Hills (Reserved for Scheduled Tribes).
31	Shri Hareswar Das, M.A., B.L. ...	North Salmara.
32	Shri Hareswar Goswami, B.A. (Cal.), M.A. (Cantab.), Barrister-at-Law.	Rampur.
33	Shri Harinarayan Baruah	Teok.
34	Shri Hem Chandra Chakravarty, B.L., Advocate.	Katigora.
35	Shri Henry Cotton	Nongstoin (Reserved for Scheduled Tribes).
36	Shri Hiralal Patwary	Panery.
37	Shri Indreswar Khaund, B.L. ...	Bogdung.
38	Maulavi Jahan Uddin Ahmed, B.Sc., B.L., Pleader.	Bilasipara.
39	Shri Joga Kanta Barua	Jaipur.

Serial No.	Name	Constituency by which elected
40	U Jor Manik Siem of Myllem, B.A., B.L.	Nongpoh (Reserved for Scheduled Tribes).
41	Mrs. Jyotsna Chanda, B.A.	Silchar-West.
42	Shri Kamakhya Prasad Tripathi, M.A., B.L.	Biswanath.
43	Shri Kamala Prasad Agarwala, B.L.	Tezpur.
44	Shri Karka Chandra Doley	North Lakhimpur (Reserved for Scheduled Tribes).
45	Shri Khagendra Nath Nath	Goalpara.
46	Shri Khogendra Nath Barbaruah, B.A.	Amguri.
47	Maulavi Kobad Hussain Ahmed, B.L.	Mankachar.
48	Prof. (Shrimati) Komol Kumari Barua, M.A., B.Sarada.	Katonigaon.
49	Swami Krishnananda Brahmachari	Kokrajhar.
50	Shri Lalit Kumar Daley, B.A.	Moran (Reserved for Scheduled Tribes).
51	Pu Lalmawia, B.A.	Aijal-East (Reserved for Scheduled Tribes).
52	Shri Larsingh Khyriem	Jowai (Reserved for Scheduled Tribes).
53	Shri Lila Kanta Barah, M.A., B.L.	Kaliabor.
54	Shrimati Lily Sen Gupta	Lahowal.
55	Shri Mahadev Das	Barpeta (Reserved for Scheduled Castes).
56	Shri Maham Singh, B.L.	Cherrapunji (Reserved for Scheduled Tribes).
57	Shri Mahendra Mohan Chaudhury, B.L.	Hajo.
58	Maulavi Mahammad Idris, M.A., LL.B.	Rupohihat.

Serial No.	Name	Constituency by which elected
59	Shri Mahendra Nath Hazarika ..	Nowgong (Reserved for Scheduled Castes).
60	Shri Manik Chandra Das ...	Tengakhat.
61	Shri Mathias Tudu, B.A., B.T. ...	Gossaigaon.
62	Md. Matlebuddin, B.A. ...	Dalgaon.
63	Shri Mody K. Marak ..	Tura (Reserved for Scheduled Tribes).
64	Shri Mohananda Bora ...	North Lakhimpur.
65	Shri Mohidhar Pegoo ...	Jorhat (Reserved for Scheduled Tribes).
66	Shri Mohi Kanta Das, M.A., B.L. ...	Barchalla.
67	M. Moinul Haque Choudhury, M.A., LL.B.	Silchar-East.
68	Shri Molia Tati	Doom Dooma.
69	Shri Moti Ram Bora, M.A., B.L. ...	Laharighat.
70	Shri Nanda Kishore Sinha ...	Sonai.
71	Shri Nallindra Sangma	Dainadubi (Reserved for Scheduled Tribes).
72	Shri Narendra Nath Sarma ..	Dergaon.
73	Shri Nilmoney Borthakur, B.Sc. ...	Dibrugarh.
74	Maulavi Nurul Islam	Dhing.
75	Shri Omeo Kumar Das, B.A. ...	Dhekiajuli.
76	Shrimati Padma Kumari Gohain ...	Moran.
77	Shri Pakhirai Deka ..	Panery (Reserved for Scheduled Tribes).
78	Shri Phani Bora	Nowgong.
79	Shri Prabhatnarayan Chaudhury, B.A.	Nalbari-East.
80	Kumar Prokritish Chandra Barua ...	Gauripur.
81	Shri Purnananda Chetia, B.A. ...	Sonari.

Serial No.	Name	Constituency by which elected
82	Shri Radha Charan Choudhury, B.A., B.T.	Boko.
83	Shri Radha Kishan Khemka ...	Tinsukia.
84	Shri Radhika Ram Das, B.L., Advocate.	Palashbari.
85	Maulavi Rahimuddin Ahmed ...	Jamunamukh.
86	Shri Rajendra Nath Barua, B.L. ...	Golaghat-East.
87	Shri Ram Nath Das, B.L. ...	Dergaon (Reserved for Scheduled Castes).
88	Shri Ramnath Sarma	Landing.
89	Dr. Ram Prasad Chaubey ...	Lakhipur.
90	Shri Ranendra Mohan Das, M.A. ...	Karimganj-North.
91	Shri Rup Nath Brahma, B.L. ...	Kokrajhar (Reserved for Scheduled Tribes).
92	Maulavi Sahadat Ali	South Salmara.
93	Shri Sai Sai Terang	Mikir Hills-East (Re- served Scheduled Tribes).
94	Shri Sarat Chandra Goswami, M.A., B.L.	Kamalpur.
95	Shri Sarbeswar Bordoloi	Titabar
96	Shri Siddhi Nath Sarma, B.Sc., B.L.	Rangiya.
97	Dr. Srihari Das, M.B., B.S. (Cal.) ...	Barpeta.
98	Shri Surendra Nath Das	Patacharkuchi.
99	Shri Tajammul Ali Barlaskar, B.A.	Udarband.

Serial No.	Name	Constituency by which elected
100	Maulavi Tajuddin Ahmed M.A., LL.B.	Tarabari.
101	Shri Tamizuddin Prodhani ...	Dhubri.
102	Shri Tankeswar Chetia, B.A., B.T....	Nazira.
103	Shri Tarun Sen Deka, B.A., LL.B.	Nalbari-West.
104	Mrs. Usha Barthakur, B.A., B.T. ...	Samaguri.
105	Capt. Williamson A. Sangma ...	Phulbari (Reserved for Scheduled Tribes).

Complaint made by Maulavi Jahanuddin Ahmed against certain publication alleged to be stated by Mrs. Jyotsna Chanda, M.L.A.

Mr. SPEAKER : I have received another complaint from Shri Jahanuddin Ahmed complaining against certain publications alleged to be stated by Mrs. Jyotsna Chanda. Under the Rules we cannot take up more than one item on this subject in the same sitting and again this complaint lacks in detail. No explanatory note has accompanied his note as necessary under the Rules. So I rule this as out of order.

Specification of the words "Precincts of the House" by the Speaker under Assembly Rule 2

Mr. SPEAKER : Under Assembly Rule 2, "Precincts of the House" means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify.

The expression "such other places" has not yet been specified. I hereby direct "such other places" shall include the whole of the Assembly House premises as at present fenced and the Library room extension in the old Council House except the Legislature Party Rooms of the Assembly Building.

The Acquired Territories (Merger) Bill, 1960

Mr. SPEAKER : I am a reading out the order of the President which has been received.

WHEREAS the Agreement, dated the 10th day of September, 1958, 23rd day of October, 1959 and the 11th day of January, 1960, entered into between the Governments of India and Pakistan provide, *inter alia*, for the transfer of certain territories from Pakistan to India.

AND whereas the Government of India propose that a Bill to provide for the merger into the State of Assam, Punjab, and West Bengal of certain territories acquired in pursuance of the said agreements and for matters connected there with should be introduced in Parliament as early as practicable.

Now, Therefore, in pursuance of the proviso to Article 3 of Constitution of India, I hereby refer the Bill to the legislature of each of the said States for expressing its views thereon within a period of one month from the date of this reference.

Sd/- RAJENDRA PRASAD,

23rd October, 1960.

President of India.

Shri BIMALA PRASAD CHALIHA (Chief Minister) : Mr. Speaker, Sir, with the partition of India on the 15th August, 1947, some portions of the boundary between the provinces of undivided Bengal and Assam became Indo-Pakistan boundary. The district of Sylhet which was in Assam was partitioned by the Radcliffe Award and the Radcliffe Award line and a portion of pre-partitioned inter-district boundary between Khasi and Jaintia Hills and Sylhet also formed the Indo-Pak boundary. From the trijunction of Cooch-Bihar, Goalpara and Rangpur Districts to the trijunction of Garo Hills, Khasi and Jaintia Hills and Mymensingh districts, the old inter-district boundaries were accepted as international boundary between India and Pakistan. From the trijunction of Khasi and Jaintia Hills, Garo Hills and Mymensingh upto the point where the pre-partitioned Sylhet-Cachar boundary met the Kusiara river, the inter-district boundaries between Sylhet on one side and Khasi and Jaintia Hills and Cachar on the other were accepted as Indo-Pak boundary. From the meeting point of pre-partitioned Sylhet-Cachar boundary with the Kusiara river upto the point where the Kulaura-Patharkandi thana boundary meets the frontier of Tripura, and line described by Sir Cyril Radcliffe in paragraph 13 of his report formed the Indo-Pak boundary. Paragraph 13 of the Report reads as follow—

“13. A line shall be drawn from the point boundary between the thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between those thanas, then along the boundary between the thanas of Patharkandi and Barlekha, then along the boundary between the thanas of Karimganj and Barlekha, and then along the boundary between the thanas of Karimganj and Beani Bazar to the point where that boundary meets to river Kusiara. The line shall then turn to the east taking the river Kusiara as the boundary and run to the point where the river meets the boundary between the districts of Sylhet and Cachar. The centre line of the main stream of channel shall constitute the boundary. So much of the district of Sylhet as lie to the West and North of this line shall be detected from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.”

2. Just after partition an attempt was made for the ground demarcation of the Radcliffe Award lines, but two disputes arose in interpretation of the description of the above line. These were referred in 1949, to the Bagge Tribunal.

One dispute was regarding the Patharia Reserve Forest and the other was regarding the course of the Kusiara river. In the Patharia dispute, Pakistan claimed entire Patharia Reserve Forest and India also claimed the entire Patharia Reserve Forest less the portion falling in Kulaura thana. In the Inter-Dominion Conference held at New Delhi in December 1948, it was agreed that a Tribunal should be set up for the adjudication and final settlement of the boundary arising out of the interpretation of the Radcliffe Award and for demarcating the boundary accordingly. As an interim arrangement for the administration of the Patharia Reserve Forests it was also agreed that the East Bengal Government should be in possession of the Reserve Forests west of Radcliffe Line and Assam Government should be in possession of the Reserve Forests on the east of the Radcliffe Line as shown in the Radcliffe map. Agreement was reached in 1953, to demarcate

this area on the basis of the Bagge Award accepted by both sides. By the decisions of the Bagge Tribunal about six square miles of the disputed Patharia-Reserve Forest went to Pakistan and about 25 square miles came to India.

In the Kusiya dispute Pakistan claimed a large slice of land (about 100 square miles) lying south of the present Kusiya river, on the ground that the real Kusiya river used to flow from Badarpurghat through Kakrakhal, Sonai river, etc. In this dispute India's contention regarding the identity of Kusiya river was accepted by the Bagge Tribunal but in giving its decision it upheld the Radcliffe map line which was not in agreement with the description in paragraph 13 of the Radcliffe report (already quoted). As a result, 30 villages in part or whole comprising about 9 square miles belonging to Karimganj Thana south of the Kusiya river which was in possession of India from the date of partition was excluded from India by the Radcliffe line confirmed by the Bagge Award though this area rightfully belonged to India according to the description in paragraph 13 of the Radcliffe Report. Demarcation on the ground could not proceed on the basis of Bagge Tribunal decision as the boundary line decided by the Tribunal was considered irrational.

3. In the course of ground demarcation of the portion of Assam-East Pak boundary not covered by the Radcliffe Award line, three more disputes arose, one regarding the boundary line in Surma river area (13 miles) and 2nd regarding the boundary line in the Piyain river area from Dawkimukh to Khurimukh (6 miles) and the 3rd regarding Bholaganj bazar area. These 3 disputes were settled by the Nehru-Noon Agreement of September 1958.

In the Surma dispute Pakistan claimed the mid-stream of the Surma river as the boundary whereas India claimed the left high bank, *i.e.*, Pakistan side bank as the boundary. Pakistan nationals supported by their forces attempted to cultivate the areas on the left high bank of the Surma and the chars and the harvest crops when the area rightfully belonged to India. The forces on our side protested against this with the result that after partition until September 1958, this dispute was one of the main reasons for border incidents between the two countries.

In the Piyain river area India claimed the mid-stream of Piyain river as it existed in 1892-93, as the boundary whereas Pakistan claimed the north bank of Piyain river as it existed in 1892-93. In subsequent years, however, the question was intermittently raised at the different levels and a series of border incidents took place particularly during the years 1956-58. As the present Piyain river has shifted its course since 1892-93, and shifted towards the south (towards Sylhet) the land formed between the original north bank of Piyain river and its present north bank was also claimed by Pakistan as part of Sylhet district.

In the Bholaganj area about a square mile of land around and including Bholaganj bazar was claimed by Pakistan as part of Sylhet district. By the Nehru-Noon Agreement of September 1958, Pakistan gave up its claim on the Bholaganj area.

The Surma and Piyain disputes were also considered by the Nehru-Noon meeting of September 1958, and it was decided that "Piyain and Surma river regions be demarcated in accordance with the relevant notifications, cadastral survey maps and if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers".

After these settlements in 1958, only the boundary disputes in the Patharia Reserve Forest and Kusiya river area remained. However, major incidents along the border like firing stopped. Another Minister-level conference was held in October 1959, to consider these disputes which were settled by adopting a more rational line of boundary between the two countries. The fact that there had been no settlement of the respective claims of India and Pakistan in the areas of the Patharia Forest Reserve and the Kusiya river in accordance with the Radcliffe Award in spite of these disputes having been referred to an international tribunal which gave award in 1950, was one of the principal causes of conflict and tension along these Indo-East Pakistan border areas. A rational boundary was worked out in the Patharia Reserve Forest area following the ridge, as far as practicable, as the boundary. By this settlement India agreed to part with about 17 square miles in the Patharia Reserve Forest and its contiguous north. In the Kusiya river, Pakistan gave up the claims over an area of about 9 square miles comprising 30 villages in the Karimganj thana and the Minister level conference agreed to adopt the thana boundaries of Beanibazar and Karimganj as given in Assam Government notification of 28th May 1940, as the India-East Pakistan boundary.

The boundary between Assam and East Pakistan is about 620 miles. Theodolite traverse has been done for 415 miles in the Indo-Pakistan boundary. Out of abovementioned 415 miles, 327 miles have been demarcated by construction of boundary pillars as may be seen from the index map attached. The reconnaissance survey of Mizo Hills Chittagong Hills Tracts section of Indo-Pakistan boundary (about 190 miles) has been taken up by the Central Surveys of both the countries.

The Indo-Pakistan Border Settlement Agreements of 10th September 1958, and 23rd October 1959 involve, so far as the State of Assam is concerned the following—

- (1) Claims raised by the Government of Pakistan to certain Assam territories were dropped namely, in respect of Bholaganj (1 square mile) and the Kusiya villages (9 square miles).
- (2) Certain territories in Pakistan will be transferred to Assam on demarcation in the Piyain and surma sectors in accordance with the Agreements. The exact area that will come to Assam will be known only after demarcation, but it is expected to be about 160 acres.
- (3) Certain territories in Assam will be transferred to Pakistan. The exact area will be known after demarcation, but it is likely to be about 17 square miles in the Patharia forest region and about 270 acres in the region of the Piyain and Surma rivers.

Hon'ble Members are aware that the President of India, in exercise his powers under Article 143 of the Constitution, made a reference to the Supreme Court of India to secure their advisory opinion to remove doubts about the method of implementation of these Border Agreements. The Supreme Court have advised that an amendment of Article 1 and of the relevant part of the First Schedule to the Constitution, which can be undertaken only under Article 368, is necessary where the implementation of the Agreements involves cession of a part of territory of India in favour of Pakistan. The Supreme Court also advised that foreign territory which after acquisition, becomes a part of the territory of India under Article 1(3)(c) can, after its acquisition, be absorbed in the new State under Article 3. In accordance with the advice of the Supreme Court, the Government of India are undertaking amendment of the Constitution under Article 368 to give effect to the transfer of certain territories from India to Pakistan by the Constitution (Ninth Amendment) Bill, 1960 which they propose to introduce in the Central Parliament and are also undertaking the enactment of the Acquired Territories (Merger) Bill, 1960, Under Article 3 the Constitution to provide for the merger into the State of Assam and other States of certain territories that are to be transferred to India from Pakistan under these Border Agreements.

The Supreme Court in their advisory opinion have stated *inter alia* that, "if the law in regard to the implementation of the Agreement is to be passed under Article 368 it has to satisfy the requirements prescribed by the said Article ; the Bill has to be passed in each House by a majority of total membership of the House and by a majority of not less than two-thirds of the House present and voting ; that is to say, it should obtain the concurrence of a substantial section of the House which may normally mean the consent of the major parties of the House, and that is a safeguard provided by the Article in matters of this kind. In this connection it may incidentally be pointed out that the amendment of Article 1 of the Constitution consequent upon the cession of any part of the territory of India in favour of a foreign State does not attract the safeguard prescribed by the proviso to Article 368 because neither Article 1 nor Article 3, is included in the list of entrenched provisions of the Constitution enumerated in the proviso". The Court have also stated that, "under the proviso to Article 2 of the Constitution it is prescribed that where the proposal contained in the Bill affects the area, boundaries or name of any of the State, the Bill has to be referred by the President to the Legislature of that State for its views thereon within such period as is therein prescribed". It is in pursuance of this advice of the Supreme Court that the President has referred the Acquired Territories (Merger) Bill, 1960 to the Legislature of the State of Assam for its views thereon.

As Hon'ble Members will have seen from the detailed explanation I have given, these border agreements have been made in the larger interests of the country and to foster good neighbourly relations between the two countries after careful thought and examination. I hope the Members will consider the matter in this context and agree to the provisions envisaged in the Acquired Territories (Merger) Bill, 1960 as far as this State is concerned.

I accordingly move the following resolution :

“The House recommends to the President of India that the Acquired Territories (Merger) Bill, 1960 be enacted.”

Mr. SPEAKER: The Motion moved is that the House recommends to the President of India that the Acquired Territories (Merger) Bill, 1960 in so far as it relates to Assam be enacted.

Shri HARESWAR GOSWAMI (Rampur): Mr. Speaker, Sir, before we express our opinion on the resolution as well as on the Bill, we would like to study the matter in greater details. We have been presented with the Map just now, and the Bill also was sent to us two days ago. The Bill did not give so much of the information as is contained in the speech of the Chief Minister. Sir, the matter being a very important, one, I would request you that the House to given time till 2 P.M. to study the implication of the matter and we meet at 2 P.M. so that we can express our opinion. I don't think the debate on this will take a long time ; but to do justice, I would like that the House be given time to study the implication of the Bill.

Shri BIMALA PRASAD CHALIHA (Chief Minister): I appreciate the suggestion of the Leader of the Opposition. From our side we have no objection. To assist the Hon'ble Members, 3 maps have been hung up in the Library, and the Director of Land Records and the Deputy Director of Surveys, Assam, will also be available to assist the Hon'ble Members.

Shri HARESWAR GOSWAMI: May I also request the Chief Minister whether it would be possible for him to place the advice of the Supreme Court, *i. e.*, the whole of it, on the table ?

Shri BIMALA PRASAD CHALIHA (Chief Minister): Yes, I think it would be possible.

Mr. SPEAKER : Is it the desire of the Members to adjourn the House till 2 P.M. ?

(Voice—Yes, Yes)

ADJOURNMENT

The Assembly was then adjourned till 2 P.M.

After Lunch

***Shri HARESWAR GOSWAMI (Rampur):** Mr. SPEAKER, Sir, during this short interval I tried to understand the implication of the Bill by referring to the map laid down on the table of this House and also as well as by referring to the advice given by the

Supreme Court under Article 143 of the Constitution. Sir, one thing the hon. Supreme Court has said very clearly namely that this is not a matter of just determining the exact boundary in the award but it is a pure and simple cessation of territory that belong to another country. The Supreme Court has gone to the extent of saying that it did not determine the boundaries, but it tried to settle the dispute amicably in *ad hoc* basis by dividing the disputed territories half and half. The Supreme Court further has gone to the extent of saying that "no trace in the agreement of any attempt to interpret the award or to determine what the award really meant."

Therefore Sir, when we find this observation of the highest Court of the land we are rather apprehensive about such measure. I feel and appreciate the desire of our Government to have an amicable settlement with the Government of Pakistan and foster good neighbourly relation between the two countries. It is true that during 1958-59 when our own people had to pass sleepless night in the border of Karimganj and United Khasi and Jaintia Hills we were anxious to put an end this type of activities and to come to a permanent understanding with Pakistan. I still feel Sir, that the outstanding problems of the two countries should be settled as soon as possible and that the people of these two countries should live in peace and amity. I also sincerely desire that trades should also increase and the movement of the people should also increase between the two countries so that one may feel that he is not living in a separate country although legally we are separated. Let us feel that as if we are living in one geographical unity. Sir, what we have done is not just the question of interpreting the Radcliffe Award or the award of the Bagge Tribunal. Sir, it appears that we want to please the Pakistan by giving our certain territories which belong to India. When we look into the map, we find that in this bargain we have actually suffered. In the Patharia region we have given almost the entire area which is valuable to Pakistan. By this agreement, India agreed to part with 17 square miles in the Patharia forest region and about 270 acres in the region of the Piyani and Surma rivers. Sir, so far as the Surma and Piyani rivers are concerned, there also we had to sacrifice our own territory just to please Pakistan. Sir, so far as the Piyani is concerned according to our notification of 1896 there we have given to Pakistan 189 acres of land whereas we will get only 52 acres of land. Similarly in the Surma region in the North Bank, there also our gain is not much. We are going to give 50 acres of land to the Pakistan and the Pakistan will give only 30 acres of land to India. The nationals of these countries will be entitled to use the rivers.

Sir, in coming to this settlement, we have almost given good-bye to the International Convention. According to the International Convention the river or seas formed the boundaries of the 2 independent States upto the mid stream. But here so far as the Piyani river is concerned there we have no right. Only in the North Bank we have been given right to ply boats. But so far as the territorial jurisdiction is concerned, upto the North Bank there will be claim of Pakistan. In the Surma river the Pakistan has got her share and what they actually wanted was the final claim upto the left high bank, i. e., Pakistan side bank as the boundaries. The nationals of this country will be able to use this river for their purpose. Thus on the one hand, we have, in the Pathari reserve almost conceded to the demand of Pakistan.

What is left of Patharia is not very valuable and we cannot say that in this deal we have got fair deal from Pakistan. Now, what is most surprising is this. So far as this Pathairia Reserve is concerned, we do not know to-day what exactly will be the position because the demarcation is still continuing and it is quite possible that where the Patharia police station is separated by the Kulaura may have to yield to Pakistan, that is about three villages, one is village Patni and the other two villages of the same name.

***Maulavi JAHANUDDIN AHAMED (Bilasipara):** I think five villages.

***Shri HARESWAR GOSWAMI (Rampur):** Yes, out of the five villages, it is almost certain that two will remain with us and three will go to Pakistan. So far as the United Khasi-Jaintia Hills is concerned, in this border, only the Piyani village, although there is that villages called Pirdway and in that village not only that about thirty families live there but it is a very important area to those people for cultivation of about five or six villages. Now, that whole area will go under Pakistan. Now, if we could have kept this portion by giving away the remaining portion of Patharia Forest Reserve, I think that would have been a better deal. It appears that in the whole deal we have suffered and we have given land to Pakistan. As against that we will get only 9 square miles in the Kushiara river—no doubt about 30 villages are there. That question is important and about 20 acres in the Surma river and the Bholaganj remain with us. So far as the claim over these areas is concerned, they have no basis at all. Therefore, if we have been able to retain this area, it is not because of our better bargaining position but because they have no moral legal or any sort of right over this place.

No, so far as the Radcliffe Award is concerned, I have not been able to understand how in the course of interpretation of the Radcliffe Award so much land need be given to Pakistan. Therefore, I have been feeling that we have given this land to Pakistan as the Supreme Court decided not in course of trying to interpret the Award but just to please Pakistan. I only wish that this will please Pakistan and there will be no more reason for any conflict between the two countries. But, Sir, taking into consideration our past experience, I cannot lull myself in such a hope. Now, Sir, so far as the constitutional position is concerned, of course after the Supreme Court's advice given under Article 145 it is no use for us to argue the constitutional position of this matter. Sir, under Article 1(3) of the Constitution, the territory of India has been defined and this territory includes the territories of the States, the Union territories specified in the First Schedule and such other territories as may be acquired. Now, while it was argued before the Supreme Court that while the Constitution specifically provides for the acquisition of territory and how that territory should be grouped whether under the State or the Central Government, whether by increasing the area of a State or by diminishing the area of a State, there is nothing in the Constitution which enables the Government to cede territory. Therefore, the Supreme Court went into that question and has observed that a sovereign State if it has the right to acquire, it is an inherent quality of the sovereignty, namely, if the sovereign State has the right both to acquire territory and to cede territory. In that connection, Article 3 of the Constitution was cited and it was argued that under Article 3(c) which gives the power to diminish the area of any State,

the Attorney General pointed out that even under the sea the India Government has the power to cede a territory to a foreign State. However, that argument was not accepted. Now, Sir, as I said, it is not necessary for us to go into the legal argument because the matter has been put at rest by the Supreme Court. Yet, we feel that so far as the ceding of territories is concerned, that power should have been expressly given in the Constitution. Even now, the Supreme Court, when it was asked to give its opinion on three main points, *viz.*, (1) if any legislative action is necessary for the implementation of the agreement relating to Barubari area. In Assam if these territories are given the same thing may be drawn, that is, whether any legislative action is necessary, (2) If so, is a law passed by Parliament sufficient for the purpose and (3) if an amendment of the Constitution in accordance with Article 368 of the Constitution is necessary for the purpose or any other alternative is necessary? Therefore, so far as first point is concerned the Supreme Court said 'Yes' legislative action is necessary". It cannot be done by an executive action. If there is an agreement under Entry 14, List I of the Constitution, we find that treaties and other things can be signed between the two Government to give effect to certain things. The treaty might have the effect of altering the boundaries of a State or of a county. Then, Sir, it is clearly stated that legislative action is necessary and whether that legislative action should be relatable to Article 3 of the Constitution or to Article 368. The Supreme Court has said that if it is relatable to Article 3 then the question will be that after amendment of the Constitution, after Article 3 is amended, then the Government of India will have the right to secede territories also then after that by legislative action that can be done. That has been done in this case. Here there is nothing to amend the Constitution so far as Article 3 is concerned, only under Article 368, Article 1 will be amended and by this method this agreement has sought to be implemented. Now, Sir, having gone through the Supreme Court decision, I feel that in these matters it is not only the legal aspect that has to be considered, another aspect, the political aspect has also to be considered and in considering that I do not see the necessity of coming before this House and seeking an approval. The agreement was arrived at without taking the country into confidence, without taking those people who were killed today the nationals of this country and will tomorrow become immediately the nationals of another country, without taking their opinion this agreement has been arrived at and today it is a *fait accompli* and we have been asked only to put our seal to what has already been accomplished. I feel, Sir, if it is not for any other thing atleast for this I oppose this resolution because when a certain territory of Indian Union is going to be given to a foreign State, whether we got something in exchange of that is not very much material but the very fact that certain territories will have to be given to Pakistan is an important matter of which atleast Government should have taken the opinion of the representatives of the people as well as those who are very much affected by it. It appears that our Democracy is only in name. The Government decide certain thing, that is a *fait accompli* and then the Government come before us to say that this has been done and therefore you have to put your seal. I feel, Sir, in that way we cannot develop our Democracy and people has a right cause in resenting against certain action. So far as these three villages are concerned, so far as this village Pividiwah is concerned, these people are concerned, they do not want to go to Pakistan, they want to remain here. The three villages mostly manned by people who are displaced people from East Pakistan

who had to leave Pakistan once and have taken shelter here, to day we are again throwing them to their mercy. In the Supreme Court judgement a reference was made in this connection where it was stated that this is a great hardship on some people and, therefore, either those people should voluntarily agree to go there or the Government must make provision for these people. Now here in this case, we know definitely that these people are unwilling to go to Pakistan. These people of these villages left Pakistan and took shelter in India and acquired India citizenship and today again we are throwing them to the claws of Pakistan. Therefore, Sir, it is our moral duty to have their opinion, and if we are bound to give this territory to Pakistan at least to make certain alternative arrangements for these people so that they may not be forced to change their nationality. I do not find such a thing in the Bill or in the resolution. Secondly, Sir, as I stated, even in America although the treaty making power is left to the President and in England to the Crown, even then such ratifications are always done by the Senate and there are instances where the Senate has overthrown these things. But in India, we find that the treaty has been signed, sealed and almost delivered and after this we have been told that too after the Supreme Court gave its opinion, before that the intention of the Government of India was to slowly and silently transfer these territories, without seeking the assent of the House and representatives of the people and then today they found themselves in an assailable position and so they have come before the Lok Sabha in that form and before us for our consent. So I think, as I said, that if we really want to lay down the foundation of a healthy Democracy, it is not only the one instance, even in the matter of the canal water treaty we have committed our country to the payment of some crores of rupees to Pakistan. That also should not have been done without the consent of the House. But these things are being done and today if I am saying all these things because I have my apprehension that tomorrow there may be another boundary dispute, say with China or any other country are we going to allow the Government to behave in this manner? I feel that the Government in these matters, when there is no possibility of coming to a settlement by transferring territories, therefore, before signing an agreement or a treaty, it is necessary to have the consent of the House and the representatives of the people. Sir, as I said, I do not think that by this move we shall be able to bring about a permanent solution of the problems that agitate the minds of Pakistan and Hindustan. I will be very glad if after this Pakistan adopts a friendly attitude, but as I said, our experiences do not enable us to nurse such hope. Lastly, Sir, we do not know the full implication of this Bill because the demarcation is not yet completed although we are told this is the territory that is going to be conceded to Pakistan and that is the territory we are expecting to get, but that it may not be so. Therefore, Sir, it is very difficult to give our consent to certain cases. I believe, the Government if in spite of the opposition today all over the country proceeds in the manner there is bound to be resentment. For instance, Berubari in West Bengal and certain places will be given to Pakistan so also in Punjab and Assam some territories will be given over to Pakistan and, therefore, there is resentment. I hope Government will bow down to the will of the people and correct this position. If it cannot be done we will only hope that in future Government will not commit itself. After all these are not matters by which we want the Government to rise or fall. These are matters in which we want to walk together, we want to find solution to the various

problems that confront us. But in doing that we do not want any unilateral action by the Government, that the Government must do something and after doing that, after having accomplished a fact to come before us to have our consent, it is a wrong thing. Therefore, I hope these things will not be done without full agreement of the people. If any such agreements are to be arrived at, then this House as well as the representatives of the people everywhere must be taken into confidence and then only such agreements will get the support of this House. Lastly Sir, it is important that we do not propose that any nationals of the country should change their nationality. If they do not agree, it is our bounden duty to make arrangements so that they may not suffer by this action of the Government. Sir, as I said that due to these political implications and other things I cannot agree to accept this resolution of the Government.

With these few words Sir, I resume my seat.

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for Scheduled Castes)]: মাননীয় অধ্যক্ষ মহোদয়, আজ যে বিষয়ে আলোচনার জন্য এই অধিবেশন ডাকা হয়েছে সেটা অত্যন্ত জরুরী। সংবিধান (নবম সংশোধনী) বিল এবং প্রাপ্ত এলাকা (সংযুক্তি) বিল লোকসভায় আলোচনা হবে এবং আমাদেরকে মতামত দিতে হবে। এ দুইটা বিলই অত্যন্ত জরুরী। মানুষের জীবনের সঙ্গে, ঘর-বাড়ীতে বাসকরা সম্পর্কে এবং সর্বোপরি ভারতের নাগরিকত্ব সম্পর্কে এ দুটা বিল জড়িত। কিন্তু বড়ই আশুর্ঘ্যের বিষয় এ দুটা বিলের কথা আমরা আজ বিধানসভায় যোগ দিতে আমার পূর্ব পর্য্যন্ত পাইনি। সদস্যদের নিকট এতদিন এটা না পাঠিয়ে কেন গোপন করা হল। গোপনীয়তা দেখে জনসাধারণ নানা ভাবে সন্দেহ করবে যে, তাদের অগোচরে সীমানার বিরোধী এলাকাগুলি অন্য রাষ্ট্রের হাতে তুলে দিতে এই সরকার সব ঠিক করেছেন। বিশেষতঃ এর নজীরের অভাব নেই। পাথারকান্দি থানার অভিশপ্ত সেই পাঁচবাঁনা গ্রাম চুপি-চুপি পাকিস্তানকে দেবার সব ব্যবস্থা ঠিক হয়েছিল।

মহোদয়, সীমান্ত এলাকা নিয়ে বিরোধ নিষ্পত্তি হোক এটা জনসাধারণ চায়। বিশেষ করে সীমান্ত এলাকায় যে জনসাধারণ আছে তারা জানেন সীমানা বিরোধে কি নিদারুণ অবস্থার মধ্যে তাদেরকে বাস করতে হয়। পাথারিয়া, করিমগঞ্জ বা ভাঙ্গা বাজার এলাকায় যখন গুলিবর্ষণ হয়, তখন সেখানে জনসাধারণের দৈনন্দিন জীবনযাত্রা ব্যাহত হয়েছিল। এক অসহনীয় অবস্থায় দিন কাটিয়েছিল জনসাধারণ। জীবনের কোন নিরাপত্তা ছিল না। এ অবস্থার অরসান সবাই চায়। যুদ্ধের পথে নয় আপোষ-আলোচনার মাধ্যমে এ প্রশ্নের মীমাংসা হোক এটা আমরা চাই এবং এর জন্য সীমানার কিছু Adjustment বা রদবদল হতে পারে সেটা আমরা অবিশ্বাস করি না।

টুকেরগ্রাম যখন পাকিস্তানী সৈন্য বাহিনী জোর করে দখল করে নেয় তখন কাছাড়ের লোক ন্যায্য ভাবেই টুকেরগ্রাম ফিরিয়ে পাওয়ার জন্য দাবী জানিয়ে এসেছে। আমাদের ন্যায্য পাওনা পাথারিয়া সংরক্ষিত বনাঞ্চলের প্রায় ১৭ বর্গ মাইল এলাকার বিনিময়ে কাছাড় সীমান্তে শান্তি ফিরে আনা এবং টুকেরগ্রামে আবার ভারতীয় অধিকার স্বীকার করার চুক্তিতে কাছাড়ের জনসাধারণ আপত্তি করেনি বরং অভিনন্দন জানিয়েছিল।

কিন্তু দেখলাম পাথারিয়া জল-বিভাজিকা লাইন বরাবর সীমানা টেনে ১৭ বর্গ-মাইল এলাকা পাকিস্তানকে দেওয়া হ'ল। আবার সংক্ষিপ্ত বনাঞ্চলের বাইরে Revenue settled village হিসাবে গণ্য পাঁচখানা গ্রামকে পাকিস্তানে দেবার ব্যবস্থা রাতারাতি হয়ে গেল। সেই গ্রামের প্রায় ৩৫০ পরিবারের ২,০০০ লোক জানতেও পারল না তারা রাতারাতি পাকিস্তানের নাগরিক হয়ে যাচ্ছে। অথচ এই পাঁচখানা গ্রামের বেশীর ভাগ লোক পূর্ববঙ্গ থেকে আগত উন্নাস্ত, যারা ভারতীয় নাগরিকত্ব গ্রহণ করেছে এবং আইনসম্মত ভাবে স্বীকৃতিও পেয়েছে। সরকার বিভিন্ন পুনর্বাসন পরিকল্পনায় তাদেরকে সেখানে বসিয়েছেন।

আসাম সরকারের কাছে যখন কোন সহানুভূতি পাওয়া গেল না—যখন এই বিধানসভায় এ নিয়ে আলোচনা উপার্জন করাও সম্ভবপর হ'ল না তখন আমরা বাধ্য হয়ে ভারতের উচ্চ ন্যায়ালয়ে সুপ্রীম কোর্টে বিচারের প্রার্থনা জানালাম। সুপ্রীম কোর্টের সিদ্ধান্ত আমরা এখনও জানতে পারিনি। কাজেই বিচারবহীন বিষয় নিয়ে বিস্তারিত আলোচনা সম্ভব নয়।

আমি বিভিন্ন মহল থেকে জানতে পেরেছি পাঁচখানা গ্রাম নয় তবে দুই-খানা বা আড়াইখানা গ্রাম পাকিস্তানে চলে যেতে পারে। দুইখানা বা একখানাই হোক কোন এলাকা যদি সরকার হস্তান্তর করেন তবে সেখানকার ভারতীয় নাগরিকদের সম্পর্কে কী ব্যবস্থা সরকার গ্রহণ করবেন কিভাবে যে সমস্ত লোক ভারতীয় নাগরিকত্ব বজায় রাখতে চায় তাদেরকে সাহায্য এবং পুনর্বাসনের ব্যবস্থা করবেন তা বিস্তারিতভাবে আলোচনা করে পরিকল্পনা মাসিক করা উচিত। নাগরিক অধিকার নিয়া ছিনি-মিনি খেলা উচিত নয়। বিশেষ করে সেই পাঁচখানা গ্রামের প্রায় দুই হাজার নাগরিক বা যারা একবার পাকিস্তান থেকে ভারতীয় এলাকায় এসে বসবাস করেছে আজ তাদেরকে কোন্ যুক্তিতে পাকিস্তানে ঠেলে দিবেন! দু'দু'বার তারা ভোটের অধিকার প্রয়োগ করেছে। লোকসভায় এবং বিধানসভায় তাদের প্রতিনিধি পাঠিয়েছে। কাজেই এদের ব্যবস্থা সর্বাবস্থায় করা উচিত।

সীমান্ত এলাকায় অল্প-সল্প বদ-বদল করে স্থায়ী সীমা-নির্ধারণ বা সীমান্ত-চুক্তি সম্পাদক সম্পর্কে আমার আপত্তি না থাকিলেও যেভাবে এই অভিশপ্ত ৫ খানা গ্রামকে পাকিস্তানের হাতে তুলে দেবার ব্যবস্থা হয়েছিল তা ছিল অত্যন্ত ভুল পদ্ধতি।

মহোদয়, এই পাঁচখানা গ্রাম পাথারকান্দি থানার। ১৯২২ ইংরাজীতে যখন পাথারকান্দি থানা গঠিত হয় তখন থেকে এই পাঁচখানা গ্রাম পাথারকান্দি থানার গ্রাম হিসাবে গণ্য করা হয়। গ্রামের লোক পাথারকান্দি থানায় চৌকীদারী টেক্স দিয়েছে। আদালতের মামলা পাথারকান্দি থানার মাধ্যমে তদন্ত হয়েছে। আদালতের সমন বা গ্রেপ্তারী পরোয়ানা পাথারকান্দি থানা জারী করেছে ঐসব গ্রামে। সম্পূর্ণ পাথারকান্দি থানা এবং রাতাবাড়ী থানা নিয়ে পাথারকান্দি তহশীল কাছারী গঠিত। ঐ সব গ্রামের লোক পাথারকান্দিতে সদরজমা দিয়েছে। কাজেই পাথারকান্দি থানা সবদিন তার অধিকার ঐ সব গ্রামে প্রয়োগ করেছে তা অবিশ্বাস্যভাবে সত্য।

সীমানা কমিশনের অধিকর্তা স্যার সীরিল রেডক্লীফ পাথারকান্দি থানাকে বিভক্ত করেননি। পাথারকান্দি এবং কুলাউড়া থানার মধ্য সীমা বরাবর তিনি পাক-ভারত সীমা টেনেছেন। এটা মুখ্যমন্ত্রী মহোদয় তার লিপিত বিবৃতিতে উদ্ধৃত করেছেন

রেড্‌ক্লীফ সাহেব আরো বলেছেন যদি কখনও জরীপের ক্ষেত্রে আমার বর্ণনা এবং ম্যাপে অঙ্কিত রেখার মধ্যে অসামঞ্জস্য দেখা দেয় তবে, তবে আমার বর্ণনাকে সত্য বলে ধরতে হবে। এ হিসাবেও আমরা দেখি পাথারকান্দি থানার এলাকা সব সময় ভারতের অংশ। অথচ কেন জানি না ঐ পাঁচখানা গ্রামকে পাকিস্তান দেওয়া হবে।

লোকসভায় যখন শ্রী এস, এম, ব্যানার্জী ২৬।১১।৫৯ ইং মূলতুবী প্রস্তাব আনেন তখন প্রধান মন্ত্রী শ্রীনেহরু বলেছেন 'আমার হাতে এ সম্পর্কে কোন তথ্য নেই, আমি আসাম গভর্ণমেন্টের সংগে আলোচনা করে সমস্ত তথ্য কাল জানাব।' ঐ গ্রাম পাঁচখানা সম্পর্কে কী তথ্য আসাম সরকার শ্রীনেহরুকে জানালেন জানি না, কিন্তু পরদিন তিনি লোকসভায় যে তথ্যের পরিবেশন করলেন বাস্তবের সংগে তার কোন যোগ নেই।

১৯৩৬ ইংরাজীতে যখন সার্ভে অব ইণ্ডিয়া ম্যাপে ভুলক্রমে এই পাঁচখানা গ্রামকে কুলাউড়ার অংশ হিসাবে দেখানো হয় তখন আসামের আই, জি, পি, এটাকে শুদ্ধ করে নেবার জন্য সার্ভে অব ইণ্ডিয়ার কাছে লিখে পাঠান। ওটা শুদ্ধ করা হয়নি এবং সেই ভুল ম্যাপ রেড্‌ক্লীফের কাছে দাখীল করা হয়।

তৃতীয় বার ভুল করেন আসাম সরকার ১৯৪৭ ইংরাজীতে। যখন বিভক্ত করিমগঞ্জের পশ্চিম সীমা গেজেটে বিজ্ঞপ্তি দিয়ে প্রকাশ করলেন। সেই সময় তারা রেড্‌ক্লীফের ভুল লাইনকেই সীমা ধরে নিলেন, তার ব্যাখ্যার দিকে তনিয়ে দেখলেন না। কাজে কাজেই যদি পাথারকান্দি থানার কোন অংশ ভবিষ্যতে পাকিস্তানে যায় তবে তার জন্য দায়ী আসাম গভর্ণমেন্ট।

আজ ঢালাওভাবে এলাকা হস্তান্তরের ক্ষমতা আমরা সরকারের হাতে দিতে পারি না এই সমস্ত দেখে। সমস্ত সীমা জরিপ করে চিহ্নিত করা হোক। তখন কোন কোন ক্ষেত্রে যদি সামান্য কিছু রদ-বদলের প্রশ্ন দেখা দেয় তবে সেই অবস্থায় তা বিচার করা হবে। আজ যখন পাঁচ গ্রাম নিয়ে স্প্রীমকোর্টে মামলা চলেছে—যখন ঐ পাঁচ গ্রামের সীমানা জরিপ হয়নি বা আরও বহু এলাকা জরিপ হয়নি তখন তাড়াতাড়ি করে সংবিধান সংশোধনের প্রয়োজন কি? জরিপকার্য শেষ হলে তখন সমস্ত সীমানা নিয়ে একসঙ্গে চিন্তা করা যাবে এবং তখন প্রয়োজন হলে সংবিধান সংশোধন করা হবে। জরুরী অধিবেশন ডেকে—সদস্যদের সমস্ত বিষয় না জানিয়ে—সমস্ত কিছু বিচার করবার অবকাশ না দিয়ে এত ব্যস্ততার পিছনে কি যুক্তি থাকতে পারে।

কি প্রাদেশিক, কি কেন্দ্রীয় সরকার, যারা ভুলক্রমে নিজের এলাকা হস্তান্তর করে দিতে পারে তাদের হাতে এলাকা হস্তান্তরের ঢালাও অধিকার দেওয়া যায় না।

Shri GAURISANKAR BHATTACHARYYA (Gauhati) : Mr. Speaker, Sir, The question before us has two aspects; one is constitutional and the other is political. So far as the constitutional aspect is concerned in the case of Nirmal Vs. Union of India, it was decided that so far as

the explanation of clarification of an award or agreement is concerned that is a matter which does not come within the purview of either Article 3 or Article 368 of the Constitution of India because that is only a matter of clarification. But if there is any question of cession of territory then naturally these articles of the Constitution do come into operation. Now, in the case of Berubari which was referred by the President of India to the Supreme Court, it was finally settled by the Supreme Court that so far as the three problems, *viz.* (1) of Berubari, (2) of the Cooch Behar enclaves and (3) Berubari the territories in the Assam East Pakistan borders are concerned, these are not mere matters of clarification either of the Radcliff Award or Bagge decision. These are clear and simple matters of cession and acquisition. Of course, so far as the five villages of Latitude Baraputni, Chotaputni, Karkhanaputni are concerned, the case is still pending before the Supreme Court. That case came up before the Court when the Berubari case was still pending there, and my Friend, Shri Gopesh Namasudra was the petitioner in that case. Now at that time the Supreme Court gave the order that in view of the fact that almost the same principles are involved in the Berubari case, this case should wait till the decision of the Berubari case is delivered. Now that the Berubari case is decided, we can discuss this problem also in that light though formally the decision on these five villages has not come before us.

Let us at first take the Constitutional aspect of the matter. It is a settled principle in international law that the criterion of sovereignty involve the right to acquire and the right to cede. As India is a sovereign State, she naturally has the right to acquire new property and also to cede some of its properties and it is not contested by anybody from that constitutional angle. Along with it, the general approach of the Union of India being one of settlement of all international dispute through peaceful negotiations and agreements. Every honest patriot in India will be happy that the disputes between India and Pakistan should be settled round the table by mutual adjustments and agreements rather than by taking recourse to war. When this matter was discussed on the floor of this House on a previous occasion and when very heated speeches were also given saying that we should answer by two bullets when there comes one bullet, even at that time, I made it very clear from our side that we are not war-mongers, we do not want any war or warlike methods between India and Pakistan. We want the solution of the problem of the two dominions through peaceful negotiation and through mutual understanding and, therefore, when our officers were bargaining or were discussing matters with the officers of the Pakistan Government we naturally did expect and even now we believe that they tried to represent our point of view squarely and properly. But here there are certain other matters involved. I am not going to everything but so far as Assam portion is concerned, it has been said by the Chief Minister—I am referring to page 3 of his speech—the Indo-Pakistan border settlement agreements of 10th September 1958 and 23rd October 1959 involve so far the Assam portion is concerned the following—(I refer to (3)—

Certain territories in Assam will be transferred to Pakistan. The exact area will be known after demarcation, but it is likely to be about 17 square miles in the Patharia forest region and about 270 acres in the region of the Piyain and Surma rivers.

So far as this aspect of the matter is concerned, we are now going to give our opinion on a matter which we do not know but which we expect to know because the Chief Minister has said that it will be known in some future time and we also do not know that territory we are going actually to cede. It is only said that it is likely to be this or that. It is a very queer type of approach. As a matter of fact on these very problems the approach before the Supreme Court on behalf of the Government was equally queer. At that time—the first attempt of the Government—was to simplify the matter saying that “Well, after all these adjustments or these agreements are only clarifications of the Radcliff Award or Bagge Tribunal’s decision”. Of course the Supreme Court rejected that contention of the Government and said that it was not so. It is a purely and simple case of cession of territory. Now so far as Berubari is concerned, well, the position is known because it is said there should be a spirit of give and take. Instead of going to discuss and decide the matter in details they have come to some lump-sum agreement. You take half and let me keep half. As far as Berubari is concerned, it is covered by the Supreme Court decision. So far as the Assam portion is concerned, it is not as yet decided neither the principle of “half-half” nor the internationally accepted principle of the “midstream” or the “watershed” has been accepted here. We are in a place of surmise.

I do not understand why we should give our opinion on mere surmise. Let it not however be understood that when I raise this question, I want the problem to be kept pending indefinitely. This is a matter between two States for transfer of certain areas. But here not only certain territories are going to be exchanged, but some people also are going to be affected. What will happen to those people? In the light of the Supreme Court decisions, these areas are de facto and de jure Indian territories. The people living there are all Indian citizens. Anyone living in anyone of the five villages and belonging to anyone of the 456 families near the Patharia Reserve is as much as Indian as any Hon’ble Member of this House. Everyone living in this area will be no longer Indian national if this resolution is going to be accepted in the light of the stand taken by the Government of India. Now, if they do not choose to be citizens of Pakistan and choose to remain citizens of India, then what will happen? Whether there will be any provision to retain their citizenship? How these people will be then treated? Whether these people will be treated like those who suffered during the partition of India into the Dominion of India and Pakistan or how will they be compensated for the loss of their property? That thing ought to have been made clear by the Chief Minister because he is responsible for everyone of them. If this point is not clear, it is difficult to recommend the resolution. If these people choose to remain as Indian citizens in Assam, they must be adequately and fully compensated as a matter of right and not as a matter of grace. The Chief Minister has not made it clear and yet from what he has stated it can be gauged that so far as the villages of Latitila and Karkhana Patni are concerned, these two villages will completely go to Pakistan together with the major portion of Bara Putni. Along with this at least 82 Refugee families who have been building their houses there after partition, will be forced back to Pakistan. So far as these areas are concerned, from whatever material is available, it is clear these areas are going to be ceded to Pakistan. Therefore, if these areas which were never in Pakistan, now go to Pakistan, who will guarantee the future of these families.

Again, we have not got the clarification as to how the Notification No.176GJ, dated 10th January 1922 whereby the Patharkandi police station was demarrated and which was decided by before Partition as long ago as 1922 could be abandoned by an ill-conceived Government Notification, dated 1947. Why Government should not strick to the Notification, dated 1922 ? Why and how did our Government make a wrong commitment to surround some of our territories to Pakistan ? I do not know whether some of our officers did it out of commission or omission. But whether it is omission or comission, it was done in 1947 and it is a fact that we are going to loss these areas. There should also be clarifieation to this House from the Government as to what steps the Government are going to take against those people who are responsible for this loss.

Then. Sir, with regard to the question of the Khasi village of Pyrdowa. No doubt this village is rather very small, we are not going to lose much of tarritory here. But so far as those particular areas are concerned, not only the people living in Pyrdowa village going to suffer but other Khasi villages are also going to lose some rich paddy lands on which many Khasi people depend for their livelihood, apart from this, some Khasi people are going to be cut off from the next of their Kinsmen and the Government ought to have considered this aspect of the problem with particular anxiety. This I say in particular because at the time of demarcation of the boundaries these villages did not fall on the Pakistan side on the basis of the Redciiff principle. If the Government of Pakistan would come with the same spirit, then probably we cou'd have also appreciated this sacrifice we, therefore, feel that before we are persuaded to give assent to the Resolution which has been proposed by the Chief Minister, the doubts which corp up in our minds should be cleared first. I make it again clear that we have not taken a dogmatic stand that there cannot be any ceding of territory. For good relationship probably some 'give and take' principle may be necessary, but before we can acced to the resolution it must be made clear that our co-citizens who will be effected by the transfer of territory shall not suffer in any manner and in any matter.

Shri BISWANATH UPADHYAYA (Patharkandi) : माननीय अध्यक्ष महोदय ; हम ज सदनकी बैठक में भाग लेने लिए कल यहाँ हाजिर हुए और आज सबेरे एक-व-एक हमारे हाथ में यह बिल रखा गया और यह आशा की गई कि इस बिल का हम अनुमोदन करें। हमें इतना भी मौका नहीं दिया गया है कि हम इस अत्यन्त आवश्यक बिल का अध्ययन करें समझे और उसके बाद अपना मत दें। मुझे इस बात का बड़ा अचरज हो रहा है। साथ ही सरकार की इस कारवाई के लिए मुझे बहुत अफसोस है।

मुझे इस बात से भी बड़ा अचरज हो रहा है कि सिर्फ एक ही दिन के लिए विधान सभा की आज की बैठक बुलाई गई है। मुझे अफसोस है कि इस तरह एक ही दिन के लिए इस विधान-सभा की बैठक बुलाकर सरकार ने जनता के पैसे को बरबाद किया है। यह अच्छा नहीं कि इस प्रकार के एक महत्वपूर्ण बिलपर अपना मत प्रकाश करने के लिए सिर्फ एक ही दिन दिया जाय। मैं समझता हूँ कि इस के लिए कम से कम २४ रोज समय देना चाहिये था ताकि हम इसका अच्छी तरह अध्ययन कर सकें और इसके बाद ही अपना मत दे सकें। महोदय ! अगर सदन की पिछली बैठक के समय ही ये विधायक हमारे हाथ में दिये गये और हमें पर्याप्त समय

मिला होता तो बहुत अच्छा हुआ होता। अथवा भविष्य में भी सदन की जो बैठक बुलायी जानेवाली है उस समय भी हम इसपर विचार कर सकते थे और अपना मत प्रदान कर सकते थे।

महोदय ! पिछले साल सत्रह दिसम्बर को अपने एक **Calling to Attention** प्रस्ताव के जरिये इसी सदन में मैंने अपने निर्वाचन-क्षेत्र के उन ५ ग्रामों का प्रश्न उठाया था। उस वक्त माननीय मुख्यमंत्री महोदय ने अपने अपने जवाब में कहा था कि ये ५ ग्राम हमारे हैं। पाकिस्तान के नहीं हैं। हमें अचरज होता है कि हमारे प्रधान मंत्री ने लोक-सभा में कहा है कि ५ ग्राम हमारे नहीं हैं, पाकिस्तान के हैं। और यहां हमारे विधान-सभा में राज्य के मुख्य-मंत्री ने कहा है कि ये ग्राम हमारे हैं। अपने जवाब में उन्होंने कहा था।

“The boundary in this particular area, *viz.*, the portion between the tri-junction of thana boundaries of Patharkandi, Kulaura and Tripura State in the South upto the Patharia Reserve to the north been the subject of any disputes as such. The East Pakistan Government had suggested several times in the past years to have the boundary demarcated in this small area. The State Government have been opposed to piece meal demarcation of small areas and had adhered to the view that the entire sector of the boundary involved should be simultaneously demarcated...”

इसके मुतल्लिक हम यही चाहते हैं कि जब हमारी सरकार अपने राज्य की कोई जगह छोड़ देने का विचार करें तो सरकार पहले ही उस बारे में अच्छी तरह सोच-विचार कर लें और राज्य की जनता को भी उस बारे में सोच विचार करने का पूरा-पूरा मौका दें।

महोदय ! इस सदन में पिछले साल सत्रह दिसम्बर को जब **Calling to Attention** का यह प्रश्न चल रहा था उसी समय करीमगंज की जनता की ओर से हमारे मित्र श्रीरथीन्द्र नाथ देवनाथ तथा श्रीभूपेन्द्र कुमार सिंह इस बारे में प्रधान मंत्रीजी की दृष्टि आकर्षित करने के लिए एक **delegation** के साथ बंगाल प्रान्त के शांतिनिकेतन गये थे। उस वक्त शांतिनिकेतन में वार्षिक समारोह चल रहा था। करीमगंज के इस **delegation** से प्रधान मंत्री महोदय ने कहा था कि उन ५ ग्रामों के बारे में हमारी राज्जिक सरकार ने उन्हें गलत खबर भेजी थी। यह क्या बात है कि हमारे मुख्य मंत्री जी यहां कहते हैं कि वे ५ ग्राम हमारे हैं और दूसरी ओर प्रधान मंत्री जी को गलत खबर भेजते हैं कि वे ५ ग्राम हमारे नहीं हैं। इस तरह हमारी सरकार ने हर बार गलती की है। सीमा-निर्धारण कार्य में हमारी तरफ से हमेशा गलती होती आ रहा है। मुख्य मंत्री महोदय ने अपने वक्तव्य में **Radcliffe Award** बारे में कहा था—

“A line shall be drawn from the point where the boundary between the thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between those thanas, then along the boundary between the thanas of Patharkandi and Barlekha, then along the boundary between the thanas of Karimganj and Barlekha, and then along the boundary between the thanas of Karimganj and Beani Bazar to the point

where the boundary meets the river Kusiara. The line shall then turn to the east taking the river Kusiara as the boundary and run to the point where that river meets the boundary between the districts of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the district of Sylhet as lies to the West and North of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of the Assam shall be transferred."

महोदय ! इस Radcliffe Award के मुताबिक भारत और पाकिस्तान की सीमा निर्धारित करने के लिए जो सीमा-रेखा बनाये गये है उसके मुताबिक सिलहट जिले के बहुत-से बगान बगान हमें मिलने-चाहिये थे । किंतु यह क्या बात है कि हमारी सरकार उस जगहों को छोड़ने के लिए तैयार हो गई है । इसी तरह हमने देखा है कि हर मामले में हमारी सरकार हमेशा पाकिस्तान के साथ ढिलाई से पेश आती है और बार बार गलती करती आई है । इसलिये हम इस प्रस्ताव का समर्थन नहीं कर सकते ।

इसके अलावा हमें यह कहा गया है ।

".....The exact area will be known after demarcation, but it is likely to be about 17 square miles in the Patharia forest region and about 270 acres in the region of the Plyain and Surma rivers....."

अर्थात् हम पाकिस्तान को अपने राज्य के सत्रह वर्ग-मील का इलाका देने जा रहे हैं । किंतु हमें यह भी नहीं बताया गया है कि ये सत्रह वर्ग-मील का इलाका कहाँ है ? हमारे पास कोई मानचित्र भी नहीं रखा गया है ताकि हम यह जान सकें कि यही इलाका हम पाकिस्तान को देने जा रहे हैं । ये सत्र वर्ग-मील का इलाका वनांचल है, जिससे हमारे राज्य को बहुत बड़ी आमदनी होती है । साथ ही हम ऐसे स्थान देने जा रहे हैं की जहां पाकिस्तान से आये हुअे शरणार्थी बसे हुअे हैं । जिस जमीन को उन्होंने मेहनत की कमाई से खरीदा है और जिनकी रैजिस्ट्रि पाथरकाण्डितहसील में हुई है। जब यह अंचल हमारा नहीं था तब इन विस्थापित को वहां क्यों बसने दिया गया ? क्या सरकार सो रही थी ? आज उनको पुनः विस्थापित बनाया जा रहा है । यह बहुत बड़े दुख की बात है । यह तो दुख से पीड़ित विस्थापितों के साथ खिलवाड़ के सिवा और कुछ नहीं है । उनका भविष्य अब क्या होगा ।

इन्हीं शब्दों के साथ मैं इस प्रस्ताव का विरोध करता हूँ ।

***Shri HIRALAL PATWARI (Panery) :** माननीय अध्यक्ष महोदय, आजि आंगार मुखामद्दी महोदये यि प्रस्ताव सदनत दांठि धवि यिथिनि कथा आंगिक जानिवलै दिछे ताव कारणे तेथेतक मई धन्यावाद दिछे ।

किंतु इसीब मूल प्रस्तावटो इमान उबन्धपूर्ण ये, सेई विषये हठात कम समयब भितवत मतमत दिवलै टान पाईछे । इसीब पवा अनुमान हयवे आजि तावत चवकावव वैदेशिक नीतिव फ़ेव्रत इमान दुर्बलता प्रकाश पाईछे ये, ई बर

দুখৰ কথা। দেশৰ শাসনত যিটো কৃত্ৰিয় তেজৰ দৰ্কাৰ আমাৰ ভাৰতৰ প্ৰধান মন্ত্ৰীৰ গাত সেই তেজৰ অভাৱ যেনহে লাগে। তেখেতৰ বৈদেশিক নীতি ইমান শিথিল হৈছে যে, বিদেশী আক্ৰমণক আমি প্ৰত্যাহাৰ কৰাৰ কোনো প্ৰবৃত্তিয়ে নোহোৱা হৈছে। পাকিস্তানে আমাৰ মাটি দাবী কৰিলে, প্ৰধান মন্ত্ৰীয়ে দিম বুলি স্বীকাৰ কৰিলে, এতিয়া অসম চৰকাৰে Special Session পাতি ততাতৈয়াকৈ মতামত দিবলগা হৈছে। এইটো কথা যোৱা বিধানসভাতো আলোচনা কৰিবপৰা হ'লহেতেন। তাৰ কাৰণে আকৌ এটা এদিনীয়া অধিবেশন পাতি ইমান বাজহুৱা টকা নষ্ট কৰিবলগা হ'ল কিয়? আমি মাত্ৰ কাগজে-পত্ৰেইহে আগৰ পৰা অলপ ভূপালো। মূল কথাটো জানিলো মাত্ৰ দুই ঘণ্টাৰ আগত কেই মিনিট মান মেপখন চাই জানো ইমান গুৰুত্বপূৰ্ণ বিষয়টোত মতামত দিব পাৰি? মোৰ বোধেৰে ভাৰত চৰকাৰে গণতন্ত্ৰৰ নামত যবযন্ত্ৰহে চলাইছে। এনে ধৰণে এটা মানুহি প্ৰস্তাৱৰ জৰিয়তে এখন বাষ্ট্ৰৰ কিছুমানমাটি আন এখন ৰাজ্যক এৰি দিয়াটো বৰ আচৰিত কথা। ইয়াৰ আগতে সেই গাঁওবিলাকত যি মানুহ আছে, তেওঁলোকৰ নাগৰিকস্বত্ব আৰু পুনৰসংস্থাপন আদিৰ বিষয়ে মাটি আছে নে নাই তেওঁলোকক স্মৃতিপুৰণ কোনে দিব এই কথাবিলাকৰ ব্যৱস্থা নকৰি কিছুমান মাত্ৰ সংবিধানিক দেনাপাওনা ঠিক কৰিবলৈ আমাৰ মতামত বিচাৰিছে।

মেপখন দেখি মই আচৰিত হৈছো যে, Red Cliffe Award মতে এখন নদী আছিল পাকিস্তান আৰু ভাৰতৰ সীমা। নদীখন ভাঙি ভাৰতৰ ভিতৰত সোমোৱাৰ ফলত ভাৰতৰ কেইখনমান গাঁও পাকিস্তানে পাবলগা হ'ল। কিন্তু আজি যদি নদীখন গৈ ব্ৰহ্মপুত্ৰত লগ লাগে তেন্তে ব্ৰহ্মপুত্ৰৰ দক্ষিণ অঞ্চলৰ সকলো ঠাই পাকিস্তানক দিবলগা হ'ব। ই এটা কথা হ'ব নোৱাৰে—অৱশ্যে ভগবানে তেনে নকৰক (হাঁহি), সেই কাৰণে এটা নৈয়ে দুখন বাষ্ট্ৰৰ সীমা হ'ব নোৱাৰে।

তাৰ পিচত পাৰ্শ্ববীয়া ৰিজাৰ্ভত বহুতো বনজ সম্পদ আছে আৰু কিছুমান এনেয়ে পৰি আছিল। গতিকে তেখেত সকলৰ মাটি লাগে কাৰণে দখল কৰিলে এইটো আমাৰ চৰকাৰৰ দুৰ্বলতাৰ কাৰণেই আজি সেই মাটি দিব লগা হোৱা নাইনে? আমাৰ দুৰ্বলতাৰ স্ৰবোগ লৈ সদায়েই তেনে কৰিব। অৱশ্যে আমি শান্তিপূৰ্ণভাবেই সকলো সীমাংসা কৰিব বিচাৰো কিন্তু সেই বুলি শান্তি বিচাৰি যি খুজিব তাকে দিয়াটো এটা দুৰ্বলতা মাত্ৰ।

ভাৰতক যদি এটা সিংহ বুলি ধৰা হয়, তেন্তে কাস্মীৰ স্বৰূপ তাৰ নেজত আক্ৰমণ কৰি আছে। এতিয়া সিংহৰ পেটত পাকিস্তান সোমাল। গতিকে ভাৰতৰ মানুহৰ কি অৱস্থা হ'ব ভাবিবলগা কথা। আজি পাকিস্তানে ভাৰতৰ এই মাটিখিনি দখল কৰিছে কিন্তু যিসকল মানুহে তাত ভাৰতীয় নাগৰিক হিচাবে জীৱন যাপন কৰি আছিল সেই সকলৰ economic pressere আমাৰ ওপৰত নপৰিবনে?

আমাৰ গোস্বামী ডাঙৰীয়া আৰু ভট্ট ডাঙৰীয়াই কৈ গৈছে, এই ভাৰতৰ নাগৰিক-সকলৰ মাটি যেতিয়া পাকিস্তানলৈ গুচি যাব তেতিয়া সেই মানুহবিলাক ভাৰতৰে নাগৰিক হ'বনে পাকিস্তানৰ নাগৰিক হ'ব, সেই বিষয়ে তেওঁলোকৰ নিশ্চয় মতামত ল'ব লাগিব। তাৰ পিচত সংবিধানৰ কথা আহিব, তাৰ পিচত এই ধৰণৰ Case এটা Supreme Court ত বিচাৰাধীন হৈয়ে আছে। পাকিস্তানে আমাৰ মাটি বিচাৰিব আৰু আমি দিব লাগিব, এইটো ভাৰত চৰকাৰৰ দুৰ্বলতা নহয়নে?

তাৰ লগে লগে যদিও এইটো ভাৰত ৰাষ্ট্ৰৰ সীমা, তথাপি ইয়াত অসম চৰকাৰৰ মতামতৰ আগতে সেই এলেকাটো পাকিস্তানক দিব লাগে বুলি কেনেকৈ এটা প্ৰস্তাৱ আনিব পাৰে মই ক'ব নোৱাৰো। প্ৰথমতে মানুহবিলাকৰ মতামত ল'ব লাগিছিল, তাৰে পিচত কিমান লোকচান হ'ব তাৰ এটা পৰিমাণ নিৰ্দ্ধাৰণ কৰি অসম চৰকাৰৰ মতামত লৈছে Resolution অনা দৰ্কাৰ আছিল। কিন্তু আজি আমাৰ চৰকাৰে কেৱল লোকচান কৰিবলৈহে ওলাইছে। মোৰ বোধেৰে আমাৰ লোকচান ক'ব চৰকাৰক আমি প্ৰশ্ন কৰি দিব নোৱাৰো।

যিটো দেখা যায় পাকিস্তানে আমাক দিব ১৬০ একৰ আৰু আমাৰ পৰা নিব ১৭ বৰ্গমাইল। যদি আমি মতামত দিওঁ তেন্তে আমাৰ বংশধৰসকলে আমাক দোষ দিব।

মই সদায় পাকিস্তানৰ লগত সংভাৱ পোষণ কৰো, কিন্তু আজি আমাৰ আমাৰ ৰাষ্ট্ৰৰ অংশ এটা এৰি দিয়াত ভাৰতৰ নাগৰিক হিচাবে মই নিশ্চয় প্ৰতিবাদ কৰিম।

ছিলেট গ'ল কিন্তু তাৰ লোকসকল আহি আমাৰ বোজা হ'ল। আজিও সেই মানুহৰ ভাৰ আমাৰ ওপৰত পৰিব। আমি মাটিও হেৰুৱালো কিন্তু মানুহ-বিলাকৰ ভৰণ-পোষণৰ ভাৰ নুই কৰিব নোৱাৰিলো। সেই কাৰণে আমি এই বিষয়টো গভীৰভাবে চিন্তা কৰা দৰ্কাৰ।

ছিলেট গ'ল কিন্তু তাৰ লোকসকল আহি আমাৰ বোজা হল। আজিও সেই মানুহৰ ভাৰ আমাৰ ওপৰত পৰিব। আমি মাটিও হেৰুৱালো কিন্তু মানুহবিলাকৰ ভৰণ-পোষণৰ ভাৰ নই কৰিব নোৱাৰিলো। সেই কাৰণে আমি এই বিষয়টো গভীৰভাবে চিন্তা কৰা দৰ্কাৰ। গতিকে আমাৰ চৰকাৰৰ নীতি আৰু মন খুব দুট হ'ব লাগিব। আমাৰ ৰাষ্ট্ৰৰ সীমা অক্ষুণ্ণ ৰখাৰ ক্ষমতা হ'ব লাগিব। ভাৰত ৰাষ্ট্ৰৰ অলপ মাটি আন ৰাষ্ট্ৰক দিয়াৰ আগতে সেই সংলিষ্ট লোকসকলৰ লগত আলোচনা কৰিব লাগিব—তাৰ পিচতে সংলিষ্ট ৰাজ্যিক চৰকাৰৰ লগত সেই নিয়মে আলোচনা কৰিব লাগিব। তাৰ পিচত আলোচনা-ক্ষেত্ৰত আমি চাব লাগিব ভবিষ্যতে আমাৰ ৰাজনৈতিক লোকচান হবনে নহয়।

তাৰ পিচত যিবিলাক মানুহ যি-কোনো কাৰণেই নহওক ক্ষতিগ্ৰস্ত হলে তেওঁ-বিলাকৰ যি-কোনো প্ৰকাৰৰ ক্ষতি চৰকাৰে বহন কৰিব লাগিব। এইক্ষেত্ৰত এইখিনি কথা সদায় মনত ৰাখিব লাগিব। মুখ্যমন্ত্ৰী ডাঙৰীয়াৰ বিবৃতিৰ দুই নম্বৰ পাতৰ শেষৰ ফালে কথাখিনি justified হোৱা নাই কাৰণ ইমান এটা গুৰুত্বপূৰ্ণ প্ৰস্তাৱ ইমান খৰখেদাকৈ পাছ কৰিছিল। জনসাধৰণে চৰকাৰক অথবা বিধান সভাৰ সদস্যসকলক কমা নকৰিব। সেই কাৰণে মই মুখ্যমন্ত্ৰী ডাঙৰীয়াক অনুৰোধ কৰিছো যে যেন প্ৰস্তাৱটো পাছকৰাৰ আগতে ইয়াৰ দ্বাৰাই আমাৰ কি লাভ বা লোকচান হ'ব আৰু যিমান ক্ষতিপূৰণ দিয়া হ'ব—এইবিলাক কথা পুছানুপুছকপে ভাৰত চৰকাৰৰ লগত আলোচনা কৰি সীমাংসা কৰিব লাগে। গোটেই অসমৰ প্ৰতিনিধি হিচাবে মুখ্যমন্ত্ৰী ডাঙৰীয়াই এই কথাখিনি ভাৰত চৰকাৰৰ লগত আলোচনা কৰিবলৈ মই ৰাইজৰ তৰফৰ পৰা আবেদন জনালো। ইয়াকে কৈ মোৰ বক্তব্যৰ সামৰণি মাৰিলো।

Shri KHAGENDRA BARBARUA (Amguri): Mr. Speaker, Sir, the simple fact is the India Government had already made an agreement

with the Pakistan Government and according to that agreement, the India Government has surrendered some portions of Indian territory. Sir, this has been done in violation of the principles of democracy. Before the agreement were reached between the two Governments, in India Government could have collected the public opinion. But it did not do that and after a long period of two years the India Government now wants that the Government of Assam should express its opinion and that a Bill should be passed in the Assam Legislative Assembly. Sir, Government hopes that by these agreements, some good relationship will not only be maintained but will foster the relationship, as was stated in the statement, this border agreement has been made in the larger interests of the country and to foster good neighbourly relations, between the two countries. I agree that there should be good relations between India and Pakistan and we do not want war with Pakistan. Sir, I am not one with those who say that war is a biological necessity. Sir, if there be war, no one will be benefited instead Pakistan will be devastated and India will be ruined. Therefore war should be ruled out and for social development we do not want war. We wish that Pakistan will also prosper so that India may also prosper. But one thing, Sir, will these agreements soften the heart of the Military President? The other day the Military President said in the midst of his talks with Prime Minister Nehru in Lahore that "any good in other fields, stood to be nullified unless the Kashmir issue was solved". The Indian public will not be surprised if Pakistan makes use of these agreements which are for transfer of territory as an additional argument for speedy settlement of Kashmir issue on her own terms. Sir, if this attitude remains I do not think that this agreement will bring any change. But I want to say one thing. The Government is making agreement with the Pakistan Government regarding Canal water Dispute. The other day, the news came from Rowalpindi that another treaty has to be signed and the discussion is going on and Pakistan is winning in the 1st round talk—that Pakistan will run two Railway bogies from Lahore to Dacca through the Chest of Indian Territory. In this way in every agreement Pakistan is benefited and India is becoming loser. For another instance some portions of Patharia Reserve have been given to Pakistan. This portion certainly does not belong to Pakistan and Pakistan has no legal claim over it, yet Government is giving it to Pakistan. The policy of appeasement in this way by these agreements is a wrong one. I do not think that this policy will certainly bring any peace and good relationship between India and Pakistan. There is another thing, Sir. One village near the Piyan river which has an area of 160 acres and which is inhabited by 200 Khasi people is to be given to Pakistan without consulting the will of the people. Sir, the principle of natural justice is that the will of the people must be taken if by this agreement they are affected. But, here the people are not consulted. Sir, what will be the fate of these people and unless we hear from our Syiem we cannot give verdict here.

Shri LARSINGH KHYRIEM [Jowai (Reserved for Scheduled Tribes)]: Mr. Speaker, Sir, it is very difficult for me to understand the implication of this Bill within a short time. From the agreement that has been arrived at between the two Governments, it shows that the Government of our country is not respecting the feeling of those people who are affected. Sir, in this respect, I would like to point out a particular

instance of Pirdiwah at Dawki. This Pridwiah village is owned by the Khasi-Jaintia people from time immemorial.

It is under the possession and occupation of the Khasi people. It is not, as I said before, that this village alone is going to be affected, that is, Pirdiwah, but there are other villages also which are benefited from this Pirdwah. These border people who have been affected since the partition. This very place has given them food and livelihood from time immemorial. As I said, it is not only this particular village but other villages also, about 4 or 5, are depending their livelihood in that particular village. Now it is very unfortunate for these people to go to Pakistan. People are always against going or to be included in Pakistan. That has always been the feeling of the people in the border areas. So by this agreement it will be the lot of those people to go over to Pakistan who are against it. Sir, before arriving at this agreement, Government have not consulted or asked the opinion of these people who are affected although they have represented their case time with out number. In this connection, I feel the Government have done injustice to the affected people. Another thing also Sir, there are other instances although they are not mentioned here as disputed cases, but recently I got information that some portion in Nuljrai village of the Jowai Subdivision, would now be included in Pakistan. Originally there were boundaries between that village but according to the present ground demarcation those boundaries have been shifted towards the north and that the whole village now is included in Pakistan. Another thing, in the Hari river, there are two fisheries which fall under the Jowai Subdivision and these fisheries used to be leased out from the Jowai Subdivision till last year but recently according to ground demarcation these two fisheries are to fall into Pakistan. And then about the village at Jaliakhala which is also within the District of Khasi Jaintia Hills, that also, according to the present ground demarcation is to fall in Pakistan. Our people, have submitted representations to Government but Government seems to take no action on this. I remember one also, some years back, when there was a trouble in the border I raised the question in this very Assembly about the encroachment of Pakistan and it was settled that officers will go and consult the people there in the border areas. I was also informed the date but when that date came, the meeting which was arranged was adjourned, and so they said, another date should be fixed and that date did not come. Whenever our border people represented their case, their case was not seriously taken into consideration. So, Sir, from this, it is clear that the Government is not taking interest whether a part of this district will go to Pakistan. So, Sir, our coming here is simply to give our ditto to the Bill.

In fact the Government should from the very start consult or ask the opinion of those people who are really affected because it is only those who are affected will understand the position. Those who are not affected will not understand it. I feel as Government has not consulted the people of those particular areas in this matter. So, it is very difficult for me to fall in line with the present Bill which is now place before us.

With these few words Sir, I resume my seat.

U JORMANIK SYIEM [Nongpoh (Reserved for Scheduled Tribes)]: Mr. Speaker, Sir, I do not want to say anything more about what has already been spoken by my hon'ble friends. What I would like to say is whether our debate on this Bill will be of any value since the Government have already agreed upon it. If it is then we have got many things more to say. But if it is only to give a ditto or consent to what has already been agreed to, then there is nothing more to be said.

Now Sir, we find that the boundary agreement has been based on the map of 1892-93. I do not know why that map has been taken as a basis for demarcation of boundary. There were boundary dispute between the district of Khasi and Jaintia Hills and Sylhet for many years and I think there were maps of the late 60s of the last century which laid down the boundary between Khasi and Jaintia Hills and Sylhet. But it appears that the map of 1892-92 has been taken as a basis because it is more beneficial to Pakistan. Incidentally I was present when certain officers were discussing about the map before they went to discuss about the boundary with Pakistan officials. I was there not by invitation, but as accidentally in the Deputy Commissioner's office. There I tried to raise some question as to which map they should take as a basis. But for certain reasons or other my remarks were not taken into account at all. Therefore, Sir, what I do not understand is why this map of 1892-93 has been taken as the basis and whether it is possible to go through other records to see if there were maps which were more authenticated in laying down inter-district boundary between United Khasi and Jaintia Hills and Sylhet. If those maps were consulted I believe they will give a more correct picture which would be fair to both countries. I request Government that those maps should also be referred to.

PU LALMAWIA [Aijal-East (Reserved for Scheduled Tribes)]: Mr. Speaker Sir, when I see the draft Bill, from the name it is very pleasing because it appears that we are going to merge some territories acquired from Pakistan. But now we understand that it is not only acquiring of land we are going to consider, but also we are going to lose some of our territories to Pakistan and the losses more than our gain. Now, it appears that our Government is making a very bad bargain in trying to adjust the boundary. As we know Sir, some Khasi people are also excluded though the area is small. This is a very sad thing. When we are going to lose several square miles of our territories, I think it is reasonable to demand the inclusion of this small area where the Khasi people are living so that it can come back to Assam, that means, India. When our loss is so much, I think this is reasonable. As the Parliament has not yet enacted this Bill, I think it must be possible for the Government to reconsider the agreement.

Mizo district also has a long boundary with Pakistan but boundaries have not yet been demarcated. As you look at the map the boundary seem to be quite straight, but on the spot is it not so straight as it looks in the map. Now, if our Government is being to ronsider adjustment of boundary between my district and Pakistan I am afraid we shall be losing much more from Mizo district also. So I would like to request the Government that when adjustment of boundary is made with Pakistan, though the policy of give and take is good, we should not always aim to be the loser. The gain and loss should be more or less equal. Especially in the hill areas when even small village is taken away those few people

will be living in a country where the tribals will be in a minority. We have enough experience being in a minority community. We had to face so many difficulties and hardships being in the minority communities. So my request to Government is that when they make a survey of boundary between India and Pakistan they should try to protect our existing boundary as far as practicable. Sir, I quite agree with the principle of the Bill that for the sake of coming to an agreement and for the sake of peace between the two nations, we should follow the principle of give and take, but then, as I have already said, we should not always be the loser.

With these words, Sir, I conclude my speech.

Maulavi ABDUL MATLIB MAJUMDAR (ailakandi):
Mr. Speaker, Sir, I beg to submit a few words, I have heard the speeches of some of the Hon'ble Members from the Opposition on this Resolution. It appears, Sir, that being obsessed by the idea of cessation and accession of territories the main point has been missed. I find, Sir, that members are apprehending that some Indians will become refugees as a result of such territorial adjustment. If this agreement is given effect to, of course we are getting some territories. There could be no objection to it but I find that when we are to cede some territories some members are very much annoyed at the idea that some Indian who were citizens of India would become Pakistanis. But that should not stand in the way of effecting such an important measure. We have seen, Sir, Assam has sheltered thousands of refugees without a word of grudge. If, Sir, by such and important measure there are some more refugees some thousands of them particularly near Patharia—their interest may be looked into. No real compromise can be effected without give and take. I remember in this very House when there were discussions there were angry speeches which agitated the whole House. Some members even went so far as to say that when there is a firing attack from the other side at once there should be retaliation without considering the effect. There were others who blamed Panditji, the Prime Minister, for patiently considering all these matters. We know, Sir, that a small matter might lead to a big war between two countries. Sir, I have heard the Leader of the Opposition who laid stress on the agreement saying that the House has been asked to give approval to a decision already made between these two countries. But Sir, I think it is not too late. I think that if the observations of this House go along with the decision to the authorities they may again look into the matter and if possible do the thing in a better way.

Sir, I remember when the discussion was held on the subject of the border incidents I observed that we should not be forgetful of the world situation. We are struggling hard even for our bread but there are countries which are throwing away their excess food into seas because they have enough food. So there are countries which can easily afford to go to useless war but we cannot risk a clash between the two countries which might lead to a world conflagration. So in discussing this matter we should take into consideration all these aspects. A compromise in regard to the border trouble between the two neighbouring countries must be reached as quickly as possible. I think, Sir, if this matter is finalised the people of Cachar will leave a sign of relief.

Sir, we also know that good deal of our resources has been spent from our public exchequer for the simple clashes and skirmishes in the borders areas. When there is preparation on one side or when one country

attacks the other, the other side immediately rushes their force to the scene of trouble. We have already spent a good deal in this way. We are sure that the authorities are not so blind as to cede territories without rhyme and reason. We have seen that steps have been taken to settle these matters from a very long time past. We cannot apprehend that this matter will be settled by ceding territories to Pakistan without any logic behind it. So everybody will realize that sooner this matter is settled, it is better for the country and better for the resources of the country. We can divert our attention to other useful things—the developmental activities of the State. Considering all these things, Sir, this matter should be welcomed by all and hailed with great deliver and we should give our approval to it. We should also urge on the Centre to give their decision on it as early as possible as this poor State is vitally concerned with it. As regards the boundary as it is not demarcated on the spot it is not possible for us to know which areas will be ceded to Pakistan. But, Sir, considering the very important nature of this matter we should not put any hindrance on the way of this compromise between Pakistan and India in regard to their boundaries being settled as early as possible.

Shri BIMALA PRASAD CHALIHA (Chief Minister): I have heard the speeches of Honourable Members and I have also considered the various aspects of the criticism which has been raised in the course of debate. One of the charges is that the Government of India is not proceeding in a democratic manner so far as these agreement are concerned. Sir, I humbly submit that I cannot agree with this view. As the Honourable Members in this House know, the Government of India is proceeding in the matter in the most democratic manner. This subject of Indo-Pak boundary disputes has been discussed in Parliament as well in the State Legislatures perhaps since the days of Independence and on every occasion the Government of India have been apprising the Parliament and also the country about the various steps which they have been taking. If now inspite of this, it is said that Government of India is not proceeding in a democratic manner, I do not know how else Government should proceed in democratic manner. It is not always possible for the Government to discuss every detail of any particular agreement before it is entered into, in the Parliament or in the State Legislatures. But Government always, so far as I know, place before the Parliament all the Agreements for its information and consideration.

So far as this particular Bill is concerned the first question is whether we want to demarcate the boundary between these two countries. Sir, you will appreciate the urgent need of this demarcation because we have seen large number of border incidents which took place and which brought a lot of sorrows for the people residing in the borders. If it is accepted that the border boundary has to be demarcated, that comes the question of the agreed basis for determining the boundary. As I said in my statement, so far as our State is concerned we have no difficulty in regard to the boundaries with Garo Hills and Goalpara districts on our side with East Pakistan on the other side because both countries accepted inter-district boundaries the international boundaries. With regard to United Khasi and Jaintia Hills and Cachar I have narrated before the House the various disputes which arose, on the interpretation of the Radcliffe Award and the Bagge Tribunal Award.

Then what is to be done when such disputes arise? There are two ways of settling these one is through negotiation, and the other method is of course different, that is War, which is against the accepted policy of

this country. And the Hon'ble Members are aware that repeated efforts were made to bring about settlement of all the outstanding disputes and this Agreement has brought peace in border areas. This House had occasion to discuss the troubles which we had in the border. We have had practically ceaseless firing in the border during the years 1958 as well as for about 9 months in 1959. There were of course, earlier incidents also but I am not referring to them. Therefore, once it is accepted that it is in the interest of both these countries that the border should be demarcated, that whatever disputes are there should be resolved through negotiations and peacefully, then there is no other way to settle them than the way the Government of India is attempting. Sir, I was sorry to hear the Hon'ble Leader of the Opposition when he said that the Government wanted to bring about this transaction silently. I do not know how he can justify that remarks, because so far as I know every Agreement that the Government of India entered into with Pakistan or any other country was always placed before the Parliament. I consider it very unfair on the part of the Leader of the Opposition to make such a remark about this Agreement.

A question has been raised with regard to certain villages in the United Khasi and Jaintia Hills as well as in Cachar. Sir, so far as the five villages in the district of Cachar are concerned, negotiations are still going on. Besides, there is a case in the Supreme Court, and in view of that I do not like to make any reference. It would also not be proper for me to make any reference about those villages. All that I can say is that there was no dispute beforehand with regard to these 5 villages. Subsequently of course a case has been instituted in the Supreme Court, and some negotiations are also going on. A reference has been made about a village in the Khasi and Jaintia Hills. Until the boundaries are finally demarcated it is not possible for me to say anything firmly. But I am equally anxious to see that the citizens—those people who are now under the administration of this country—remain with us; but if by chance as a result of this demarcation, any village or a part of any village, falls on the other side of the boundary and if for any reason the people choose to come over to this side of the boundary, I feel Sir, it becomes our duty to see that they are properly established on our side. Sir, with regard to the constitutional aspect of this matter, the Hon'ble Members, as I learn from their speeches, have gone into the question, and they have actually no dispute with regard to the constitutional aspect of the matter. A question was raised as to why International principles were not applied for determining the boundaries between these two countries. Sir, the difficulty was that the boundary which we are following now were, more or less, the old inter-district boundaries, and it is not that no effort was made to have these demarcations on the principle of the International boundaries like having a fluid boundary or the mid-stream boundary. But in such matters it has to be agreed to by both sides. So, far I know, we wanted to have mid-stream boundary so far as Piyain river is concerned, but the other country has not agreed to it.

The Hon'ble, Member Shri Bhattacharyya has raised the question about Notification of 1922 with regard to Patharkandi thana, and the subsequent Notification of 1947. Sir, in view of the fact that all these subjects are under discussion at the moment, and besides that, as I said before, there is a case before the Supreme Court, I don't think that would be proper for me to go into these questions at this stage.

Hon'ble Member, Shri Jor Manik Siem raised the question that in this demarcation why the 1892-93 Notifications have been accepted. I understand that so far as the boundary of the districts of United Khasi and Jaintia Hills and Sylhet is concerned that is governed by the Notification of this particular year, i.e., 1892-93 and the corresponding map of that period has to be followed. There may be maps of earlier times or even subsequent years but the boundaries must correspond with the Notification of the year on which it was issued.

Sir, I may draw the attention of the Hon ble Members to page 6 of the Draft of the Acquired Territories (Merger) Bill, 1960, item No.7. It says that "Piyain and Surma regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights". So on all these matters, at least in the matter of record of rights, if either Shri Jor Manik Siem or any other member may feel that they could help the Government in establishing the case of any particular village with record of rights that would help the Government very much. Sir, as I said before this Agreement has been entered into by Government of India with the Government of Pakistan in the larger interest of the country, and I therefore, feel that it becomes our duty to extend our support to this measure. I would request Sir, that the entire proceedings should also go to the President so that the President can understand how the minds of the representatives of the people are working.

With these few words, Sir, I would request the Hon. Members to support the Resolution.

Mr. SPEAKER: The question is that the House recommends to the President of India that the Acquired Territories (Merger) Bill, 1960 in so far as it relates to Assam, be adopted.

(The question was adopted)

Mr. SPEAKER: As suggested by the Chief Minister this whole of the proceedings of the debate will be forwarded to the Government of India.

Prorogation

Mr. SPEAKER: This is an order from the Governor which runs as follows—

"In exercise of the power conferred by clause (2)(a) of Article 174 of the Constitution of India, as amended upto date, I, Vishnu Sahay, Governor of Assam hereby prorogue the Assam Legislative Assembly to the conclusion of the sitting on the 21st November 1960

Shillong :
21st November 1960
The Assembly was then prorogated.

VISHNU SAHAY,
Governor of Assam."

R. N. BARUA,
Secretary, Legislative Assembly,
Assam.

R-2492