

Shri Tangamani: May I know whether this amended clause 3 which has not been objected to either by the creditors or shareholders has been finally lodged with the Registrar?

Shri Kanungo: I am not sure; it must have been.

Shri Tangamani: In reply to a previous question, he said that this particular amendment has already been laid on the Table of the House and they have invited whether there is any objection from the creditors and the shareholders and a particular date was specified. Within that date there has been no objection. What I would like to know is, because no objection has been received from the creditors and the shareholders, whether this particular amendment has been lodged with the Registrar.

Shri Kanungo: All I meant is, I do not remember the date when it was lodged. But, unless it is lodged, it cannot come into effect.

Shri Warior: May I know whether the Government has received any request from any State to establish its own State Corporation to deal in commodities in which the State Trading Corporation is not dealing?

Shri Kanungo: Normally there are two procedures by which a company can be regulated. One is by capital issue. I believe Kerala Government has put in a proposal which is under discussion.

Shri Vidya Charan Shukla: It is not a fact that there is a general complaint that the S.T.C. generally sells away its own import licences to private established importers against certain commission?

Shri Kanungo: It is not at all the case. It is the reverse. In fact, the S.T.C. accommodates other exporters when they do not have quotas.

Transfer of Beru-Bari to Pakistan

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Shri Rameshwar Tantia:
Shri Rajendra Singh:
Shri H. N. Mukerjee:
Shri Prakash Vir Shastri:
Shri Vajpayee:
Shri Supakar:
Shri Sadhan Gupta:
Shri Raghunath Singh:
*199. Shri Assar:
Shri Naval Prabhakar:
Shri D. C. Sharma:
Shri Ram Krishan:
Shri Aurobindo Ghosal:
Shri Vidya Charan Shukla:
Shri Hem Raj:
Shri Halder:
Shri Subhman Ghose:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that West Bengal Assembly has passed a unanimous resolution for retaining Beru-Bari in India; and

(b) if so, Government's reactions thereto?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) (a) Yes.

(b) A Bill relating to this matter will be placed before Parliament where every aspect of this question will no doubt be discussed.

Shri Rameshwar Tantia: As the question involves very important constitutional points, is it the intention of the Government to refer the matter to the Supreme Court for opinion?

Shri Jawaharlal Nehru: The point that might have arisen was whether it required legislation or not. We have decided, therefore, for various reasons, anyhow, to put it before Parliament. The question of any other constitutional point does not arise at all.

Shri Vajpayee: Under article 3 of the Constitution, if the borders of

any State are to be changed, the move must come from the President who in turn must ascertain views of the State legislature. May I know if the views of the West Bengal Legislature were ascertained before the hon. Prime Minister entered into an agreement with the Prime Minister of Pakistan and if not, I should like to know under what article of the Constitution or under what law the Prime Minister thinks that he has authority to transfer Indian territory to Pakistan without ascertaining the wishes of the people living there.

Shri Jawaharlal Nehru: The hon. Member makes certain assumptions. I entirely agree with him that where any territory of India is to be taken out of India, it is a very serious matter and every care should be taken that it is done according to the Constitution and the law. But, the question that arises in all these matters is whether a certain part of area is a territory of India or not. I am not going into the merits of the question. The main thing has been in these border disputes, whether they belong to India or Pakistan, whether according to certain awards, certain interpretation of those awards they come here or there. Therefore border disputes are not normally put in that category to which the hon. Member refers.

Mr. Speaker: Shri H. N. Mukerjee.

Shri Vajpayee: There is a supplementary arising out of the reply.

Mr. Speaker: All right. Shri H. N. Mukerjee.

Shri H. N. Mukerjee: Since the Nehru-Noon Agreement definitely envisaged exchange of enclaves and this is stated in a document so authoritative as the President's Address, may I know if the Prime Minister will be ready — I am very serious about it — may I know if the Prime Minister will be ready to modify the terms of the agreement and to see that Beru-Bari is retained in the Indian Union and not given over to

Pakistan for the very good reason that as a matter of fact Beru-Bari is not an enclave and there can be no question of its transfer to Pakistan? It is a matter of fact. If that is so, would he modify the agreement and come before Parliament with a modified settlement?

Shri Jawaharlal Nehru: I entirely agree with the hon. Member. Beru-Bari is not an enclave. Nobody can call it an enclave since it is not. And the President's Address does not refer to Beru-Bari as an enclave at all. The President's Address has not gone into detail. If the hon. Member refers to it, one part of the President's Address, as far as I remember, refers to enclaves and another part refers to the Nehru-Noon Agreement and the arrangements arrived at. We are not treating this as an enclave at all. As for the other argument, that would be rather going into the merits and I hope that this House and the other will go fully into this question so that a right decision may be arrived at.

Shri Tyagi: On a point of order, since Beru-Bari was a territory which immediately before the commencement of the Constitution was comprised in the State of West Bengal, it has become part of India as such and any legislation either from the State or from this Parliament cannot part with any territory unless the Constitution which defines finally the boundaries of India is amended. In article 1, it is mentioned, "India, that is Bharat, shall be a Union of States. The territory of India shall comprise the territories of the States...."

Mr. Speaker: What I suggest is.....

Shri Tyagi: ... the territories of the States....

Mr. Speaker: Order, order. The hon. Member will kindly hear me. This is only a question. So far as the actual transfer is concerned, a Bill will be brought up here. This point of order can certainly be raised that this House has no jurisdiction unless the Constitution is amended and so on. Therefore, he would not invite me to give

an answer so far as this matter is concerned. There can be honest difference of opinion regarding this matter. Article 4 deals with a different question that so far as boundaries are concerned, a law can be brought here. There can be difference of opinion regarding this matter. But, let us not go into this question as to whether this is legal or not legal, what kind of procedure is to be adopted, whether the Constitution has to be amended or not. All this will be a subject matter then and a discussion will be allowed at the time when the Bill is brought before this House.

Shrimati Renu Chakravarty: May I know whether it has been brought to the notice of the hon Prime Minister that the map on which discussions took place between him and the Prime Minister of Pakistan was not a correct map, that the placing of Deviganj is not where it is in the map and therefore, whether the hon Prime Minister will look into the entire matter and reconsider it before formulating the Bill? Once the Bill comes, it will be a question of prestige.

Shri Tyagi: No question of prestige.

Shri Jawaharlal Nehru: The hon Lady Member goes into actual merits. It is rather a complicated matter of maps and revenue records and various claims, made, and counter-claims, etc. It is hardly possible to deal with it in question and answer, but I can assure her and the House that we are deeply concerned in this matter, and we shall consider every aspect of it with the greatest care.

Shri A. C. Guha: One question Sir.

Mr. Speaker: The whole matter will be thrashed out at the time the Bill comes out.

Shri Hem Barua: I want to elicit some information.

Mr. Speaker: Next question.

Prices of Jute and Mesta

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*200. { **Shri Shree Narayan Das:**
Shri Anirudh Sinha:
Shri Rameshwar Tanti:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether any assessment as to the effect of several steps taken by Government and other bodies concerned to check the declining prices of jute and mesta has been made,

(b) if so, with what result,

(c) the quantity of imports of jute since December, 1958 as well as the quantity canalised to be exported through the State Trading Corporation,

(d) the present position of jute prices, in different jute growing areas, and

(e) the extent to which it has been found possible to increase the holding power of the cultivator by measures so far undertaken for the purpose?

The Minister of Commerce (Shri Kanungo): (a) to (e) A statement showing the prices of raw jute in producing areas during the months of December 1958 and January 1959 is laid on the Table of the House [See Appendix I, annexure No 59]. It will be seen that by and large the declining trend has been arrested. Further purchases by the State Trading Corporation and the mills are expected to assist the grower to sell the stocks still with him.

(c) 13,825 bales of long jute and cuttings were licensed for import during the period ending January 31, 1959 to facilitate manufacture of jute specialties. No ceiling has been fixed on exports through the State Trading Corporation. Permission to export will be given against contracts in the light of stock and price position.