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Title: Need to bring a constitutional amendment in view of 'Dhaka Agreement 2011' regarding handing over of certain Indian territories to Bangladesh.

SHRI RAMEN DEKA (MANGALDOI): The Government of India agreed to hand over 111 enclaves to Bangladesh in lieu of 55 enclaves from Bangladesh as per the "Dhaka agreement – 2011" signed on 6th September, 2011. After this agreement Government of India will hand over Boraibari, Pallatal-Lathitilla, Dumbari of Assam consisting of 357.5 acres land to Bangladesh. Bangladesh has encroached these lands illegally and after the 6th September, 2011 agreement the right of possession will be legalized.

It is clear in the Constitution of India that Central Government cannot handover any territory to any foreign country without amendment of Constitution. In view of this, Government must come with an amendment in Parliament as per Article 368 to legalise this agreement.

After 'Nehru – Noon agreement – 1958' then Central Government agreed to hand over 'Berubari Union-12' to Pakistan. The then Hon'ble President Dr. Rajendra Prasad disagreed with this 'Nehru – Noon agreement'. Dr. Rajendra Prasad seeks, opinion of Supreme Court. The Constitutional bench consisting eight Hon'ble Judges gave the land mark judgment on 14th March, 1960 (AIR-1960-45) barring Govt. to handover any territory of the country without amendment of constitution of India as per Article 368.

Whether Government of India will bring constitutional amendment in this context of 'Dhaka agreement – 2011'.