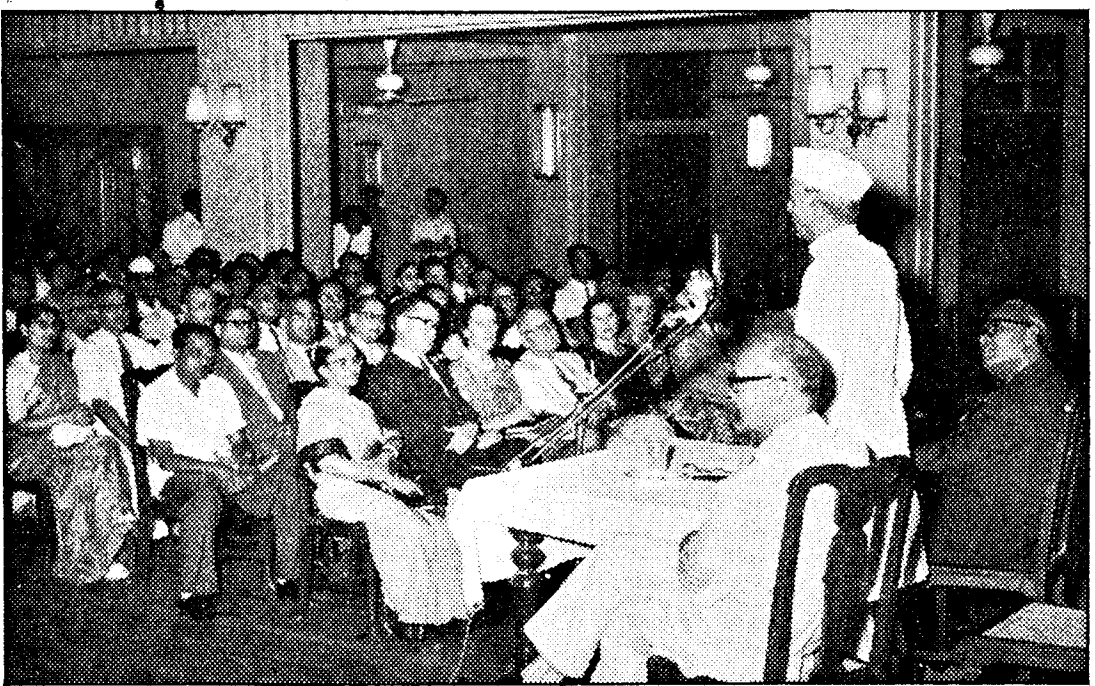


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INDO-AMERICAN MEETING



The former Indian Ambassador to the U.S.A., Mr. G. L. Mehta, addressing a meeting of the Indo-American Society, Calcutta, on Monday. On his right is Mr. G. Basu, President of the Society.—Statesman. (See report on Page 10.)

APPEAL AGAINST CUT IN FINE ON JAIN ALLOWED

NEW DELHI, March 14.—The Supreme Court today granted special leave to the Union Government to appeal against the order of the Foreign Exchange Appellate Board reducing the fine of Rs 55 lakhs imposed on Mr. Shantiprasad Jain by the Director of Enforcement to Rs 5 lakhs.

NANAVATI'S PETITION REJECTED

BOMBAY, March 11.—Mr Justice Shelat and Mr Justice Naik of Bombay High Court today rejected an application made by Commander Nanavati, seeking leave to appeal to the Supreme Court against their lordships' decision convicting and sentencing him to life imprisonment on the charge of murder.

Steps Against Ghosh Demanded

Let People Decide If I Acted Wrongly: Mayor

By a Staff Reporter

IN his reply to the Pradesh Congress General Secretary's letter asking for clarification of certain statements made by him, the Mayor, Mr B. K. Banerjee, has questioned the General Secretary's authority to do so and demanded disciplinary action against the Pradesh Congress Vice-President, Mr Atulya Ghosh "if you have the good of the Congress at heart".

Mr Banerjee's letter which will be discussed by the Pradesh Congress executive on Wednesday, says: "If the Vice-President of the W.B.P.C.C. is allowed to vilify the Mayor of Calcutta and hold out threats without giving him a chance to know the cause of his vehement outburst and the Congress organization remaining silent, what will be the opinion of common people about our great institution?"

The Mayor has requested the General Secretary to test public opinion at a meeting on the "same Maidan where Mr Ghosh had humiliated the Mayor." Let Calcutta citizens be invited there to judge his conduct as Mayor and as a man. "I am prepared to bow to the public verdict. May I request you to ask Mr Ghosh to come to the Maidan and abide by what people say?" the Mayor adds.

Mr Banerjee has repeated that while he was present at the Peace Conference session at the University Institute hall, he heard no anti-Congress speeches; nor was any disrespect shown to the national flag. As to his inaugurating the Students Federation meeting, the Mayor has said that in his speech he had dwelt mainly on the student community in general.

The Mayor denies that he had ever criticized and condemned Congress leaders. Nor had he

"NO IMPROPRIETY IN ADVICE"

Nehru Explains Action In Nanavati Case

From Our Special Representative

NEW DELHI, March 14.—An Opposition adjournment motion on the suspension of the sentence on Commander Nanavati was disallowed in the Lok Sabha today after the Prime Minister had stated in explanation that "prima facie it is no concern of the House."

The Governor's action was variously described by the Opposition, as also by some Congress members, as "an attack on the Constitution" and as "a most unusual thing."

The only Opposition member to oppose the motion was Mr Surendra Mahanty, who on a point of order stated that it was the "exclusive privilege of the Governor guaranteed under the Constitution" and it was "most unusual to discuss it in the House."

The Prime Minister in his explanation admitted that it was a most unusual occurrence and had naturally exercised the minds of the members. He asserted, however, that no disrespect to the Constitution had been shown by the Government by this action.

Mr Nehru informed the House that on March 11, when the judgment was delivered, some representatives of Commander Nanavati had approached the Bombay Government with an appeal that the sentence be suspended till their application for preferring an appeal to the Supreme Court was heard.

There was an unusual procedure, the Bombay Government told them that it would like to consult the Centre about it. These representatives had then come to Mr Nehru, who asked them to see the Law Minister, since it was a legal matter.

Next morning the Law Minister advised the Prime Minister

that such an action would be completely in order under the Constitution. The idea was that between the time the application for leave to appeal was filed and its disposal, Commander Nanavati should remain in naval custody. Otherwise, under the rules of the Navy, his future would have been affected.

ADVICE ACCEPTED

So the Prime Minister got in touch with the Chief Minister by telephone and also the Governor and advised them accordingly. They accepted his advice. "Naturally I assume full responsibility for the advice which, far from going against the Constitution, was well within its provisions," Mr Nehru declared. He also disputed the House's right to discuss the propriety of the action.

The Law Minister, Mr Ashok Sen, speaking on the Constitution aspect of the question, pointed out that the Centre's advice to the State did not fall within the purview of Article 236 and was given in the course of the normal day-to-day business of administration.

The Speaker then ruled that since the advice was not in discharge of any statutory obligation, it was open to the State to accept or reject it. He was also convinced that the matter was solely the jurisdiction of the State and the House was not competent to go into it. He expressed the hope that the Centre would keep the giving of informal advice to the minimum.

The Prime Minister immediately objected to this, pointing out that such informal consultation was a daily occurrence. It did not mean any direction, but only advice to each other.

Mr Banerjee, however, took a different view. He said that since the advice was from someone higher than the State Government, it became a direction. Moreover, apart from the legal aspect, it involved the question of special treatment being given to a class of people. He thought that the action of the Government would detract from the dignity of the judiciary.

Similar objections were also raised by Mr Mahavir Tyagi (C) who was not in favour of creating a precedence by allowing a discussion on a question over which the House had no jurisdiction.

The Speaker did not say who he had tabled the adjournment motion. But from the subsequent proceedings, it appeared that it had been sponsored by Mr Hem Barua and others.

MOTIONS NOT PRESSED
An adjournment motion regarding the resignation of the Aligarh University Inquiry Committee was not pressed after the Minister, Dr K. L. Shrivastava, agreed to place a statement before the House tomorrow.

Two privilege motions against some remarks of the Defence Minister, Mr Krishna Menon, were also not pressed following the Minister's unconditional withdrawal of those statements.

One of them referred to Mr Surendra Mahanty's criticism of the Defence Ministry and the other was an indirect criticism of the Auditor-General for his strictures on the Ministry's maintenance of accounts.

The Speaker informed the House that he had received a secret letter from the Auditor-General this morning objecting to the Defence Minister's remarks.

ENGLAND ONE DOWN FOR 46

GEORGETOWN, March 14.—West Indies declared their first innings closed at 402 for 8 on the fifth day of the fourth Test here today in reply to England's total of 295.

England had made 46 for one wicket in the second innings at tea.—Reuter.

CONSTITUTION MUST BE AMENDED

Verdict On Berubari Agreement

EXECUTIVE STEP NOT ENOUGH

From Our Legal Correspondent

NEW DELHI, March 14.—The cession of a part of the territory of India included in Berubari Union No. 12 to Pakistan and the exchange of the Cooch Behar enclaves envisaged under the agreement between the Prime Ministers of India and Pakistan, according to the opinion tendered to the President of India by the Supreme Court today, cannot be effected either by executive action or by a law made by Parliament, but can be carried out only by an amendment to the Constitution.

REGARDING implementation of the Indo-Pakistani agreement relating to Berubari Union and the exchange of enclaves in Cooch Behar, the President of India referred the following three questions to the Supreme Court for consideration and report:

1.—Is any legislative action necessary for implementation of the agreement relating to Berubari Union?

2.—If so, is a law of Parliament sufficient for the purpose or is an amendment of the Constitution in accordance with Article 368 of the Constitution necessary, in addition or in the alternative?

3.—Is a law of Parliament relating to Article 3 of the Constitution sufficient for implementation of the agreement relating to the exchange of enclaves or an amendment of the Constitution in accordance with Article 368 of the Constitution necessary for the purpose, in addition or in the alternative?

The Supreme Court answered the questions referred to it in these terms:

1.—Yes.

2.—(a) A law of Parliament relating to Article 3 of the Constitution would be incompetent; (b) a law of Parliament relating to Article 368 of the Constitution is competent and necessary; (c) a law of Parliament relating to both Article 3 and Article 368 would be necessary only if Parliament chooses first to pass a law amending Article 3 as indicated above; in that case Parliament may have to pass a law on those lines under Article 368 and the amended Article 3 to implement the agreement.

3.—Same as answers (a) and (c) to Question 2.

Thereafter, as from January 26, 1950, the Constitution of India came into effect. West Bengal was shown as one of the States and it was provided that the territory of the State of West Bengal shall comprise the territory which immediately before the commencement of the Constitution was comprised in the province of West Bengal, as Berubari Union No. 12 formed a part of West Bengal under the award it automatically became a part of India under the Constitution of India.

RADCLIFFE AWARD
The territory of India had been partitioned as a result of the Indian Independence Act, which also divided Bengal into East Bengal and West Bengal. The Act also provided that the exact boundaries of these newly-created territories would be settled by the award of the Boundary Commission. The Commission gave its award, known as the Radcliffe Award, on August 30, 1947, and under it Berubari Union No. 12 formed a part of the State of West Bengal and was governed as such by India.

Subsequently, certain boundary disputes arose between India and Pakistan, and these were decided by the Bage Award made on January 26, 1950. The boundary disputes, however, continued and it was in these circumstances that the present agreement was reached between the Prime Ministers of India and Pakistan on September 10, 1958. This agreement, among other provisions, contemplated that India would cede to Pakistan some portion of Berubari Union and also exchange certain enclaves in Cooch Behar.

When the question of the implementation of the agreement came before the Government, considerable public opinion was aroused in the matter. Questions were raised in Parliament and outside regarding the competence of the Government to implement the agreement by executive or legislative action. The President, therefore, referred the legal issues involved to the Supreme Court and the Attorney-General of India appeared before the Supreme Court for the Union of India.

The Attorney-General contended (Continued on Page 9 Col 5)

WEST BENGAL VINDICATED

—DR. ROY

By a Staff Reporter
Dr Roy announced amid cheers in the West Bengal Assembly on Monday that the Supreme Court had held that Parliament was incompetent to transfer Berubari and the Cooch Behar enclaves to Pakistan without amending the Constitution.

The announcement was made during his reply to the discussion on the Supplementary Budget demands. The Chief Minister reminded the House that it had protested against the agreement affecting West Bengal. The issue was raised with the Union Government, which referred it to the Supreme Court. A Special Bench of the Court observed that the agreement amounted to cession of territory. To enable Parliament to do this the Constitution will have to be amended.

It was also the West Bengal Government's view. Its contention, Dr Roy was glad to say, had now been vindicated by the Supreme Court.

(See also Page 9)

C. R. IN CALCUTTA

By a Staff Reporter
Mr C. Rajagopalachari, leader of the Swatantra Party, arrived in Calcutta by air from Madras on Monday night. During his two-day stay in Calcutta he will address a series of meetings. On Tuesday he will address a meeting under the auspices of the Eastern Study Group, Calcutta, in the auditorium of India Exchange at 4 p.m. He will be at a public meeting on the Maidan (Ochterlony Monument) on Wednesday at 6 a.m. He is expected to leave for Patna on Wednesday night. He was given a rousing welcome on arrival at Dum Dum by Swatantra Party volunteers.

COUNTRYWIDE BANK STRIKE SUGGESTED

BOMBAY, March 14.—The general council of the Bombay State Bank Employees' Federation has suggested to the All-India Bank Employees' Association that it fix a suitable date for countrywide "strike action" by bank employees in support of the 11-day-old all-India strike of over 20,000 State Bank employees.

Mr P. K. Menon, general secretary of the federation, who released the decision of the general council in a Press statement today, also directed all the units of the federation to stand by for supporting action as soon as the call from the association was given. The association is due to meet in Delhi tomorrow.

Meanwhile, the All-India State Bank of India Staff Federation, which has sponsored the strike, said that there was no further development today. Last night the general council of the federation rejected an appeal by the Union Labour Minister, Mr G. L. Nanda, to withdraw the strike in view of the Government's decision to appoint a national tribunal to go into the demands of all bank employees.—P.T.I.

ON OTHER PAGES

- Page Four: Radio and Weather.
- Page Five: Constable stabbed in Holi fray.
- Page Six: "Fabulous" treasure lost to Tibet.
- Page Seven: Lok Sabha questions.
- Page Eight: "Mr Khrushchev Is Watching".
- Page Nine: West Bengal Assembly.
- Page Eleven: Plan to partition Algeria.
- Page Twelve: India beat Vietnam in T.T. Test.
- Page Fourteen: Speaking Generally.



Employees of a bank on Netaji Subhas Road, Calcutta, demonstrating outside the bank premises on Monday in sympathy with the State Bank employees who are on strike.—Statesman.

STRIKE ENTERS NINTH DAY IN CALCUTTA

By a Staff Reporter
The State Bank Employees' strike in Calcutta continued for the ninth day on Monday. Employees of other banks demonstrated for half an hour during their afternoon recess outside their offices in support of the State Bank employees' demand. A spokesman on behalf of the State Bank's management told me that the supervisory staff who had been staying in the main office premises on Strand Road since March 4 maintained the limited service as on the eight other days. He said that he had expected employees belonging to the S. B. I. Employees' Association affiliated to the Indian National Trade Union Congress, a rival of the Bank's Staff Association conducting the strike, to resume their duties according to their resolution adopted at an extraordinary meeting of the organization on Saturday. But none of them reported for duty.

According to an official of the Employees' Association, though the organization had asked its members to report for duty on Monday, they were unable to do so because, he said, "We wanted to avoid any clash with our rival union leaders who had created a tense situation." He added that they would "march" to the head office today to resume their duties and, if resisted, "we will offer peaceful satyagraha."

The resolution adopted at the extraordinary meeting criticized the move for the lightning strike organized by the Staff Association as "premature, misguided and ill-considered." It said that the Government has been seriously weighing the possibilities of setting up a high power commission to thoroughly investigate the industry's affairs. The Federation, by calling a strike, has created a situation much to the liking of the employers. That bank employees today will have a tribunal and not a commission is the result of this unfortunate situation. Employers have reaped the greatest advantage from the sufferings of State Bank employees.

Concluding the resolution said: "From what has transpired in the past few days and from what we guess from the Union Labour Minister's appeal, we firmly believe that the employers' cause will be best served now by immediate resumption of duties. Only this can introduce a better climate under which it might still be possible for us to strive to get the most out of the tribunal."

KHRUSHCHEV HAS INFLUENZA POSTPONES VISIT TO FRANCE

LONDON, March 14.—Moscow Radio said yesterday that Mr Khrushchev's visit to France, beginning next Tuesday, has been postponed because of an attack of influenza.

The radio said that according to medical advice the Soviet Premier would take between seven and ten days to recover and a new date for his arrival in Paris would be fixed by the two Governments.

The Soviet Foreign Minister, Mr Gromyko, called Mr Khrushchev's illness "a sort of flu" in informal language. He said that this afternoon and that gave rise to a belief that it was not too serious.

The illness must have struck down the Soviet Premier Minister, who will be 66 next month, within the last 72 hours.

Western visitors who saw him at the beginning of the week—

West's 3-Stage Disarmament Plan Published

GENEVA, March 14.—The West today published a three-stage disarmament plan aimed at the total prohibition of nuclear and other weapons of mass destruction under an "International Disarmament Organization" (I.D.O.).

The plan, for balanced conventional and nuclear disarmament over an unspecified period, was prepared by Britain, France, the U.S.A., Canada and Italy for presentation to the East-West disarmament conference beginning here tomorrow.

It envisages—under control—gradual elimination of atomic, bacteriological and chemical weapons; considerable reduction of conventional forces; abolition of certain types of military missiles; the preservation of outer space for peaceful purposes; and ultimate control over production of all remaining types of arms.

Stress is laid, as in past Western disarmament plans, on international supervision and control.

In the first stage the I.D.O. would be set up and a ceiling of 2,500,000 would be put simultaneously on the armed forces of the Soviet Union and the U.S.A.

An international conference would be convened during the second stage of the plan to extend disarmament to countries other than those attending the talks.

Meantime, it was disclosed today that an East-West squabble has broken out over the chairmanship of tomorrow's formal opening (at 10 a.m. local time) of the conference.

TRIP SCHEDULED FOR MARCH 23

MOSCOW, March 14.—Mr Khrushchev, who is suffering from influenza, will now arrive in France on March 23 for his postponed visit, which will last until April 3, Tass announced today.—Reuter.

notably the Mayor of San Francisco, Mr Christopher—described him as being in vigorous health despite his gruelling trip through South-East Asia.

Reuter's correspondent in Moscow writes that Mr Khrushchev has evidently fallen victim to the annual "flu epidemic which again has Moscow in its grip. A number of Government employees and police have been down with the illness in recent weeks, but the type of "flu gripping Moscow now is of a reasonably mild variety."

Mr Khrushchev was reported to be on the shores of the Black Sea since last Wednesday, informed sources said.—Reuter.

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