

LOK SABHA DEBATES

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LOK SABHA

Friday, May 5, 1961/Vaisakha 15, 1883
(Saka).

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Former French Possessions in India

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*1926. { Shri Pangarkar:
Shri D. C. Sharma:
Shri T. B. Vittal Rao:

Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 207 on the 17th November, 1960 and state the progress since made in extending the jurisdiction of the Supreme Court to the former French possessions in India?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): Government are actively engaged in finalizing the necessary administrative details for implementation of the decision regarding the substitution of the Appellate Courts in Paris by alternative Indian bodies.

Shri Pangarkar: May I know the details of the constitution of the Indian alternative bodies to be substituted for the appellate courts in Paris?

Shrimati Lakshmi Menon: It has already been stated on a previous occasion that in consultation with the Home Ministry and the Law Ministry, the necessary decision will be taken, and we shall have three kinds of courts corresponding to the three kinds of appellate courts which exist for Pondicherry today. These things are being finalised, and till they are finalised, it will not be possible for me to give the details.

524(A) LS.—1.

Shri D. C. Sharma: May I know whether the French Government have been consulted on this point, and whether they have no objection to it?

Shrimati Lakshmi Menon: It is not necessary to consult the French Government, because under the articles of the *de facto* transfer agreement, whatever changes we are bringing about are within the framework of that agreement, and it is not necessary to consult them.

Shri Tangamani: For more than twelve months, this question of extending the appellate jurisdiction of the Supreme Court has been under consideration. May we know whether it has been brought to the notice of Government that even as late as December, 1960, the Leader of the Opposition there had to prefer his appeal in the Paris court and it was disposed of, causing a lot of inconvenience, and if so, whether at least now we could have an exact date or definite date by which this decision will be taken, because in view of the *de facto* transfer agreement, there is no difficulty about it?

Shrimati Lakshmi Menon: I cannot give the exact date, but as I have stated in the original answer, these things are being finalised, and all appeals which are pending in the French courts will automatically be transferred to these courts.

Shri Tyagi: May I know whether the delay is due only to prolonged consideration of the issues in the External Affairs Ministry, or it is due to the French Government coming in the way?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The French Government does not come in at all.

Shri Tyagi: So, it is a delay on account of protracted consideration in the External Affairs Ministry only?

Shri Jawaharlal Nehru: It is not due to consideration, but it is because references to the Madras High Court and various other references have to be made, such as to the Home Ministry, the Law Ministry and so on.

Shri Tyagi: Are the residents of that area also being consulted about this?

Shrimati Lakshmi Menon: It is not necessary to consult. The councillors are consulted.

Shri Jawaharlal Nehru: How do we consult the people? Their representatives, their councillors have requested that this should be done.

Mr. Speaker: They are anxious.

Shri Hem Barua: This difficulty is connected with the fact of the *de jure* transfer of Pondicherry. In view of the inordinate and inexplicable delay on the part of France to effect the *de jure* transfer of Pondicherry to the Indian Union, may I know whether Government propose to bring pressure on the French authorities that they must implement the terms of the Indo-French agreement within a specified date?

Shri Jawaharlal Nehru: The hon. Member, being a student of history and current affairs, should know what has been happening in France during these periods. It is no good bringing pressure; we cannot bring pressure; we can act independently, if you like, ignoring them.

Shri Hem Barua: In view of the anomalous position between *de facto* and *de jure* transfer of Pondicherry, may I know whether it is a fact that the elected representatives of the people are not in a position to discharge their duties to the electorate, and if so...

Mr. Speaker: All these are matters of consequence. What is the good of asking this question? All these things

do not arise out of the main question. Government are fully aware of the difficulties which those people are undergoing, in the absence of *de jure* transfer. They are doing their best. This is all the subject-matter of the question.

Shri Tangamani: May I know whether it is a fact that certain judicial officers functioning in Pondicherry today are opposing the conferment of this appellate jurisdiction on the Supreme Court?

Shrimati Lakshmi Menon: We do not know whether they are opposing it.

Shri Tyagi: There is no satisfactory explanation from the External Affairs Ministry for this undue delay. We want to know really the cause of this delay.

Shri Jawaharlal Nehru: Where is the undue delay, if I may respectfully say so? It is only a few months, certainly not more than a few months, and considering that it is a novel matter without precedent, it has to be examined fully in the Home Ministry and the Law Ministry, and references have to be made to the Madras Government, and the Madras High Court. I do not think there has been an unconscionable delay.

Mr. Speaker: It is a rather difficult affair.

Technical guidance by Small Industries Service Institutes

*1929. **Shri Aurobindo Ghosal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that small industrialists do not get sufficient technical guidance from Small Industries Service Institutes;

(b) if so, what are the difficulties;

(c) whether there is any provision to convey the current technical information to the technical offices in an expeditious way; and