

**Trial of Lt. Col. Bhattacharya
in Pakistan**

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- *213. { Shri S. M. Banerjee:
Shri Shree Narayan Das:
Shri Radha Raman:
Shri D. C. Sharma:
Shri N. E. Muniswamy:
Shri P. G. Deb:
Shri Indrajit Gupta:
Shri Raghunath Singh:
Shri P. C. Borooah:
Shrimati Ila Palchoudhuri:
Shrimati Mañda Ahmed:

Will the Prime Minister be pleased to state:

(a) whether the trial of Lt. Colonel Bhattacharya in Pakistan has concluded;

(b) if so, the details thereof; and

(c) whether he was accorded all facilities?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a). Yes, Sir.

(b) The details of Col. Bhattacharya's trial are not available as the proceedings were held *in camera*.

(c) As regards the facilities accorded to Lt. Col. Bhattacharya during his trial, the only thing we know is that the Indian lawyer engaged by his family was permitted to conduct his defence.

May I add that since you have kindly allotted time for a full discussion on this matter, we may not proceed further with this question now? (*Interruptions.*)

Some Hon. Members: No.

Mr. Speaker: Further supplementaries may be reserved for that occasion.

Shri S. M. Banerjee: She cannot suggest that. I want to put one supplementary. May I know whether it is a fact that the Indian lawyer who defended Col. Bhattacharya in Pakis-

tan had written to the Government of India stating that the minimum facilities generally given in the case of a military tribunal were not given to Col. Bhattacharya and if so, whether any protest has been lodged in this respect?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I cannot remember; I have not got any letter with me here. They had written something pointing out that in some matter facilities were not given to him; that is quite possible. We were constantly in touch—our Deputy High Commissioner was constantly in touch—with the Pakistan Government seeking such facilities as were possible all the time. There is no question of our sending a formal protest to them; it is a continuous affair.

Shri Hem Barua: In view of the fact that the release of some American airmen detained in China on charges of espionage was secured through the good offices of the U.N., likewise, have Government made any attempt to invoke the good offices of the U.N. to get the release of Col. Bhattacharya or do they propose to do so?

Shri Jawaharlal Nehru: I do not understand how the hon. Member wishes to drag in the U.N. in this matter.

Shri Hem Barua: It has been done in the case of American airmen detained in China.

Shri Jawaharlal Nehru: To the best of my information, it was not done. Even in that case, they were released not because the UNO took any steps, but because of other facts and other approaches made in the subject. Here in the present case, the odd thing is that Lt. Col. Bhattacharya was charged with various charges and the most serious one was espionage. I am informed that on that charge of espionage, he was acquitted by the Pakistan military tribunal. It is on the other charges that he has been sentenced. It is very odd. So, the question of espionage does not appa-

rently arise. I have not seen the judgment; I am only presuming from odd bits of information. (Interruptions).

Mr. Speaker: He has not read the judgment; what is the good of asking him?

Shri Jawaharlal Nehru: I know the charges. I could find out the charges without reading the judgment. There were some technical charges of having come to Pakistan without permission and possessing some revolver or some fire-arm on his body without permission and maybe some other charges. So far as I know, the actual direct charge of espionage was not accepted by the military tribunal.

Shri Khadilkar: Recently I read a report in the Press that as a result of some talk at diplomatic level, Lt. Col. Bhattacharya was likely to be released any moment. Is there any truth in this?

Shri Jawaharlal Nehru: That is entirely a matter for the Pakistan Government or rather the Pakistan President. There have been some suggestions that the Pakistan President might reduce the sentence or release him, whatever the case may be. But obviously I cannot say anything definite about it.

श्री प्रकाश वीर शास्त्री : क्या कर्नल भट्टाचार्य की गिरफ्तारी के बाद उनके परिवार को किसी रूप में कोई आर्थिक सहायता दी जा रही है, यदि हां तो किस रूप में दी जा रही है ?

श्री जवाहरलाल नेहरू : अभी तक जो कुछ कर्नल भट्टाचार्य की तनख्वाह वगैरह थी वह जारी है, उनके परिवार को दी जा रही है। और इस मुकदमे में जो कुछ सफा हुआ, वह भी सहायता दी गई है।

Shri Hem Barua: May I know whether it is a fact that the financial assistance that was offered to his family came at the last moment only

as the Government could not make up their mind?

Shri Jawaharlal Nehru: No, Sir, the hon. Member is mistaken.

Shri S. M. Banerjee: May I know whether after the announcement of his conviction—that is, his brutal imprisonment—any letter of protest has been sent by the Indian Government; if so, with what result?

Mr. Speaker: Protest against his conviction?

Shri S. M. Banerjee: May be "sentence" or "brutal sentence", whatever you may call it.

Shri Jawaharlal Nehru: There is no doubt that this matter has been taken up by our representative both in Dacca and in the central Pakistan Government. I do not think any formal protest note has been sent, but the matter has been taken up directly.

Shri Sadhan Gupta: It appears from the Press that Col. Bhattacharya's contention was that he was forcibly kidnapped from India and that there was conclusive evidence with the District Magistrate, 24-Parganas to this effect. Was he afforded any facilities to produce that evidence? Was any attempt made to make that evidence available to him for his defence?

Shri Jawaharlal Nehru: My colleague, the hon. Law Minister, who has dealt with the matter will answer that question.

The Minister of Law (Shri A. K. Sen): In the trial there an application was made by Col. Bhattacharya's advocate for examination of four witnesses on commission. As the hon. Member, who is himself a lawyer, is aware, there is a procedure available under the Criminal Procedure Code there, and also here, for examination of witnesses residing abroad on commission. That application was rejected by the Tribunal.

Shri Braj Raj Singh: On what grounds?

Shri A. K. Sen: No grounds are given by the Military Tribunal.

Shrimati Renuka Ray: Is the Prime Minister aware that the wife of Col. Bhattacharya was not consulted in regard to the lawyer who was to be appointed as his advocate?

Shri A. K. Sen: That is not a fact.

Shrimati Renuka Ray: Is it a fact that she wanted to have the service of Shri Radha Binod Pal?

Shri A. K. Sen: That is absolutely wrong information which the hon. Member has. The advocate is an extremely renowned advocate in criminal matters and he was engaged by his family.

Shrimati Renuka Ray: May I ask the hon. Minister to enquire from Col. Bhattacharya's wife whether she has no grievance that she was not consulted?

Shri A. K. Sen: His family had engaged Shri Ghatak and given him the warrant of attorney.

Some Hon. Members rose—

Mr. Speaker: Rest of the questions should be reserved for the discussion.

Sale of Indian Cloth to U.K.

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 Shri D. C. Sharma:
 Shri M. B. Thakore:
 Shri Ajit Singh Sarhadi:
 Shri P. C. Borooah:
 Shri Hem Barua:
 Shri Morarka:

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

(a) whether any considerable increase is expected in the sale of Indian cloth to the United Kingdom; and

(b) if so, the details thereof?

The Minister of Commerce (Shri Kanungo): (a) and (b). Since 1960 exports of cotton textiles to United Kingdom have been subject to a ceiling mutually agreed upon by the textile industry in the two countries. During 1960 and 1961 the ceiling was

175 million sq. yards. For 1962 this has been increased to 195 million sq. yards. A supplementary quota of 11 million sq. yards has also been allotted to India. In view of these larger quantities, it is expected that exports will increase.

Shri D. C. Sharma: May I know what will be the effect on our exports of textiles to U.K. because of U.K.'s entry into the European Common Market?

Shri Kanungo: It is yet to be seen on what terms U.K. joins the European Common Market.

डा० गोविन्द दास : आगे और वहाँ पर हमारा निर्यात कपड़े का हो, इसके लिए कोई बातचीत चल रही है क्या ? और यू० के० के सिवा यूरोप के और किन किन देशों से इस सम्बन्ध में लिखा पढ़ी हो रही है, बातचीत चल रही है ?

श्री कानूनगो : अभी तक तो कोई खास बातचीत नहीं चल रही है । यह इंडस्ट्री के बीच में हुआ था, गवर्नमेंट के साथ नहीं हुआ था । यूरोप में अभी काफी रुकावटें हैं और उनको हटाने के लिए गैट की ओर से चर्चा चल रही है ।

श्री विभूति मिश्र : १९६१-६२ में अब तक रुपये पैसे के हिसाब में कितने का माल यहाँ स गया है और कौन कौन सा सामान गया है ?

श्री कानूनगो : इतना लम्बा ब्योरा मैं अभी नहीं दे सकता हूँ ।

Shri Ajit Singh Sarhadi: May I know whether any assurance has been given to us that this quota of exports would not be affected by U.K.'s entry into the European Common Market?

Shri Kanungo: I have mentioned earlier that this arrangement was not between governments but between the textile industry of U.K. and the textile industry of India. The question of what will happen if the United Kingdom joins the European Common Market has got to be seen depending