

(b) Negotiations were carried on by the Directors with the Government of Bombay. The Government of India were kept informed.

(c) The Government of Bombay are I presume awaiting the results of the meeting of the shareholders of the Company.

Shri S. N. Das: What were the special points that weighed with the Government of Bombay or the Government of India and forced them to enter into a compromise with the managing agents when the fact is that for their very acts of commission and omission Government had been forced to take over this mill?

Shri T. T. Krishnamachari: It is very simple. There has been a decision of the Supreme Court declaring invalid the legislation under which we took over this mill. So, either we should fall in line with the decision of the Supreme Court and re-enact a legislation making provision for awarding compensation to the managing agents and the shareholders, or we should have some private treaty with the managing agent. Apparently, the Bombay Government have found a private treaty the better course.

Shri S. N. Das: What is the total amount advanced by the Government of India and the Government of Bombay, and what steps have Government taken to secure the interests of the Government of India and the Bombay Government in regard to those advances?

Shri T. T. Krishnamachari: The Government of India have not lent any amount directly. Whatever finance has been made available is the Bombay Government's. I am sure that in any decision that the Government of Bombay would come to, either by private treaty or otherwise, they are competent to look after their interests.

Shri S. N. Das: In view of the fact that this mill was taken over by the Government of India after an Act was passed by this Parliament, why did the

Government not think it proper to take the advice of the Parliament before entering into any compromise with this mill?

Shri T. T. Krishnamachari: The position, as I have said, is very simple. The legislative enactment which this House approved of has been declared *ultra vires* by the Supreme Court, and I do not see how if we referred the matter to the House we would be able to make that enactment which has been declared *ultra vires* become *intra vires*.

Shri Bansal: Have the Government of India issued any directives, or are they going to issue any, to the Government of Bombay with regard to this compromise with the Sholapur Spinning and Weaving Mills?

Shri T. T. Krishnamachari: The Government of Bombay are quite competent to deal with this matter. The financial responsibility in regard to the advances made is that of the Government of Bombay, and I do not see why the Government of India should issue any directives.

Mr. Speaker: That exhausts the Question List for today. We shall now take up the Short Notice Question No. 6.

SHORT NOTICE QUESTION AND ANSWER

A BORDER INCIDENT IN FEROFZEPOR DISTRICT

S.N. Q. No. 5.—Dr. Ram Subhag Singh: (a) Will the Prime Minister be pleased to state whether it is a fact that on the 22nd February 1954, Pakistan police patrol belonging to Dabhwata Shari pocket (Bahawalpur) lifted an Indian carpenter Shri Shiv Nath from the vicinity of Khanpur village?

(b) If so, how many Pakistani policemen had trespassed in Indian territory to lift him up?

(c) When the Indian rescue party reached that spot?

(d) Did the rescue party succeed in its efforts to rescue Shri Shiv Nath?

(e) If not, what further steps are being taken to rescue him?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (e). Two Indian nationals, Shri Shiv Ram and Shri Surja, were sitting in a field near the village Khanpur in Indian territory adjacent to the Bahawalpur-Ferozepore border when at about 5 p.m. on the 22nd February, 1954 a Pakistani police party belonging to Dab Sharqi Picket (Bahawalpur) trespassed into Indian territory and ordered them to approach the police party. Shri Surja thereupon ran away towards the village but Shri Shiv Ram was forcibly captured by the Pakistani police and carried away to Pakistan. The exact number of Pakistani policemen in the party is not known.

2. The information of this outrage reached the Indian authorities soon thereafter and a party of the Punjab Armed Police rushed to the scene of the incident. There they were fired upon by the Pakistani police force from across the border. This resulted in an exchange of fire till about 3-30 a.m. on the 23rd February, 1954. Meanwhile, senior police officers from the Indian side reached the spot and as a result of their efforts the situation was brought under control. While negotiations were going on between the police officials of the two sides for the return of the kidnapped Indian national and evidence was being shown to the Pakistani police of their trespass into Indian territory, the body of Shri Shiv Ram was found lying about 50 to 60 yards on the Pakistan side of the border.

3. A protest is being lodged with the Government of Pakistan against the trespass into Indian territory by the Pakistani police and the capture and killing of the Indian national.

Dr. Ram Subhag Singh: In view of the fact that reports of the Pakistani

police frequently coming into Indian territory and indulging in kidnapping and killing have often come before this House, may I know whether the Minister is in a position to give an assurance to this House that no such incident will be allowed to occur in future?

Shri Anil K. Chanda: It is very difficult for Government to give any assurance to that effect, but whenever there has been an unfortunate event of this nature, we have very energetically taken up the matter with the Pakistan Government.

Dr. Ram Subhag Singh: May I know whether the energetic effort of the Government which the hon. Minister just referred to has at any time borne any fruit?

Shri Anil K. Chanda: Sometimes yes, Sir.

Shri S. N. Das: May I know what steps have been taken by the Government for quick and immediate disposal of the protests by the Government of Pakistan, and whether any conference was held of officials of both sides, and what was the decision of that conference?

Shri Anil K. Chanda: As I said in my answer, soon after the firing was resorted to, our senior police officials appeared on the scene and were able to bring the situation under control, and then they had discussions with the police officers from the other side. As soon as this information reached us—even before the news of the death of this poor Indian was reported to us—we contacted the Pakistan High Commission here and requested them to inform the Government in Karachi for the release of the captured Indian; and as soon as we got reports of the death of this unfortunate person, we instructed our High Commissioner in Karachi to take up this matter at the highest level with the Government there....

Shri S. N. Das: May I know whether any post-mortem examination was made of this dead body, and if so, what was the result of the examination?

Shri Anil K. Chanda: Yes, Sir. We held a post-mortem examination on the dead body, and one bullet wound was found on the right side of the body and two on the left.

Shri Syed Ahmed: Was any compensation claimed for the death of Shiv Nath from the Pakistan Government?

Shri Anil K. Chanda: I am not quite sure whether we have asked for compensation at this stage, but this matter is under discussion with that Government.

Shri Raghuramalah: Apart from the steps taken to protest to the Pakistan Government, in view of the frequent recrudescence of this kind of trouble, is Government thinking of taking any strong, stern preventive measures to prevent this kind of unhappy incidents?

Shri Anil K. Chanda: The only preventive measure we can take is to strengthen and increase the number of our armed guards on the border which we are trying to do as best as we can.

Shri S. N. Das: May I know whether it is a fact that this firing was stopped only after a white flag was shown by the Pakistani police?

Shri Anil K. Chanda: Yes, Sir. They flew a white flag at about 8 o'clock on the morning of the 23rd February.

Shri Sinhasan Singh: May I know what has been the response of the Pakistan Government to the protest lodged by the Indian Government?

Shri Anil K. Chanda: Our letter to the High Commission with regard to this case was sent on the 8th March and it is too early yet to know the decision of that Government.

Sardar Hukam Singh: May I know whether it is a fact that there were tracks of this man being dragged into Pakistan territory, and that all our officers saw these tracks?

Shri Anil K. Chanda: Very definitely, yes. As a matter of fact, the first police officer who appeared on the scene from the other side admitted the fact that he felt convinced that the Pakistani police had got into our territory, and dragged away this man, but later on of course, they denied this.

WRITTEN ANSWERS TO QUESTIONS

BURMA ELECTRICITY SUPPLY BOARD

***904. Shri M. R. Krishna:** Will the Minister of Irrigation and Power be pleased to state the number of Indian Nationals selected by the Burmese Embassy in New Delhi for posts on the staff of the Electricity Supply Board in the Union of Burma?

The Deputy Minister of Irrigation and Power (Shri Hathi): 112, Sir.

EXPORT OF CLOTH TO TIBET

***905. Sardar A. S. Saigal:** Will the Minister of Commerce and Industry be pleased to state the policy of Government in regard to export of cloth to Tibet for trade purposes?

The Minister of Commerce (Shri Karmarkar): 800 tons of cloth a year are allowed for export to Tibet. Export licences are issued to persons and firms nominated by the Political Officer in Sikkim or his liaison Officer in Kalimpong.

MICA INDUSTRY

***911. Shri Raghavaiah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware of the slump in the mica industry;

(b) whether the export trade in this commodity is on the decline;

(c) if the answer to part (b) above be in the affirmative, the measures that Government propose to take to help this industry; and