

says I do not know. Does he know anything? He knows less than I do.

Shri Humayun Kabir: I accept I know less than him but I have advisers who know more.

Mr. Speaker: Order, order. Shri Pant.

Shri K. C. Pant: May I know to what extent the production of anti-biotics in this country is going to cover the demands for antibiotics in the country and whether there is any proposal to expand the factory in the fourth Plan?

Shri Humayun Kabir: I cannot say anything about the fourth Plan yet. But during the third Plan, there will be considerable expansion in capacity and we hope that when this capacity is installed, to a large extent we will be able to cover the requirements.

Mr. Speaker: The Question hour is over. But Question No. 649 may be answered, because it is important.

Eviction of Adivasis in West Bengal

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*649. { **Shrimati Renu
Chakravartty:**
Shri S. M. Banerjee:
Shri Daji:

Will the Minister of Home Affairs be pleased to state:

(a) whether firing was resorted to, to evict adivasis living on land in their possession for the last 40 years in P. S. Noapara, in Barrackpore area of West Bengal;

(b) whether one adivasi was shot through the heart and another girl of eleven was killed outright;

(c) whether it has been brought to the notice of Government that these adivasis are usually unable to produce documents and are therefore cheated by unscrupulous anti-social people; and

(d) the steps the Ministry has evolved to protect their interests?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) to (d). The adivasis were staying on the land since 1951 with the permission of the then landlord. The land was sold in 1960 and the new landlord obtained an eviction-order from the Civil Court, Sealdah. The Bailiff and the Police party who went to the land on the 29th November, 1963 to execute the order were attacked by the adivasis with brickbats, bows and arrows, and other sharp cutting and deadly weapons, and some of them received injuries. This necessitated the firing, as a result of which one adivasi was killed. A girl of eleven, who was a bystander, was also accidentally hit by a bullet, and died in hospital shortly afterwards. The West Bengal Government have ordered an inquiry into the incident.

2. No specific complaints of these adivasis were brought to the notice of the Government of India. Generally speaking, however, unscrupulous and anti-social elements everywhere try to take advantage of the weaker people. The questions of protection of the interests of the weaker sections occupy a very wide field and Government are trying their best to advance their welfare through scheme provided in the Five Year Plans.

Shrimati Renu Chakravartty: In view of the fact that Government has admitted that unscrupulous and anti-social elements everywhere try to take advantage of the weaker people and in view also of the fact that in West Bengal a large number of tribals are evicted from land, may I know why Government has not seen to it that legal aid is given to these adivasis to fight their way right up to the High Court and why it was left only to the lower courts to come to a judgment even though they have been living in that land for more than twelve years?

Shrimati Chandrasekhar: We have a scheme under which legal aid is given to the tribals in every State. Some of the State Governments include it in their Five Year Plan and in their budget. From the information that we have received, West Bengal Government have been giving legal assistance, towards which we were contributing 50 per cent from the Centre in the Second Plan. In the Third Plan period we have come to know that they have given it up. We are now writing to them to continue the scheme.

Shrimati Renu Chakravartty: In view of the fact that these Adibasis have been living in that land for twelve years and under the Bengal Occupancy Rights it is very difficult to evict them, especially when the articles of the Constitution specifically say that it is the duty of the Centre to see that the plans in this respect are implemented by the States, may I know whether the entire matter will be enquired into not by a department of the West Bengal Government as has been stated here, but by the Centre to see that these Adibasis get back their lands?

Shrimati Chandrasekhar: The provisions in the Constitution are only to see that all the welfare schemes are implemented. We have written to the State Government to have an enquiry made. They have instituted a magisterial enquiry by the sub-divisional officer.

Shrimati Renu Chakravartty: My question has not been answered.

Shri Daji: As a result of the firing two persons have died. The statement says that an enquiry is being made. I would like to know whether it is a judicial enquiry or some departmental enquiry.

Mr. Speaker: Magisterial enquiry.

Shri Daji: When was the enquiry ordered?

Shrimati Chandrasekhar: It is a magisterial enquiry. I would not be able to say precisely when the enquiry was ordered to be made.

Shrimati Renu Chakravartty: My question was not answered. My point is that an article of the Constitution gives the right to the Central Government to see that the State Governments implement the welfare schemes for the backward classes.

Mr. Speaker: The Minister has stated that the local government was giving that aid and 50 per cent was being contributed by the Centre. Now the Centre has learnt that the State Government has not done it. Therefore, the Centre has written to the State Government that it should continue to give that aid.

Shrimati Renu Chakravartty: My point is that these people have already been evicted and they are living in the church compound. I would like to know whether the Central Government, through the State Government, will see to it that the land is returned to the evicted people by the proper process of law.

Shrimati Chandrasekhar: Besides the information given by the hon. Member on the floor of the House, she has also written a letter to the Home Minister, giving much more details about the incident that took place and urging the necessity to give more assistance to them. We have written to the State Government, giving all the facts mentioned in the letter. Let us await the reply of the State Government.

Shri Hari Vishnu Kamath: Is it not a fact that quite some time ago, a year or two ago, the Central Government, after prolonged consultation with the State Governments, formulated a code of conduct for the police, particularly in the matter of handling crowds and, if so, has it been made clear in that code of conduct that prior to opening fire on a crowd the police should give warning, followed by tear gas,

water hose and lathi charge, and then only to firing as a last-resort?

Mr. Speaker: That cannot be answered now.

Shri Hari Vishnu Kamath: Why not?

Mr. Speaker: Because an enquiry has been ordered.

Shri Hari Vishnu Kamath: But magisterial enquiry is not a judicial enquiry.

Mr. Speaker: When a magisterial enquiry is being conducted, it will find out whether the firing was proper or not.

Shri Hari Vishnu Kamath: I am not referring to this enquiry at all. I am saying that there is a code of conduct prescribed for the police and it is the responsibility of Government to see that it is followed.

Mr. Speaker: Order, order. Shri Banerjee.

Shri S. M. Banerjee: It is mentioned in the statement that as a result of the firing one Adibasi and one girl were killed. I want to know whether any ad hoc or provisional compensation has been paid, pending the enquiry.

Shrimati Chandrasekhar: The report that we received does not state whether any compensation has already been given. Anyhow, we have mentioned all this in the subsequent letter that we have sent to the State Government.

Shri Jaipal Singh: Since my hon. friend, Shrimati Renu Chakravartty has supplied the information to the Home Minister, I have come to know quite a deal about it. Sir, if you will forgive me my first protest is against the answer given by the Minister, the monstrous language in which it has been put. I hope hereafter the Home Minister will not use such language.

Mr. Speaker: Order, order. I have allowed him only to put a supplementary.

Shri Jaipal Singh: Yes, Sir. I will put the supplementary question. I want to know whether this sentence that "generally speaking, however, unscrupulous and anti-social elements everywhere try to take advantage of the weaker people" refers to the present landlord or the previous landlord? Because, my information is that these Adibasis who are from Ranchi, my territory have been there for more than 40 years. They (I mean the landlords) are trying to use this legal aspect because within 12 years they gain occupancy rights. So, from 1951 to 1963.....

Mr. Speaker: Now, what is the question?

Shri Jaipal Singh: I have put the question.

Shrimati Chandrasekhar: With the eviction order from the court, the bailiff went to take possession of the land. So, if that is done with the sanction of the court, I do not think we have anything to say on that.

Shri Swell: The statement says that the West Bengal Government has ordered an enquiry. It is not mentioned as to what enquiry it is. Now, we are told that this firing occurred round about 10 O'Clock in the morning when the men-folk had gone to the factory for work. We have also been told that the police went out of their way to terrorise the Adibasis. In view of all these contentions, may I know from the Government whether it would initiate a judicial enquiry rather than a departmental enquiry?

Shrimati Chandrasekhar: The officer in charge of the Neopara police station along with two sub-inspectors and a police force arrived at the land to be evicted in the morning at about 8.30 A.M. on the 29th November, 1963.

Mr. Speaker: The only demand that is made is that it might be a judicial enquiry and not a magisterial enquiry. What has she to say on that?

Shrimati Chandrasekhar: We will let the West Bengal Government know the feelings of this House in this matter.

SHORT NOTICE QUESTION

Mysterious Flights of Chinese Transport Planes

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S.N.Q. 4. } **Shri Jashvant Mehta:**
 } **Shri Kaashi Ram Gupta:**
 } **Shri Vishram Prasad:**
 } **Shri Hari Vishnu Kamath:**
 Shri Surendra Nath Dwivedy:

Will the **Prime Minister** be pleased to state:

(a) whether Government of India have investigated the mysterious flights of Chinese transport planes from Kuming to Kathmandu in August last; and

(b) if so, the findings of the investigation?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) The Government are aware of the flight of 3 AN-2 type aircraft which were ferry-flown from Dacca to Kathmandu across Indian territory. Permission for the flights across India was requested by Nepalese authorities and was granted by the authorities in India.

(b) The 3 aircraft had been presented by the Government of China to His Majesty the King of Nepal at the time of His Majesty's visit to China. At the time of their ferry-flights the 3 aircraft belonged to His Majesty's Government of Nepal.

Shri Jashvant Mehta: When the Government received the request for the planes to cross over this area, may I know whether there was any reason given for this crossing?

Shrimati Lakshmi Menon: The reason given is, in order to reach Kathmandu to fly over India.

Mr. Speaker: The planes had been given over to His Majesty the King of Nepal by the Chinese Government. This became the property of the Nepal Government and, therefore, the Nepal Government had to take them to Kathmandu.

Shri Nath Pai: When the reports regarding the flight of these planes appeared in the press, I think, the Ministry should have felt called upon to clarify the position. Why do they allow this kind of suspicion to hang on so long and continue to work in an atmosphere of cloak and dagger? If the matter was so simple, why did they not come forward with a clarification immediately?

Shrimati Lakshmi Menon: It is given in normal course because the only way to reach Kathmandu is over India and all these planes were registered as Nepalese planes.

Mr. Speaker: That is not the question. The question is this. From the press reports there was an impression created that the Chinese planes had flown over our territory. If the facts were so simple that they belonged to the Nepal Government, why was it not made clear then?

Shrimati Lakshmi Menon: These things are done in the normal course. We do not offer an explanation every time.

Shri Nath Pai: In spite of the fact that you tried to persuade her to give a clearer reply, she has evaded it. The reason is that there is a suspicion in this country about the Chinese activities. The press does its duty in publishing it. The Government ignores it. When it is too late, it comes with a simple reply and tries to hold the press and Parliament to ridicule. Why did they not act up to their responsibility when the first report appeared in the press