

Supreme Court's Ruling on Confiscation of Goods by Customs Authorities

1755. **Shri Bam Sewak Yadav:**
Shri S. M. Banerjee:

Will the Minister of Finance be pleased to state:

(a) whether Government are aware that the Supreme Court of India in AIR 1962 SC 1893 has held that the Customs authorities have no jurisdiction to confiscate goods on grounds of 'sale of licences'; and

(b) if so, the action proposed to be taken in respect of consignments confiscated by the Collectors of Customs during the year 1953 on the above grounds?

The Minister of Finance (Shri T. T. Krishnamachari): (a) The Government are aware of the Supreme Court of India judgement referred to in AIR 1962 SC 1893. In the relevant case the question of sale of licences did not arise for consideration of the Court.

(b) Does not arise.

12 hrs.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

NAGA REBELS ON THEIR WAY TO EAST PAKISTAN THROUGH MANIPUR

Shri S. M. Banerjee (Kanpur): Sir, I call the attention of the Minister of Defence to the following matter of urgent public importance and I request that he may make a statement thereon:

Reported news that two thousand Naga rebels are on their way to East Pakistan through Manipur.

2064 (A) LS-4.

The Minister of Defence (Shri Y. B. Chavan): Mr. Speaker, Sir, Government have received reports that groups of Nagas have been collecting in various areas in the northern parts of Manipur State. It is possible that the hostiles are collecting with the intention of proceeding to East Pakistan in the near future for securing arms and military training. Our Security Forces have been alerted about the possibility of such a move.

Shri S. M. Banerjee: It is clear from the answer of the hon. Minister that they are assembling there with the intention to cross over to Pakistan to get arms or training. At the same time, we are having negotiations with them, for a peaceful settlement, by the members of the Peace Mission. I would like to know whether it is a fact that Mr. Phizo, Mr. Michael Scott and the Pakistan axis is working against the interests of Nagaland and the loyal Nagas and, if so, what steps do the Government contemplate to take to see that their activities and their movement to Pakistan are stopped and they are properly watched?

Shri Y. B. Chavan: These are two different things in the sense that these will have to be dealt with at different levels. Naturally, whenever the Peace Mission met the Naga hostile leaders, they have always brought this matter to their notice and protested if they have any intention about it. The Naga hostile leaders have always claimed, that they have not brought in any illegal arms after they entered into an agreement about Nagaland; that is their claim. In this particular matter, when they are collecting in different groups in the northern areas of Manipur, now, it will be for us to see that they do not get out or even if at all they get out, they do not come back with their arms. That is the only thing that we can take care of.

Shri S. M. Banerjee: Sir, that part of my question has not been answered; may I know whether the Government

[Shri S. M. Banerjee]

is aware that there is the Phizo—Michael Scott,—Pakistan axis, which is a calculated thing?

Mr. Speaker: Is the Government aware of such an axis?

Shri Y. B. Chavan: I do not think there is such an axis. If we know there is, certainly we will have to rethink about the whole matter.

Shri P. C. Gornath (Sibsagar): Kashmir and Nagaland have become the two meeting grounds for China and Pakistan to conspire against India. Have the Government reasons to believe that it is this combination which wants to create a similar situation in Nagaland like that of Kashmir and strengthen the hands of Naga hostile leaders by offering arms assistance and training and, if so, may I know how the Government is going to stop this sinister move of Pakistan-China combine?

Shri Y. B. Chavan: It is true that Pakistan has, according to our information, taken interest in the sense that they have tried to train some people and in sending arms but they have not yet sent their armed personnel. That is the only distinction I am drawing between Kashmir and Nagaland. But as far as Nagaland is concerned, it is completely a different question, both politically and militarily. We have to deal with it in our own way, and with our own strength.

Shri Linga Beddy (Chikballapur): Is it true that before the Naga hostiles crossed into Pakistan, they terrorised the people in Manipur and forcibly collected money and to prevent such things. Is it true that the people of Manipur are prepared to arm themselves and have applied for arms and, may I know whether the Government has thought it necessary that some fencing has to be done and that the people have to be armed to meet the hostile Nagas?

Shri Y. B. Chavan: As far as my information goes, the Home Ministry gave some information about this particular aspect on the floor of the House. They have shown interest in arming some local people so that they can stand any oppressive measures by the hostile Nagas.

श्री बन्धु लिंगबे (मुबेर) : अध्यक्ष महोदय, मनीपुर का जो पहाड़ी इलाका है वह बर्मा से सटा हुआ है और एक भ्रष्ट से सरकार ने उस इलाके को उपहास्य इलाका—डिस्टर्ब एरिया—बोधित कर रखा है। वहाँ की जो जनता है वह सरकार से विद्रोहियों के खिलाफ सहयोग करने के लिए तैयार है। लेकिन वहाँ काफी संख्या में सेना न होने के कारण विद्रोहियों ने उस इलाके को बर्मा हो कर पाकिस्तान जाने के लिए एक मुक़्त रास्ता मान लिया है। इसलिए सरकार से मैं यह खान्दगी चाहता हूँ कि क्या वहाँ पर काफी तादाद में सेना रखी जायेगी और वहाँ की जो जनता है उसका सहयोग इस काम में लिया जायेगा ?

Shri Y. B. Chavan: Sir, it is a suggestion which we have to take into consideration from time to time looking to our own requirements somewhere else also.

श्री हुकम चन्ध कछवाब (देवस्त) : नगा विद्रोहियों के द्वारा वहाँ भ्रष्ट सरकार के रुपये के हिसाब से खपटा किया जाता है और अगर कोई नहीं देता है तो उसकी हत्या कर दी जाती है, क्या यह धमक को बाधित है ? यदि हाँ तो क्या धमक कोई ऐसे विधेय कदम उठाने का विचार कर रहे हैं जिससे लोगों पर इस तरह से दबाव न डाला जा सके और उनको मारने की बे नोच भ्रष्ट न दे सकें और इस तरह से खपटा एकदम न कर सकें ? उनको पाकिस्तान न जाने दिया जा सके, इसके लिए धमक कौन से विशेष कदम उठा रहे हैं ?

Shri Y. B. Chavan: Sir, it is true that in northern Manipur areas certain acts of violence were committed, but I have not got the detailed information about it and it is rather difficult for me to enter into some sort of a dialogue about it here. If the hon. Member gives me notice or the Home Minister, possibly we will give the necessary information. But I know they had committed certain acts of violence and the Manipur Administration itself has taken very severe steps against them.

श्री बाढ़े (खारगोन) : नगा विद्रोही जब ज्यादा सक्रिय हो रहे हैं। अभी एक समाचारपत्र में बताया था कि असम एवं मनीपुर एक स्टेशन पर उन्होंने ट्रेन पर हमला किया जिससे तीन व्यक्ति मर गये और घायल जखमी हो गये। बैसे ही भये वक्त में श्री स्वर्ण सिंह ने कहा था कि मनीपुर में से के 26 परामर्शियों को उठा ले गये हैं। ऐसी सूत्र से क्या चीस मिलन को प्रथम कदम का विचार कर रहे हैं कि प्रपने प्रयासों को वह सम्पन्न कर दे और साथ ही इस बीच को दन्द करके इन नागा विद्रोहियों के खिलाफ कडा कदम उठाने का विचार कर रहे हैं ?

Shri Y. B. Chavan: The hon. Member has raised different questions and different questions of fact. It is true that the Dimapur railway line was attacked by some people, mostly Nagas.

Shri Bada: It is stated here that they were Naga hostiles.

Shri Y. B. Chavan: I have also said "Nagas". Some people were killed in that incident. That is true. I have not got the figures about that particular incident. Certainly we have to take note of this act and take certain steps about it.

Shrimati Renuka Barkataki (Barpeta): In view of the fact that repeated attempts are being made by the Naga hostiles to seek arms and training in Pakistan by going through Bur-

mese territory, have the Government of India approached the Government of Burma to reinforce their patrols in the Manipur-Nagaland-Burma border or to carry out a joint Indo-Burmese patrolling of this frontier to prevent the Naga hostiles from passing through Burmese territory into Pakistan?

Shri Y. B. Chavan: I think we are in touch with the Burmese Government also about this particular aspect.

Shri Daji (Indore): I view of the fact that this concentration comes as a last act of a continuous process of hostile acts by the Nagas despite the cease-fire, and almost amounts to violation of the cease-fire... (Shri M. R. Masani: Question) despite the gesture of the Prime Minister, possibly, to meet them, is the Government considering to revise that decision, and is it a fact that the Manipur Administration, the elected representatives of Manipur, have asked for increased patrol and armed men which the Government has not yet been able to provide in the hilly areas of Manipur?

Shri Y. B. Chavan: I will answer the latter part of the question because it has a direct bearing on this particular Calling Attention Notice. The Manipur Government has certainly asked for certain help. We have taken the necessary steps in that particular matter. About this particular aspect, their bringing in arms and resorting to such tactics are certainly against the spirit of the cease-fire agreement. There is no doubt about it. At the same time, we have brought this thing to the notice of the Peace Mission and through them to the leaders of the Naga hostiles. At the same time, a certain political line we have accepted to follow and I think it is better that we reach the logical end of it.

श्री महापाल सिंह (कैराना) : इन मामलों में हमारी सरकार ने दखलाना की गई थी कि वह अपनी गड़दों में से इन

[श्री यजपाल सिंह]

लोगों को न गुजरने दे। मैं जानना चाहता हूँ कि इस मामले में बर्मा की सरकार ने आपको इमदाद की है या इन्कार किया है ?

Sbri Y. B. Chavan: I think, Sir, I have told that in this matter we are in touch with the Burmese Government.

Shrimati Renuka Barkatski: What is the reaction of the Burmese Government?

Sbri Y. B. Chavan: I would not like to drag in the Burmese Government in this matter in more details.

Sbri Vasudevan Nair (Ambalapuruzha): Is it a fact that powerful elements or sections among the hostile Nagas are against the truce that exists now and they have placed a condition before the Government that the negotiations that are now taking place should be raised to the ministerial level; if so, may I know whether that is the reason for the Prime Minister proposing to meet the leaders himself?

Sbri Y. B. Chavan: Personally I think this question should be put to the Prime Minister himself.

Sbri M. L. Jadhav (Malagaon): May I know the measures taken to disarm the rebel Nagas?

Sbri Y. B. Chavan: When we come in contact with them we not only disarm them but possibly we will resort to something else.

श्री राम हरक्ष शर्मा (घाजमगढ़) :
ऐसा मामूला हुआ है कि यह नागा लीडर्स प्रधान मंत्री से मिलना चाहते हैं और इस मामले में जो उपड्रव हो रहे हैं उन पर भी बातचीत करना चाहते हैं। क्या यह बात सही है ?

श्री यजपाल सिंह चह्याण : हाँ, एक दफे उन्होंने अपना इरादा तो जर्किर किया था और मुझाया था कि यह मिलना चाहते हैं। यह बात सही है।

12.11 hrs.

RE: QUESTION OF PRIVILEGE

Sbri Daji (Indore): Yesterday it became very clear that the assurance given to this House about furnishing information regarding the foreign exchange spent by the Ministers, Deputy Ministers and officers on tour abroad have not been fulfilled despite the fact that more than two years have elapsed. Yesterday we were further told by our friend, the Minister of Parliamentary Affairs that though he has been chasing it his chasing has yielded no results. Further, we were also informed that the Secretariat of the Lok Sabha has written to the Ministry of Finance repeatedly for supplying the information for the use of the Committee on Assurances but even that has not yielded any results. I submit that this continued neglect and delay amounts to disobedience of the order of the House and the order of the Committee and amounts, therefore, to a clear case of breach of privilege of this House.

Sir, in this connection, I would like to draw your attention to pages 111 and 112 of *May's Parliamentary Practice* where the question whether disobedience of rules and orders of the House amount to contempt of the House has been discussed. The matter came up in the case of *Chandrich and Martiners* and the question there posed was whether delay in supplying returns amounted to disobedience. The Committee unanimously held that even delay without excusable reasons amounts to disobedience. Further, there is discussion whether even disobedience of orders of the committee,