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LOK SABHA

Wednesday, 1st December, 1954

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

PAPER LAID ON THE TABLE

NOTE ON SAHITYA AKADEMI AND ITS ACTIVITIES

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): I beg to lay on the Table a copy of the note on Sahitya Akademi and its activities, promised in the reply given to Starred Question No. 232, asked on the 22nd November, 1954. [Placed in Library. See No. S-453/54.]

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

PRESENTATION OF SIXTEENTH REPORT

Shri Altekar (North Satara): I beg to present the Sixteenth Report of the Committee on Private Members' Bills and Resolutions.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE
SEARCH OF HOUSE OF A MEMBER OF INDIAN HIGH COMMISSION'S STAFF IN PAKISTAN

Shri KeshavaIengar (Bangalore North): Under rule 215, I beg to call

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the attention of the Prime Minister to the following matter of urgent public importance and I request that he may make a statement thereon:

"Breach of diplomatic convention by the Pakistan Government in searching the house of a member of the Indian High Commission."

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): At about 7 A.M. on the 30th October 1954, a large police party raided No. 24, Islamabad, a building occupied by officials of the Indian High Commission in Karachi, without taking the permission of the High Commissioner or even informing him. The police then went to one of the rooms occupied by Shri Tewari, a clerk of the High Commissioner, woke him up and confined him in an adjoining bathroom. Other members of the staff residing in the building were also prevented from leaving their rooms and abused and threatened when they protested against this action. Some members of the raiding party even entered the rooms occupied by the wives of the staff and threatened to search them.

Having confined Shri Tewari in the bathroom, the police ransacked his room. The protests of the Deputy High Commissioner, who had since arrived on the spot, against the high handed action of the Pakistani police were ignored by the Pakistani authorities in charge of the raid, who threatened to arrest Shri Tewari and take him away for interrogation.

The police party withdrew after over four hours, only after the Deputy High Commissioner had personally represented the matter to the Prime Minis

[Shri Jawaharlal Nehru]

ter of Pakistan and the latter had issued specific instructions to that effect.

After the raiding party left the building, Shri Tewari went through his personal effects and found that the police had taken away with them some of his clothing and other personal effects including service documents and two hundred rupees in Pakistani currency. No inventory was prepared by the Pakistani authorities and none was shown to any member of the High Commission including Shri Tewari who was all along confined in the bathroom.

The Indian High Commissioner protested to the Government of Pakistan against the high-handed action of the Pakistan police which is in complete violation not only of normal diplomatic usage but also of a specific Indo-Pakistan agreement granting diplomatic immunity on a reciprocal basis to all members of the staff of the High Commissions in the two countries. A protest has also been lodged against the unfounded and mischievous reports appearing in the Pakistan Press in this connection.

A reply has since been received from the Government of Pakistan alleging that one Mirza Samiullah Beg, a Pakistan national, who had been discharged from the Royal Pakistan Air Force on charges of espionage, was living in the room which was searched by the Pakistan authorities and that only Mr. Beg's belongings were taken away by them. This reply also denies the statements made by the Indian High Commission regarding the high-handed behaviour of the Pakistan authorities. The reply given by the Government of Pakistan does not correspond to facts. Neither Mr. Beg nor any other Pakistani national ever lived in Shri Tewari's room. There were also no articles belonging to any Pakistani national in that room. The matter is accordingly being pursued further with the Government of Pakistan.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL—contd.

Clauses 26 to 38

Mr. Speaker: The House will now resume further discussion on clauses 26 to 38 of the Code of Criminal Procedure (Amendment) Bill, 1954. Of the 5 hours allotted to this group, 34 minutes have already been availed of yesterday and 4 hours and 26 minutes now remain. This would mean that the discussion on this group of clauses will conclude by about 4-30 P.M. when the clauses will be put to the vote of the House.

Thereafter, the House will take up consideration of the next group which consists of clauses 39 to 60, for which 3 hours have been allotted.

As regards the consideration of the amendments, in respect of which I reserved my ruling, I think I shall be able to give it by tomorrow.

Shri Sadhan Gupta (Calcutta—South-East): Yesterday I was trying to explain how the amendment of section 250 which was introduced by clause 34 is an amendment which confers undeserved powers on the Magistrates to award compensation. I said that even the Small Cause Court was not trusted with more than Rs. 1,000 even with civil experience. Here the Magistrate has been given the power to award Rs. 1,000 in a summary manner. We know that no poor complainant ever benefits from such a provision; it is only the poor complainant who is harassed and in view of such a provision no poor complainant could hope to earn Rs. 1,000 by way of compensation because it often happens that richer accused persons manage things in such a way that the police non-cooperate, the witnesses are won over and the case is made out to be frivolous and then that person who had put in a *bona fide* complaint will be made to pay through his nose and will be ruined in the process. Therefore, what we have suggested is the most reasonable thing. We have suggested that the