

[Shri Manubhai Shah]

Table a copy each of the following Reports of the Productivity Teams:

- (i) Report (1960) on plastic industry in U.S.A., Italy and Japan. [Placed in Library. See No. LT-3147/61.]
- (ii) Report (1961) on factory building, layout and construction in Japan, U.S.A. and Italy. [Placed in Library, See No. LT-3146/61].
- (iii) Report (1961) on marketing and distribution in U.K., U.S.A. and West Germany. [Placed in Library. See No. LT-3149/61.]
- (iv) Report (1961) on Bituminous coal mining industries in U.S.A., U.K., France and West Germany. [Placed in Library. See No. LT-3150/61.]
- (v) Report (1961) on packaging industry in Switzerland, U.S.A., and Japan. [Placed in Library. See No. LT-3151/61.]

#### MINUTES OF ESTIMATES COMMITTEE

Shri Dasappa (Bangalore): I beg to lay on the Table a copy of the Minutes of sittings of the Estimates Committee relating to 122nd and 123rd Reports on the Ministry of Commerce and Industry—National Industrial Development Corporation Ltd, and the Development Wing.

#### ESTIMATES COMMITTEE

##### HUNDRED AND FORTIETH REPORT

Shri Dasappa (Bangalore): I beg to present the Hundred and fortieth Report of the Estimates Committee on action taken by Government on the recommendations contained in the Forty-fifth Report on the Ministry of Health—Medical Services—Part II.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### EIGHTY-SEVENTH REPORT

Sardar Hukam Singh (Bhatinda): I beg to present the Eighty-seventh Report of the Committee on Private Members' Bills and Resolutions.

##### CORRECTION OF ANSWER TO STARRED QUESTION NO 526

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): Sir, I beg leave to correct certain factual errors which have crept into answers to supplementary questions asked on Starred Question No. 526 on 16-8-1961, on the floor of this House, in regard to the unlawful kidnapping from Indian soil of Lt. Col. Bhattacharya by Pakistan armed forces, on 4th April, 1961. The correct position is that Lt. Col. Bhattacharya is a serving officer of the Indian Army and he was on official duty, on a routine check of the India-Pakistan border, in village Payra in District of 24-Parganas of West Bengal, when he was unlawfully ambushed and kidnapped by a body of Pakistan Armed Forces.

Some Hon. Members rose—

Mr. Speaker: Order, order. It is rather unfortunate. The other day it was made to appear that he was only a retired officer and that Government had practically nothing to do with him.... (Interruptions.)

Shri Hem Barua (Gauhati): That was in reply to my question.

Mr. Speaker: Order, order. They have corrected it and say that he is an officer. The hon. Members would like to know whether he is being given any assistance. The main point there was whether any legal assistance was given to him in the court in Pakistan.... (Interruptions.)

No. 526

**Shrimati Lakshmi Menon:** Legal assistance is being given to him....

**Shri Hem Barua:** On a point of order, Sir.

**An Hon. Member:** No legal assistance is given.

**Shrimati Lakshmi Menon:** Legal assistance is given by the Pakistani authorities.

**Mr. Speaker:** What is the meaning of saying so? It is the Government of Pakistan. They want to know whether any legal assistance is being given by this Government.

**Shrimati Lakshmi Menon:** No Sir; we are not giving. We do not accept the jurisdiction of the Pakistan Court in this matter because he was an Indian and he was ambushed in Indian territory and he was taken away. We do not think that it is for us to come under the jurisdiction of the Pakistan Court in this matter.... (*Interruptions.*)

**Shri Hem Barua:** It was in reply to my question....

**Mr. Speaker:** Order, order. Whatever that might be, the factual position has been given now. I am sorry. When an answer is corrected I put one or two questions to elicit what exactly the position was, as if the question was pursued the other day. That is all that can be done now. Hon. Members want to make a suggestion as to what ought to be done. She says that they do not recognise the legality of this arrest. They took him away and, therefore, we would not submit ourselves to their jurisdiction. The hon. Members may not agree with it.... (*Interruptions.*) Order, order. There is no meaning in thinking that the Government must accept the views of the hon. Members here. The Government's opinion is that because he was arrested in our territory and taken away improperly, we ought not to submit to their jurisdiction. How far that is correct or good, I do not know...

(*Interruptions.*) Order, order. The point is clear. The question was whether he was defended or not, whether legal assistance was given or not. The answer has been that it has been given by Pakistan because the Government are not prepared to admit the jurisdiction of that court.

**Shrimati Lakshmi Menon:** It appears that the Pakistan Court had asked him whether he would be represented by a Counsel and he has said: yes. Arrangements are made by Pakistan Government. As I submitted earlier, the whole thing is wrong from our point of view because an Indian national has been ambushed in our territory and dragged away to Pakistan and committed to trial. We do not recognise that the procedure is right; we do not think that the Pakistan court has any jurisdiction in this matter.

**Shri S. M. Banerjee (Kanpur):** What are you to do?

**Shrimati Lakshmi Menon:** Col. Bhattacharya has not approached us nor has anybody else approached us for legal assistance.... (*Interruptions.*)

**Shri Hem Barua:** The other day the hon. Prime Minister was pleased to say that legal help was not made available to Lt. Col. Bhattacharya because he was a retired officer and the Government was not aware of the actual position. Now, it is the Pakistan Government that has offered defence facilities to him....

**Mr. Speaker:** What is he lecturing? I am surprised. I will not call this hon. Member. I called him only to put a question. This is not the way in which the time of the House should be abused. It has been categorically stated here: we are not going to defend him and further it has been said that he has not asked for any legal assistance. He seems to be satisfied with the legal assistance that is given there. No, no. I am not going to allow him to do like this.

**Shri Prabhat Kar (Hooghly):** May we know if, as a result of this trial in Pakistan, Lt. Col. Bhattacharya is found guilty and put to jail, what will be the attitude of the Government of India because he will not be allowed to go out?

**Shrimati Lakshmi Menon:** It is a hypothetical question.

**Shri Hem Barua:** There is a change in the situation now.

**Mr. Speaker:** Whatever happens, Government must see that he comes back and not give us merely technical objections. They have no jurisdiction and the hon. Member says they will put him in jail, imprison him and do everything with him and we will go on saying that there is no jurisdiction.

**Shrimati Lakshmi Menon:** From the very beginning, we wanted the Pakistan Government to send back Col. Bhattacharya. The House knows all that has happened.

**Mr. Speaker:** Therefore, the House wants to know and hon. Members are anxious to know whether something is being done. We protested that he had been illegally apprehended. Does it stop with that? Is any further thing being done? That is what the hon. Members are anxious to know.

**Shrimati Lakshmi Menon:** I do not know whether any further thing is being done.

**Shri H. N. Mukerjee (Calcutta—Central):** I was a little astonished to hear the Deputy Minister say that Col. Bhattacharya had not asked for any kind of assistance as far as legal defence was concerned because we saw in the papers that when our Deputy High Commissioner saw him he said at the end of the interview that he had no money. He must have some facilities for defending himself. Pakistan Government in its own way is going out of its way to offer some fictitious defence facilities. We are taking shelter under the plea that he has not

asked for defence facilities. In view of this kind of report appearing in the Press and the negligent attitude towards at least an Indian national—whether he is an officer or not, I do not know—I want to ask whether the Government should not come out with a more sympathetic attitude.

**Shrimati Lakshmi Menon:** We are not taking shelter under anything. I think the hon. Member uses words without knowing perhaps the meaning of what he says. The officer is being tried by a military court in Pakistan on various charges.

**Mr. Speaker:** The hon. Member says this: that the officer said he had no money. Therefore, when he was talking to the Deputy High Commissioner, he pleaded want of funds and so on and also stated in the court that because of the lack of money, he could not have any legal assistance and so on. So, the suggestion is that the Government, of which this officer is a member—he was in the armed forces—should pursue this matter and try to help him.

**Shrimati Lakshmi Menon:** If the hon. Member puts a separate question, I shall furnish the information. *(Interruptions).*

**Shri Hem Barua:** Now that it has been discovered that he is an ex-officer of the Army, would the Government offer defence to him? *(Interruptions).*

**Mr. Speaker:** Order, order. Shri Nath Pai.

**Shri Nath Pai (Rajapur):** Mr. Speaker, we are actuated in asking these questions not to harass the Ministers but this matter, as you will readily concede, is causing us grave concern. The Pakistan authorities are going to try him, and making a show that a fair trial is taking place, and they must not be allowed to run away with the impression that India is ignoring this. An officer has been kidnapped from our soil. We want to know from the Government how it

Bill

is going to come to his rescue. It is the duty of the Government to help him—and this is all the more important—and this importance has been increased by your confession that he was kidnapped from our soil. Are we to be silent witnesses there? First, there was a report that he was under duress. Then he was tortured. Now, they are going to make a show that some kind of a legal aid is being given. We are naturally very agitated. We want something more concrete from the spokesman of the Government that we will do everything to see that this man is saved. They are going to punish him and tell the world that he was duly tried, that all the judicial processes were followed, and that he has been convicted. We do not want to see this happening. Therefore, the Government must try to do something more than telling us that he did not ask for aid. He was never allowed to ask.

Mr. Speaker: The Government will take note of all that has been said and appeared.

12.43 hrs.

DELHI MUNICIPAL CORPORATION  
(AMENDMENT) BILL\*

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to move for leave to introduce a Bill further to amend the Delhi Municipal Corporation Act, 1957.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Delhi Municipal Corporation Act, 1957."

The motion was adopted.

Shri Datar: I introduce† the Bill.

12:44 hrs.

MOTION RE: THIRD FIVE YEAR  
PLAN

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by the hon. Prime Minister on the 21st August, 1961, namely:

"That the Third Five Year Plan laid on the Table of the House on the 7th August, 1961 be taken into consideration."

Shri Somani.

Shri Achar (Mangalore): Sir, I had just begun yesterday; I was on my legs.

Mr. Speaker: Yes.

Shri Achar: Mr. Speaker, Sir, I was referring yesterday to the railway lines in the south. Now, I would refer to the relevant passages in the report. I would like to invite the attention of the House and of the hon. Minister to page 548, paragraph 28, where it is observed as follows:

"The following new lines are under consideration for inclusion in the railway programme:"

Four lines are mentioned therein, namely: (i) Mangalore-Hassan; (ii) Bangalore-Salem; (iii) Manamadurai-Virudhunagar; and (iv) Sikinda-Daitri mining area in Orissa. Then, after that, I would like to invite the attention of the hon. Minister to the passage with respect to the Mangalore port. That occurs on page 561 and reads as follows:

"The programme for the development of ports includes—

the word used is 'includes'—

"two projects for the upgrading of two minor ports into all-weather ports, Tuticorin and Mangalore."

\*Published in the Gazette of India Extraordinary, Part II—Section 3 dated 22-8-1961.

†Introduced with the recommendation of the President.