

**Mr. Speaker:** 327 is over now. What is the hon. Member's complaint?

**Shri Tridib Kumar Chaudhuri:** My question is about 328. My complaint is that this incident which has been mentioned in the question took place in Nadiad. The question, notice of which I sent related to some incident taking place in the Murshidabad district just about 100 miles from this place.

**Mr. Speaker:** It is a mistake that there was some incident there also. They were clubbed together. The hon. Member may put that question also.

**Pandit Tiwary.**

**Indians Kidnapped by Pakistanis**

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 \*328. { **Pandit D. N. Tiwary:**  
       **Shri Tridib Kumar**  
       **Chaudhuri:**

Will the Prime Minister be pleased to state:

(a) whether it is a fact that 21 Indian nationals were kidnapped and 3 boats loaded with jute captured by the Pakistani Military personnel from the border near Nadia (West Bengal) in the third week of November, 1958; and

(b) if so, whether they have since been released?

**The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):** (a) Between 14th and 18th November, 1958, Pakistani Military personnel trespassed into Indian territorial waters in River Padma near Nurpurkuti under P.S. Suti, District Murshidabad and kidnapped 21 Indian nationals along with 3 boats loaded with 350 bales of jute belonging to an Indian national.

(b) The Government of West Bengal have reported that according to their information these persons have been convicted and are now undergoing imprisonment in East Pakistan, presumably for alleged trespass into Pakistan territory.

**Pandit D. N. Tiwary:** May I know whether any enquiry has been made whether the three nationals actually trespassed into Pakistan waters? May I also know whether the jute confiscated is to be returned or not and what is the value of the jute?

**Shrimati Lakshmi Menon:** It is the Pakistani military personnel that trespassed into Indian waters.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** Obviously, an attempt at an enquiry is made. But, it is very difficult to enquire when the persons chiefly concerned, the persons who have been arrested by the Pakistani people, are not available. The argument is—remember—as to what part of the river the boat was in. It is an exceedingly difficult thing, normally, to say whether it was on that side or on this side. According to our information, such as we can get, and it is not possible to be very comprehensive, they were in our territorial waters and the Pakistanis came to our territorial waters. But the Pakistanis say that the boats had gone to their side of the river; and they have got the main witnesses with them.

**Shrimati Lakshmi Menon:** With regard to the second part of the question, about the amount of jute goods taken, the answer is that 350 bales weighing 1,400 mds. and worth Rs. 36,000 were taken.

**Shri Tridib Kumar Chaudhuri:** This incident took place about 1½ months after the two Prime Ministers came to an agreement. May I know if there was any formal agreement or informal understanding that, as the main stream of the river Ganga is liable to change shifting sometimes more to the Pakistan side and sometimes more to the Indian side, that plying by country boats on these rivers would not be interfered with; and may I know if Government has taken advantage of that understanding to draw the attention of the Pakistan Government to prevent the recurrence of such incidents?

**Shri Jawaharlal Nehru:** It seems to me obvious that there should be full freedom of traffic in a river and it is quite absurd, as far as I can see, to say that the middle of the river is the boundary and if the boats go to the other side, they are committing some kind of trespass.

**Shri Hem Barua:** It is difficult to control the boat because of the currents.

**Shri Jawaharlal Nehru:** Sometimes you cannot help it; the currents take it way. I entirely agree with the hon. Member that there should be this understanding. We have said that so far as I remember. But, I do not remember that there was an understanding to that effect at the meeting of the Prime Ministers. I do not think this question, as such, was raised; but, on other occasions, it has been raised.

**Shri Tridib Kumar Chaudhuri:** May I know if any effort has been made, after the information was received that these people were convicted and are still in Pakistan jails, to obtain their release?

**Shri Jawaharlal Nehru:** Yes, Sir; they are still continued.

**Raja Mahendra Pratap:** What orders have our Government given at the front—to fire back or to do *satyagraha*?

**Mr. Speaker:** All these are suggestions. Once for all, he may note them down and hand over to me. I will pass them on to the hon. Prime Minister.

**Shri A. C. Guha:** May I know if the Government had taken up the matter with the Pakistan Government for the release of these men and also for the release of this jute and after the agreement how many persons kidnapped from the East-Bengal Indian border by the Pakistanis have been released?

**Shri Jawaharlal Nehru:** The answer to the first part is: yes. We have taken it up and we are continuously

dealing with this matter. After the Prime Ministers' Conference there was an exchange or release of prisoners on either side. There was a good number, but at the moment I forget how many. On a certain specified date all were released. But subsequent to that release, others have been arrested in twos, threes and fours. Since the conference, according to my information, 61 Indian nationals were arrested as a result of the border incidents during the period 11th September, 1958 to date and are still in detention in East Pakistan—that is, when this answer was prepared. The Pakistan Government have been requested through our High Commissioner at Karachi to release these persons immediately in terms of para 4 of the joint communique issued after the recent Secretaries' Conference which said in that communique that this was a human problem and future cases of this type, if any, should be dealt with on the basis of expeditious release and, if possible, within 24 hours. There are a few—I cannot say the number, probably very few amounting to not more than six Pakistanis—at present detained by us for border troubles.

**Shri Prabhat Kar:** In view of the incidents of this kind occurring off and on and Pakistani military personnel crossing the border and kidnapping the Indian citizens, what permanent steps do the Government of India propose to take to stop the recurrence of these things in the border of India?

**Shri Jawaharlal Nehru:** So far as this particular question is concerned, we are here dealing with the water border which is shifting—not the land border.

**Shri Hem Barua:** In view of the reference made by the hon. Prime Minister to the recent Karachi talks, may I know whether it is a fact that not much headway could be made at the Secretaries' level conference in

Karachi because of the tension created by these firings across the border as also because of the climate being vitiated by the Pakistani Press?

**Shri Jawaharlal Nehru:** I submit that a statement is going to be read after Question Hour today about these talks and so I do not now want to say anything on this particular issue raised by the hon. Member. He has suggested that the talks did not meet with great success because of various factors. That is his appraisal of a situation which may be partly right and partly wrong, but it is difficult for me to deal with it in answer to a question.

**Raja Mahendra Pratap:** May I know whether the Government is prepared to accept my service? I go and I release these prisoners?

**Shri Jawaharlal Nehru:** The Government will be very happy to expedite the hon. Member's passage.

**Shri Tridib Kumar Chaudhuri:** May I know if the Government are aware that this interference with the country-boats plying in the river on this border has become very frequent after the Pakistan side came to be guarded by the East Pakistan Rifles whereas on our side we have still the old border police armed with lathis? May I know whether that factor has been taken into consideration and some effective method of providing protection to our nationals plying on the river can be devised or thought of?

**Shri Jawaharlal Nehru:** Certainly we will keep the hon. Member's suggestion in mind.

#### **Metalliferous Mines Regulations**

\*630. **Shri T. B. Vittal Rao:** Will the Minister of Labour and Employment be pleased to state:

(a) when the new Metalliferous Mines Regulations under the Mines Act, 1952 will be promulgated;

(b) the reasons for the delay so far; and

(c) the steps taken for overcoming the same?

**The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra):** (a) to (c). The delay is largely due to the fact that the old Regulations needed considerable modifications and amplifications. A large number of comments have been received. These are being examined with a view to finalise the Regulations as early as possible.

**Shri T. B. Vittal Rao:** This Act was passed in 1952 and seven years have gone by and the prosecutions launched by the various Inspectors of Mines for violations of the Act have been declared null and void because these regulations have not yet been framed. In view of that, what steps are being taken to expedite them?

**Shri L. N. Mishra:** It is a fact that the old regulations are not working properly and therefore modifications are being made. We hope that in about three months' time the new regulations will be promulgated.

**Shri T. B. Vittal Rao:** In the Industrial Committee meeting on Mines other than Coal held one year ago where representatives of labour as well as mine-owners were present these were discussed. Who is now delaying the matter?

**Shri L. N. Mishra:** It was discussed there and that committee made certain recommendations. After that we have been receiving various comments both from the labour unions and employers and other organisations and also the State Governments and now they are being complied. Out of 196 clauses, 176 have been done and very few clauses have been left. We hope that in about three months' time all the regulations will be ready for promulgation.

**Shri T. B. Vittal Rao:** May I know if this three months' time will be a firm period by which these regulations will be promulgated?