

Shri Surendranath Dwivedy: They have given no dividends also.

Shri Kanungo: I have already replied to the question which has been posed by Shri Asoka Mehta. I have replied specifically that it was no offence under the Companies Act, *Prima facie*.

Shri Asoka Mehta: Does it mean that in future any company that is making a loss will be free to make any contribution it likes to any political party, and the Company Law Administration will not interfere?

Shri Kanungo: No, the fact is that the company did not make any losses at that time.

Shri Surendranath Dwivedy: Is it not a fact that the Chief Minister of Orissa stated that a loss was shown in order to avoid taxes? Is that not a fact? If not, let the hon. Minister contradict it.

Shri Kanungo: I have not got the statement which my hon. friend is quoting.

Shri Mahanty: I want to know whether there is any substantive law in this country to prohibit a private company from making contribution to political funds. Secondly, I would like to know whether the Director of Industries, Orissa Government, . . . (*Interruptions*). This kind of bamboozling is not proper. I am not going to yield to this kind of bamboozling. I seek your protection, Sir, (*Interruptions*).

Shri Kanungo: The law is stated in the Companies Act.

Shri Mahanty: I would like to know. It is no good misleading the House. (*Interruptions*) I am not going to yield to this kind of bamboozling.

Mr. Speaker: Will the hon. Member resume his seat or not? I shall now proceed to the next question.

I am really sorry. I have been very indulgent to the Opposition. This is not the way in which they should be-

have. When they say something they want that others must keep quiet, but when some other Member rises, they start interrupting. I find that a kind of impatience is exhibited in this House. I do not know how they behave in this manner. They must be parliamentarians first and then anything else. It is very wrong to interrupt in this manner. Why should they lose their patience in this manner as if the whole thing is going to depend only on Rs. 1 lakh or Rs. 2 lakhs? I do not want the hon. Minister to answer a hypothetical question whether it is open to a company to make contribution or not.

At the fag end of the session, I am afraid that hon. Members are a little impatient to go home.

Now, next question.

Trial of Lt. Col. Bhattacharya in Pakistan

S.N.Q. 4. Shri N. E. Muniswamy: Will the Prime Minister be pleased to state:

(a) whether it is a fact that after commencing the trial in Dacca against Lt. Col. G. L. Bhattacharya, an Indian Army Officer standing charge of espionage, the public prosecutor's suggestion was upheld by the Presiding Officer of the Special Military Court to hold the proceedings in camera;

(b) whether all documents and necessary facilities have been given to the accused by the Pakistan Government; and

(c) whether Government of India *suo moto* propose to send an Indian lawyer or any barrister to defend Lt. Col. Bhattacharya?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Yse, Sir.

(b) We have seen newspaper reports to the effect that the Defence Counsel provided by Pakistan, submitted to the Special Military Court in Dacca on 31st August, 1961, that he, the Defence Counsel, had taken charge of the case on August 25th, and had not been able to prepare the defence.

It is reported that two-weeks adjournment asked for, was not allowed by the Military Court.

(c) The family of Lt. Col. Bhattacharya has engaged an Indian lawyer to conduct his defence.

Shri N. R. Muniswamy: May I know whether it is a fact that a preliminary issue was raised questioning the jurisdiction of the Military Court inasmuch as this Indian officer was forcibly abducted from Indian territory, and in case the verdict is against this issue, do Government propose to refer the matter to the International Court as this is a matter within the jurisdiction of the Court?

Shrimati Lakshmi Menon: No, Sir.

Shri N. R. Muniswamy: May I know whether there are provisions in international law to take retaliatory steps and adopt reprisals to circumvent the barbarious methods adopted by the Pakistan Government?

The Minister of Law (Shri A. K. Sen): It is well known what reprisals mean. But this Government do not favour the adoption of reprisals as a method of solving these international disputes.

Shri N. R. Muniswamy: May I know whether the entire expenditure incurred in connection with the defence of this particular individual is to be borne by the family members of the individual or by Government?

Shri A. K. Sen: It is a matter between those who have engaged the lawyers from India and members of Col. Bhattacharya's family. The Government are not taking any part in the matter of engagement of counsel by the members of Col. Bhattacharya's family.

Shri N. R. Muniswamy: Was he in service or had he retired when he was abducted from Indian territory?

Shri A. K. Sen: He was in the service—military service—of the Government of India.

Shri Kasilwal: The Foreign Secretary of Pakistan has recently made a

statement to the effect that the *in-camera* trial is being held at the request of Col. Bhattacharya? May I know how far this is true?

Shri A. K. Sen: How are we to answer this?

Shrimati Lakshmi Menon: The matter of the trial *in camera* came to our notice when the prosecution asked for trial to be conducted *in camera*. We had no other means of ascertaining it, although the Pakistan authorities say that Col. Bhattacharya had requested for it on the 18th August. The House is aware that at no time was our Deputy High Commissioner given an opportunity to meet Col. Bhattacharya alone in privacy or discuss any of the matters relating to the trial.

Shri Mohammed Imam: If I remember aright, the Prime Minister stated in the course of his statement that Col. Bhattacharya had retired . . .

Shrimati Lakshmi Menon: It was corrected later.

Mr. Speaker: There is no good referring to this. It was subsequently corrected and it was said that he was still in the service of the Government of India.

Shri Ranga: In view of the fact of this admission or statement that Col. Bhattacharya was in the service of our Government on the day that he was arrested and he himself has disclaimed any intention of spying or anything of that kind from our side in regard to Pakistan, why is it that the Government of India have not taken up the responsibility of defending him and providing the legal assistance when the Colonel himself needed it and the Pakistan Government was prepared to allow that assistance to him? What is it that prevents Governments from doing this? Is international law or anything else coming in the way?

Mr. Speaker: Why should it be left to the members of his family and not be taken by the Government themselves so that better defence might be arranged?

Shrimati Lakshmi Menon: This question was answered in Parliament once before. We said that Col. Bhattacharya was apprehended in our territory which was illegally violated by Pakistan.

Shri Frank Anthony: All the more reason why Government should defend him.

Shrimati Lakshmi Menon: It was said that Pakistan had trespassed into our territory and sovereignty, and then he was abducted and kept in detention for four months. Our Deputy High Commissioner was not allowed to see him in private. He was interviewed in the presence of officers of the other side, and we were prevented from asking him anything except about his health.

Certainly, we do not acknowledge the jurisdiction of the Pakistan court in this regard, because the whole procedure was wrong. There was no procedure at all, if you ask me. A person was taken away from our territory and is being tried by a military court without our knowing what the charges are and without our having any opportunity of finding out what the charges are.

Several Hon. Members rose—

Mr. Speaker: Next Question. The Question Hour can be used only to elicit information. Hon. Members want Government to take this case to the International Court of Justice or to the UNO. That was one question that was put. Then it was asked why reprisals should not be adopted. The hon Ministers have answered all this. Furthermore, Col. Bhattacharya is being defended. No access was given to our Deputy High Commissioner who went there. He was informed of nothing.

So far as this matter is concerned, this is all that I can allow. If hon. Members want Government to take any further steps, the Question Hour cannot be utilised for that.

Shrimati Renu Chakravartty: We want to know what they propose to do about it.

Mr. Speaker: Somebody is defending him.

Next question.

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S.N.Q. ५. { श्री प्र० च० बरुआ :
श्री प्रकाशवीर शास्त्री :
श्री डी० एरिंग :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि रजिस्ट्रार के आसाम ट्रिब्यून में इस प्रकार का एक समाचार छपा है कि डा० आम्नो ने अपनी मृत्यु से बहुत पूर्व इस प्रकार का एक पत्र अपने मित्र को लिखा था कि मेरी सुरक्षा का पूरा प्रबन्ध नहीं किया जा रहा है जिससे किसी समय भी मुझे संकट पैदा हो सकता है ;

(ख) यदि हाँ, तो क्या यह सच है कि डा० आम्नो ने इस प्रकार की कोई सूचना सरकार को भी दी थी ;

(ग) यदि हाँ, तो क्या उनकी सुरक्षा के लिए विशेष व्यवस्था की गई थी ;

(घ) डा० आम्नो की मृत्यु के बाद क्या नागा प्रदेश की कार्डिनल के सदस्यों की सुरक्षा के लिए कुछ विशेष व्यवस्था की गई है ; और

(ङ) यदि हाँ, तो उसका विवरण क्या है ?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) and (b). The attention of the Government has been drawn to the news item appearing in the *Assam Tribune* dated the 28th August, 1961, where it is mentioned *inter alia* that in a letter addressed to Shri Sashimeren Aier, Dr. Ao had stated that the hostiles were shadowing him at all times and that he did not know what might happen to him.