

Shri Anil K. Chanda: I am afraid I have not got the information.

Mr. Speaker: Is the case *sub judice*?

Shri Subiman Ghose: It is pending. But the section was changed.

Mr. Speaker: It is open to them to change the section. When the prosecution is launched *prima facie* it comes under one section. Later on, going into the evidence adduced, they have come to another section. Let us not go into the details now.

Shri S. M. Banerjee: Last time when we were discussing this question and we raised the question about the payment of *ad hoc* compensation, the hon. Minister stated that it would be done after this enquiry. I want to know whether any *ad hoc* compensation has been paid to the families of those who died.

Shri Anil K. Chanda: Yes, Sir. The West Bengal Government are making some *ad hoc ex-gratia* payments in case of need.

Shri S. M. Banerjee: What is the amount? Has it been paid or not?

Shri Anil K. Chanda: We have asked for detailed information from the Bengal Government about this.

Shri Tangamani: May I know whether suitable amendments to rule 91 which is silent about intimation of renewal of licence have been made and whether there was no such intimation in any of these two cases of explosion? May I know if that rule has been amended?

Shri Anil K. Chanda: In the answer I have already stated that rule 91 is being amended suitably. Already executive instructions have been issued to the officers of the department.

Mr. Speaker: The point is whether before the explosion occurred rule 91 was amended and due intimation was given to those people?

Shri Anil K. Chanda: No, Sir. It is only after this unfortunate explosion that it was brought to our

notice that there was a lacuna and we had taken suitable action in the matter after that.

Detention of an American in Chinese Consulate in Bombay

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Shri Ram Krishan Gupta:
Shri Vajpayee:
Shri B. C. Mullick:
Shri P. K. Deo:
Shri Rameshwar Tantia:
Shrimati Ila Palchoudhuri:
Shri Shree Narayan Das:
*181. Shri Radha Raman:
Shri Raghunath Singh:
Shri A. M. Tariq:
Dr. Ram Subhag Singh:
Shri P. G. Deb:
Shri S. A. Mehdi:
Shri D. C. Sharma:
Shri Hem Barua:

Will the Prime Minister be pleased to refer to his statement made in Lok Sabha on the 30th November, 1959 and reply given to Unstarred Question No. 1069 on the 18th December, 1959 and state:

(a) whether Government have completed investigation into the allegations of American Consulate, Bombay and counter-allegations by Chinese Consulate, Bombay regarding the kidnapping of their national; and

(b) if so, the result thereof?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) and (b). We received from the Bombay Government, some days ago, the report of the Bombay police on their enquiries into the allegations made by the US and Chinese Consulate-General in Bombay. The police found, on the basis of the evidence recorded by them, that, *prima facie*, a case had been made out of assault on and forcible detention of an employee of the US Consulate-General. Little evidence was, however, forthcoming in respect of the earlier course of events; and the circumstances in which the two employees of the US and Chinese Consulates-General appeared in a taxi at the place where the assault took place have not been

sufficiently explained. In the circumstances, the Government felt that no useful purpose would be served by instituting formal proceedings in court. Instead, it would be sufficient if the Chinese official concerned went out of India. The Chinese Embassy was advised accordingly. The official has since left India and no further action is, therefore, proposed.

Shri Joachim Alva: In view of this peculiar incident where both sides have their own story to tell and in view of the legal ineffectiveness in a case of this type where law courts could not settle the problem, may I know whether the External Affairs Ministry is contemplating drawing up a set of instructions for guidance of foreign missions in India for the future?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): As the hon. Member himself has said, this was a very peculiar and extraordinary incident which one normally reads about in fiction but does not come across in reality. It is very difficult for the External Affairs Ministry to make rules to deal with these matters which are on the verge of fiction.

Shri Radha Raman: May I know whether the report which appeared in the Press that the people concerned in one of the Embassies had put obstruction in the way of the police finding out the truth about the whole case, is correct?

Shri Jawaharlal Nehru: It is correct to this extent that at the earlier stages of enquiry not much co-operation was received from the Chinese Consulate-General and the person concerned also did not appear. Later, he did appear and gave his statement.

Shri Vajpayee: Is it a fact that when the Bombay police reached the Chinese Consulate, they found the American gentleman with his hands and feet tied down and if so, was it

not sufficient ground to proceed against?

Shri Jawaharlal Nehru: I do not think it is correct—but I speak without absolute certainty—that the police found a person with his hands and feet tied down. It is true that, as has been stated in answer to the question, the police found *prima facie* evidence of assault and detention in the Chinese Consulate of an American national. That is true. But I cannot say the conditions in which they found him.

Shri Sonavane: May I know whether both the Embassies have agreed to drop this investigation and whether they have also agreed to the conclusion of the Government of India that the investigation should be closed?

Shri Jawaharlal Nehru: It is open—it was open—for any party to institute a case in the formal legal manner. Neither of them have instituted such a case. That was left to the Government of India or, more particularly, the Bombay Government to take steps and the result of that enquiry—I repeat—was that while a *prima facie* case was established of assault and detention of an American national by the Chinese Consulate-General, many parts of the story were obscure and they did not think there is, in the circumstances, adequate evidence to proceed much further in the matter.

Shri Hem Barua: Independent of the police enquiry made into this incident, may I know whether the Government have tried to make an assessment of the highly contradictory statements made by the two Consul Generals; if so, what is the conclusion that the Government have arrived at?

Shri Jawaharlal Nehru: The Government, Sir, naturally, had to rely on the Bombay Government which is dealing with this matter, and I have stated the conclusion of the Bombay Government.