

they looking into them and whether the Government is aware of these things and whether the Government will try to lift the emergency even for a short time so that we can go to the Court and prove before the Court that the detentions are illegal?

SHRI R. M. HAJARNAVIS: Every complaint is carefully scrutinised and attended to.

FERTILIZER FACTORY AT KORBA

*226. **SHRI DAYALDAS KURRE:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether it is a fact that a fertilizer factory is going to be started at Korba (M.P.); and

(b) what are the other big factories which are proposed to be set up by his Ministry at Korba?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI HUMAYUN KABIR): (a) Yes, Sir.

(b) None at the moment.

SHRI DAYALDAS KURRE: How much time will it take for its functioning at Korba?

SHRI HUMAYUN KABIR: Our expectation is that it would go into operation about the beginning of 1967.

श्री विमलकुमार मन्नालालजी चौरड़िया :
क्या माननीय मंत्री जी यह बताने का कष्ट करेंगे कि अभी तक इस कारखाने को प्रारम्भ करने के लिये क्या क्या काम हो चुका है और कोई जमीनें वगैरह एक्वायर गी गई अथवा नहीं ?

SHRI HUMAYUN KABIR: This project is really still in the preliminary stages. Perhaps the hon. Member is aware that originally it was not in the public sector but because of the failure of the party to carry it out, we have taken it over in the public sector. Now the project is under preparation

and we are in the meantime proceeding further. Steps for acquisition of land for the factory have been initiated and site preparation is expected to be taken in hand shortly.

SHRI DAYALDAS KURRE: What would be the proposed output of this factory annually?

SHRI HUMAYUN KABIR: It is expected to do about 100,000 tons of nitrogen.

अखिल भारतीय माध्यमिक शिक्षा परिषद द्वारा किये गये निर्णय

*२२७. श्री भगवत नारायण भागवत :
क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि अखिल भारतीय माध्यमिक शिक्षा परिषद् ने शिक्षकों के वेतनक्रम सुधारने, उन्हें रहने के लिये मकान देने, उनके लिये निःशुल्क चिकित्सा और उनके बच्चों के लिये निःशुल्क शिक्षा की व्यवस्था करने के लिये वर्तमान वर्ष में क्या क्या निर्णय किये हैं ?

†[DECISIONS TAKEN BY THE ALL INDIA COUNCIL FOR SECONDARY EDUCATION]

*227. **SHRI B. N. BHARGAVA:** Will the Minister of EDUCATION be pleased to state the decisions taken by the All India Council for Secondary Education during the current year in regard to improving the pay scales of teachers, providing residential accommodation, free medical treatment for them and free education for their children?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त वरुण) : परिषद की यह सामान्य सिफारिश थी कि जो चौथी पंचवर्षीय योजना में शिक्षा के लिए, अन्य बातों के साथ-साथ, अध्यापकों के वेतन और अन्य सुविधाओं के सुधार हेतु व्यवस्था की जानी चाहिए ।

†[THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION (SHRI BHAKT DARSHAN): The Council made a general recommendation that in the Fourth Five Year Plan for education, provision should, *inter alia* be made for improvement of teachers' salaries and other amenities.]

THE DEPUTY CHAIRMAN: Question Hour is over.

12 NOON

SHORT NOTICE QUESTIONS AND ANSWERS

HELICOPTER CRASH NEAR POONCH

1. { SHRI DAYABHAI V. PATEL†;
SHRI A. D. MANI;
SHRI A. M. TARIQ:

Will the Minister of DEFENCE be pleased to state:

(a) whether instructions were issued some years back to the effect that not more than two senior officers of the Defence Forces should travel together in the same aircraft;

(b) whether this direction was ignored when four senior officers of the Defence Forces took off in the ill-fated helicopter near Poonch recently, and whether they had prior permission to do so;

(c) whether any enquiry has been ordered into the helicopter crash; if so, by whom;

(d) how far the ill-fated helicopter was from the cease-fire line when it crashed; and

(e) the height to which the helicopter could fly and the height at which it was at the time of the crash?

THE MINISTER OF DEFENCE (SHRI Y. B. CHAVAN): (a) to (e) Madam, in response to the Short Notice Ques-

†[] English translation.

†The question was actually asked on the floor of the House by Shri Dahyabhai V. Patel.

tion, I wish to make a statement and place before the House the following facts regarding the accident.

2. The General Officer Commanding-in-Chief, Western Command, Lt.-General Daulet Singh and the Air Officer Commanding-in-Chief, Western Air Command, Air Vice-Marshal E. W. Pinto, were on an inspection tour in the Poonch area on 22nd November 1963. These two officers arrived at Poonch by a Dakota from Delhi at 10.25 hours. Air Commodore Murat Singh, Air Officer Commanding, J & K, and Lt. General Bikram Singh, the Corps Commander, had arrived at Poonch in a Dakota from Udhampur at 9.40 A. M. that day. The Divisional Commander, Major-General Nanavati arrived at Poonch that morning in the ill-fated helicopter along with Flt.-Lt. Sodhi, who was at its controls. Brigadier Uberoi was already there. Another helicopter piloted by Flt. Lt. Lalwani reached Poonch at 15.55 hours that day.

3. The General Officers were desirous of inspecting certain outposts around Poonch. These outposts had been reced by Flt. Lt. Sodhi, the Captain of the ill-fated helicopter, on the 19th November 1963.

4. As the party started out on its inspection, the Air Officer Commanding-in-Chief (AVM Pinto) asked Flt. Lt. Sodhi whether both the helicopter could land at the place Jhalas they were going. Flt. Lt. Sodhi reported that the helipad at that spot was small and dusty and could not take two helicopters. The Air Officer Commanding-in-Chief conferred with the GOC-in-C and decided that for the first part of the trip, one helicopter only will be used and that the party would redistribute themselves into two helicopters when they arrived at the second station Surankot. Accordingly, the second helicopter captained by Flt. Lt. Lalwani was order to proceed direct to the second station with Air Commodore Murat Singh to await the arrival of the other officers. The

Corps Commander, the Divisional Commander, the Brigade Commander, the AOC-in-C, Western Air Command and the GOC-in-C got into the helicopter piloted by Flt. Lt. Sodhi and proceeded to the first station. After completing the work at that place, the party again got into the helicopter and headed for the second station, which was about 15 miles away. The route to be followed was along the river Poonch. About three minutes getting airborne, the helicopter executed a turn to the right along the river, when it seems to have flown into two parallel lines of telegraph cables which had been suspended across the river. The cables were stretched between two sets of poles on the cliffs on the river side; on one side, it was 300 feet high over the river bed and on the opposite bank about 100 feet high. The helicopter seems to have struck these cables at a height of 200—250 feet and crashed into the river bed approximately 400 yards from where it hit the cables. (The place is $4\frac{1}{2}$ miles from the cease-fire line). The Aloette Helicopter can climb up to about 20,000 feet above mean sea level.

5. Flt.-Lt. Sodhi, the Captain of the ill-fated helicopter, was a very experienced pilot with over 600 hours of helicopter flying experience and conversant with the J. & K. area. As already mentioned, he had carried out a special recce of this area on the 19th November. Apparently, he had not noticed these cables.

6. The Army Headquarters has standing instructions issued in March 1953 which restrict the number of senior officers that can travel in a particular aircraft. The existing orders state as follows:—

- “1. It has been decided to restrict the number of Army Officers of the rank of Major General and above that may travel in

a DAKOTA or a DEVON as follows:—

(a) **Dakota**

Major Generals and above; three (of which NOT more than one to be Army Commander and NOT more than two to be PSOs).

(b) **Devon**

Maj. Gens. and above: two (of which NOT more than one to be Army Commander and NOT more than one to be a PSO).

2. In either type of aircraft, the C-in-C and the CGS should NOT travel together.”

This restriction was in consequence of an accident in which a Devon aircraft carrying four senior Army Officers had to be landed. The then President brought this to the notice of the then Defence Minister and suggested that if a number of top ranking officers have to go to any particular place, it is worthwhile their taking separate planes because any serious accident would place the country in great difficulty in unfortunately anything untoward happened. The Defence Minister wrote to the then Commander-in-Chief, Army who arranged for the issue of the above instructions. Simultaneously, detailed examination about the restrictions to be issued on the travel by VIPs and important civil and military officials in aircraft was carried out and it was decided at the end of 1954 that it was not necessary to lay down any hard and fast rules in the matter. Air travel was deemed comparatively safe and accidents may happen not only in the air but while travelling in a car or in a train. The instructions issued by the Army Headquarters, however, continued, as Service Officers do a good bit of their flying in Service aircraft and in operational conditions.

7. Though the above instruction may not in terms apply to travel by a helicopter the spirit of these instructions was in the minds of the senior officers when they were at Poonch on the fateful day. Two helicopters were also available at Poonch. But the situation was such that two helicopters could not simultaneously reach the place of inspection. From the next station, the party intended to travel in separate helicopters. Precautions had also been taken to reeve the area. Unfortunately, the existence of these wires was not noticed with fatal consequences.

8. The Chief of the Air Staff had constituted a Committee of Inquiry consisting of the following officers to enquire into the circumstances leading to the accident:

1. Air Vice Marshal R. Rajaram,
Deputy Chief of Air Staff,
Chairman.

Members

2. Colonel Gurdas Singh,
3. Group Capt. H. D. Mehra,
4. Wing Commander Jaspal Singh,
5. Wing Commander S. K. Majumdar,
6. Wing Commander C. B. J. Alexander,
7. Sqn. Ldr. A. Dallaya,
8. Sqn. Ldr. R. S. Dhillon,

An officer of the Intelligence Bureau is assisting in the inquiry. The Court reached the site of the accident on the 23rd November. It has completed local investigation and returned to Delhi on the afternoon of the 25th. The report is expected shortly.

SHRI DAHYABHAI V. PATEL: May I ask whether it has not come to the notice of our much-travelled Ministers that whenever telegraph and other cables are suspended in such difficult terrains, in progressive coun-

tries discs or balls whether of rubber or something else, of different colours are hung so as to display the wires and warn aircraft travelling in that area? May I ask whether this was not the case in this area?

SHRI Y. B. CHAVAN: Of course not.

SHRI DAHYABHAI V. PATEL: Will the Defence Minister consider the desirability of issuing instructions that this should be done for the safety of our armed forces and our senior officers, particularly when flying in these difficult areas?

SHRI Y. B. CHAVAN: Certainly I will have it examined.

SHRI N. C. KASLIWAL: Were these cables newly laid or were they in existence for some time?

SHRI Y. B. CHAVAN: I think the cables were there for some time.

SHRI M. S. GURUPADASWAMY: The statement proceeds on certain assumptions, (a) that it was necessary that all these officers should go, (b) the instructions which were already issued were in the minds of those officers while taking this decision and (c) a second helicopter could not go, it had to go a little later. But what I want to know is whether when such instructions are issued by the Ministry of Defence, they are meant to be carried out with all strictness or they are allowed to be violated or transgressed in certain circumstances. The very purpose of the issue of such instructions is to prevent such disasters, such accidents. May I take it, Madam, that such instructions are justifiably to be violated in certain circumstances?

SHRI Y. B. CHAVAN: Instructions are instructions which are expected to be implemented and observed, but certainly high-level officers have naturally to take decisions, and looking at the situation and the circumstances of this case, this is what happened in this case.

SHRI M. H. SAMUEL: The hon. Minister said that two helicopters, according to Flt.-Lt. Sodhi, could not go at the same time because the airfield at that place was very dusty.

SHRI Y. B. CHAVAN: Very small also.

SHRI M. H. SAMUEL: Helicopters do not need big runway and even if some dust is raised, when a helicopter is about to land, it is reasonable to assume that the dust will settle down after half an hour, at the most. It seems to me that the explanation seems a little tenuous and I would like to know whether the Minister would please go into the matter again and find out if this can be a plausible reason, why two helicopters could not go together.

SHRI Y. B. CHAVAN: This question does not require an answer because he has made some suggestion. He heard only one adjective I used, 'dusty'. I said also that the strip was small, the helipad was small.

SHRI A. D. MANI: Since the Defence Minister has made reference to telephone wires being at 250 feet, may I ask whether, in the map supplied to Flt.-Lt. Sodhi these lines were indicated?

SHRI Y. B. CHAVAN: I think for all these details I will have to await the Report of the Enquiry Committee.

SHRI SUDHIR GHOSH: Does my hon. friend consider it a practicable proposition to discard the Dakotas we have still in the Indian Air Force? In view of the fact that these were acquired during the last War and have been repaired and are in rather bad condition and in view of the accidents that have been happening to these Air Force Dakotas, does he consider it possible to discard the use of these planes?

THE DEPUTY CHAIRMAN: I do not think whether it arises out of this question.

SHRI M. GOVINDA REDDY: There is a general rumour that the bodies of these unfortunate victims were found shattered and limbs were thrown apart giving rise to the impression that an ordinary fall from a helicopter would not bring about that situation. May I know if this rumour has come to the notice of the hon. Defence Minister and whether it is true?

SHRI Y. B. CHAVAN: Well, I cannot say that the rumour is true but for all these matters, Madam, one will have to arrive at the final view only after one goes through the Report of the Enquiry Committee.

SHRI GOPIKRISHNA VIJAIVAR-GIYA: I want to know whether the other helicopter under Lalwani had reached there in time.

SHRI Y. B. CHAVAN: Yes, it reached the other place quite in time.

SHRIMATI JAHANARA JAIPAL SINGH: Madam, this was a most unfortunate thing and we have all lost friends, but is it necessary to sit here and dissect? Surely, we can trust the Defence Minister and the Defence Ministry in future to make sure that nothing like this happens.

THE DEPUTY CHAIRMAN: Any way, if there are any more questions, Members are entitled to ask.

SHRI M. RUTHNASWAMY: Is it a fact that these cables were put only recently and that the change was not notified to the people concerned?

THE DEPUTY CHAIRMAN: That question has been answered.

SHRI M. RUTHNASWAMY: For how long were these cables there?

(No reply)

SHRI BHUPESH GUPTA: One thing is not very clear from the answer. Maybe, I have not got it. They could not go in two separate helicopters be-

cause the helipad was dusty or whatever it is and narrow. May I know whether any attempt was made to find out why this risk was taken and why arrangement was not made for them to travel in two helicopters and then arrive at a common place?

SHRI Y. B. CHAVAN: I think I have answered this question. There were two helicopters ready. As the recce was made, it was found that the helipad was too small to receive two; it was not only small but dusty too. If they had tried to go there, possibly the accident, instead of taking place here, would have taken place there.

SHRI BHUPESH GUPTA: My question is a technical one. Suppose one helicopter had taken them, left them there and then returned when the second one could have gone. Do I understand that at both the ends the helipad was narrow? Why was not this thing done instead of trying to put two helicopters in one place together? It might have been done separately.

SHRI Y. B. CHAVAN: I cannot answer.

THE DEPUTY CHAIRMAN: I do not think with all these 'ifs' and 'buts' the Defence Minister can answer without the report in his hands.

SHRI K. SANTHANAM: May I know whether the presence of these five officers was absolutely necessary for the purpose for which they went?

SHRI Y. B. CHAVAN: I presume it was so. When they decided to go together, I presume there must have been good reasons for them to go together.

SHRI B. D. KHOBARAGADE: May I know (one) whether this question whether the helipad was dusty or very small to receive two helicopters has been referred to the Enquiry Committee and (two) in view of the disastrous accident whether any instructions have been issued to the military officers

that these instructions must be implemented strictly in future?

THE DEPUTY CHAIRMAN: The Defence Minister has answered both these. Yes, Mr. Sri Rama Reddy.

SHRI B. D. KHOBARAGADE: My question has not been answered. Was this referred to the Enquiry Committee? Is there no answer to this?

(No reply)

SHRI N. SRI RAMA REDDY: I would like to know whether this kind of journey by helicopter is usual in the border areas, how many times earlier had they done such journeys as this and whether, in view of the fact that in the border areas it is not quite safe to fly in the helicopter, would he prevent such flights hereafter?

SHRI Y. B. CHAVAN: I cannot prevent the use of helicopters. I myself have travelled many times in the border areas.

SHRI BHUPESH GUPTA: Kindly follow my question and then ask him to answer. It is clear from what he said that at the place of embarkation, where they had to get off, the place was good for two, it could accommodate two but the place of disembarkation was not good enough, it could not accommodate two. If the officers had kept this in view, why was it not possible for them to take off separately? One could reach there, drop the officers and then could come back for the rest in view of the fact that two helicopters could not land simultaneously at the place of destination. Why was this not done.

SHRI Y. B. CHAVAN: I do not know whether they had considered all these possibilities but what was discussed and which I know, has been kept before this hon. House. For the other matters, Madam, I will have to await the Report of the Enquiry Committee.

SHRI M. P. BHARGAVA: May I know whether the hon. Defence Minister will make a statement after the enquiry report has been received?

(Several hon. Members stood up.)

THE DEPUTY CHAIRMAN: Wait; let the Minister answer.

SHRI Y. B. CHAVAN: If necessary, yes.

SHRI BHUPESH GUPTA: Madam, I would like to understand this. The position is, we are going to get the Report; that is what we are told. We hope the report will be laid on the Table of the House. I understand it that way. After that the report should be discussed in this House.

THE DEPUTY CHAIRMAN: Mr. Tariq.

SHRI A. M. TARIQ: Madam, Deputy Chairman, is it a fact that General Daulet Singh actually was going to Ladakh and was not to fly in this helicopter and is it also a fact that at the last moment he decided to accompany these officers on this flight?

SHRI Y. B. CHAVAN: No, Madam.

THE DEPUTY-CHAIRMAN: I think we have had enough discussion; I would pass on to the next question.

PROGRAMME FOR BYE-ELECTIONS TO THE MYSORE LEGISLATIVE ASSEMBLY.

2. **SHRI MULKA GOVINDA REDDY:** Will the Minister of Law be pleased to state:

(a) whether any notifications were issued fixing programme for the three bye-elections to the Mysore Legislative Assembly and whether as per that programme any nominations were filed, scrutinised and final lists were published;

(b) whether the 1st December, 1963 was fixed for polling; and

(c) whether the original notifications were cancelled and fresh notifications issued fixing new programme for those bye-elections; if so, why and what action has been contemplated for this serious lapse?

THE MINISTER OF LAW (SHRI A. K. SEN): (a) Yes, Sir.

(b) Yes, Sir.

(c) Yes, Sir; none of the candidates made and subscribed before the Returning Officer the prescribed oath or affirmation and consequently none of them was qualified to be chosen to fill the vacancies. The nominations were, however, improperly accepted by the Returning Officers and the Election Commission, with a view to rectifying the illegality cancelled all the proceedings and fixed a fresh programme for the bye-elections. The Election Commission has requested the Chief Electoral Officer to make an inquiry and furnish a full report on the lapses. The question of taking action, if any, will be considered after the report is received.

SHRI MULKA GOVINDA REDDY: Is it not a fact, Madam, that when once the final list of candidates for an election is announced there is no power given to the Election Commission to cancel the whole process of election?

SHRI A. K. SEN: Well, that is a matter of opinion. We have taken a different view of the matter.

SHRI MULKA GOVINDA REDDY: Is it not a fact that article 324 and section 30 and section 150 of the Representation of the People Act do not empower the Election Commission to cancel the elections when once the final list has been announced by the Returning Officer?

SHRI A. K. SEN: I have already answered this question. The hon. Member does not want the elections to be declared void ultimately because it is apparent that if this oath or affirmation which we have put as a requirement of the Constitution is not subscribed by the candidates the whole election will be vitiated. The hon. Member surely does not want a farce to be proceeded with.

SHRI MULKA GOVINDA REDDY: May I know whether along with the

nomination paper any other declaration subscribing to the oath that is prescribed under article 173 was supplied to the candidates by the Returning Officer or not?

SHRI A. K. SEN: Well, as I said, the Chief Election Commissioner has asked for a full report of the whole matter and we can only answer it after we get the report but it did appear that the nominations were filed without the necessary oaths or affirmations as a result of which they were held void.

SHRI M. S. GURUPADA SWAMY: I would like to know from the hon. Minister what is the point of finality in holding the election. Does he say that the Election Commission is authorised to interfere after the selection is made, after the acceptance has been done, after the scrutiny has been done? Does he imply that the Election Commission can interfere in the process of election? Suppose there are elections in a number of constituencies and if there is a technical flaw, does the Election Commission get power to cancel all the selections on the ground that there has been improper acceptance applications and the like? I want to know the legal position.

SHRI A. K. SEN: If there is an improper acceptance of nomination—and in this case there was and there is undoubtedly no question about that; all the nomination papers were filed without the necessary constitutional oath or affirmation and therefore when there is such an improper acceptance of nomination—the Chief Election Commissioner is empowered to revise the decision of the Returning Officer about the nomination itself.

SHRI G. MURAHARI: Is it a fact that the nominations having been declared invalid, now the Election Commission has called for fresh nominations and people who had not filed their nominations earlier are also given a chance to file nominations afresh and if that be so, would not the Election Commission take the required oath

from the candidates who have already filed their nominations? Would not that process have served the purpose? Where was the necessity for having a fresh schedule of election?

SHRI A. K. SEN: The hon. Member is arguing about the propriety of the decision of the Chief Election Commissioner. That is hardly a matter for interpellation.

SHRI R. S. KHANDEKAR: I want to know whether the Election Commission supplied the forms to the Chief Electoral Officer or the Chief Electoral Officer supplied forms to the Returning Officer which did not contain the oaths or affirmations.

SHRI A. K. SEN: The hon. Member possibly did not hear my answer. I said that the Chief Election Commissioner has asked for a report about the whole matter from the Chief Electoral Officer and it is only then that we shall be in a position to say where the fault lay.

SHRI A. D. MANI: On a point of information may I ask the hon. Minister to quote that section of the Representation of the People Act which empowers the Chief Election Commissioner to cancel elections after a time table of election had been notified?

SHRI A. K. SEN: If the hon. Member can come to my room, I shall show him all the sections. (*Interruptions*). I am not prepared to enter into a legal argument.

SHRI A. D. MANI: Madam, when a question is asked on a matter affecting the rights of electors in Mysore it is not fair for the Minister to say that I should go and see him in his chamber and he would explain the sections. He quoted the law and I am asking him to quote the relevant section. Has he got an answer to that question? Let him answer that question.

THE DEPUTY CHAIRMAN: He made a statement, perhaps to save the time of the House, that, it would be better, if you get it from him.

SRI A. D. MANI: He said under the Act the Chief Election Commissioner is empowered to do it. We would like to know under what section.

SRI A. K. SEN: I said it for a very valid reason because we are opposed, as Government, to allow the Question Hour to be turned into a battle ground for arguments.

THE DEPUTY CHAIRMAN: This is not Question Hour. This is a short notice question.

SRI A. K. SEN: It is a question, Madam. And if it is a question of legal argument about the propriety or legality of a particular action taken by the Chief Election Commissioner . . .

THE DEPUTY CHAIRMAN: He is asking, under what section?

SRI A. K. SEN: Under article 324 itself. If the hon. Member looks into that, the entire superintendence of the election is vested in the Chief Election Commissioner.

SRI BHUPESH GUPTA: First of all I want to say that I do not think that it is the hon. Minister's intention to transfer the Question Hour to the Minister's chamber; then we shall be unemployed, both you and me. Now, the position is this. Nominations were accepted and declarations were made in terms of the existing law and the trouble arose with regard to the absence of the oath. May I know, Madam, why it was not possible for the Chief Election Commissioner to regularise it as a technical error by taking the oath later on and thereby stick to the original schedule and programme of election that had been finalised and announced?

SRI A. K. SEN: That again is a legal argument but I shall answer the question since you desire that these legal arguments should be answered. It is not the view of the Election Commission or of ourselves that a constitutional requirement can be waived by the Election Commissioner, as it cannot be waived by anyone.

SRI B. K. P. SINHA: May I know on what date the constitutional provision prescribing an oath by every candidate came into force, on what date the nomination papers were accepted and did the Election Commission in between send any circular to the Chief Electoral Officers and the District Returning Officers drawing their attention to the fact that a new constitutional provision has come into force which should be observed before the nomination papers are accepted?

SRI A. K. SEN: The actual date when they were filed, I cannot tell the hon. Member now but immediately after the constitutional amendment is gone through and assented to by the President, the Chief Electoral Officers are all informed. Moreover as and when different elections are notified, the Chief Electoral Officers are further informed about the constitutional requirements as also about the due requirements under the Representation of the People Act. And in this case they were so informed—not only it is the Mysore State Chief Electoral Officer but also the Chief Electoral Officers of all the States where bye-elections were called for.

SRI T. S. PATTABIRAMAN: May I know whether the Election Commissioner took legal advice before taking the step?

SRI A. K. SEN: He is himself a bit of a lawyer because he was the Law Secretary.

SRI BHUPESH GUPTA: I am not asking the hon. Minister to waive a constitutional requirement, but how does he come to the conclusion that the constitutional requirement is so categorical that the question of this oath and the admissibility of it could not be settled otherwise than by what has been done? Why was it not possible, for example, to treat it as a technical error and then get the oath later because the Constitution does not say that it must precede? They say that the nomination paper must be accompanied or it should go with that.

It is a question of point of time and a technical error, for example, due to an oversight or some such thing. Do not the rules provide for rectifying such technical errors in this manner without going into the substantive law?

SHRI A. K. SEN: If the hon. Member looks at article 173—possibly he has not done so—he would not have advanced this argument which should have the effect of inviting applications in courts for nullifying the entire election proceedings. If he looks at article 173, if he looks at the new amendment, he will find that the language is:—

“A person shall not be qualified to be chosen to fill a seat in the legislature of a State unless he is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule.

SHRI BHUPESH GUPTA: That is precisely my point.

SHRI A. K. SEN: Unless that is done, he cannot be chosen and, therefore, his nomination cannot be valid.

THE DEPUTY CHAIRMAN: No more questions. Papers to be laid on the Table.

WRITTEN ANSWERS TO QUESTIONS

पीकिंग पक्षीय कम्युनिस्टों का सम्मेलन

*२११. श्री ए० बी० वाजपेयी: क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि पीकिंग पक्षीय कम्युनिस्टों का एक सम्मेलन कलकत्ता में २९ सितम्बर, १९६३ को हुआ था?

†[CONFERENCE OF PRO-PEKING COMMUNISTS

*211. SHRI A. B. VAJPAYEE: Will the Minister of HOME AFFAIRS be pleased to state whether it is a fact that a conference of pro-Peking Communists was held at Calcutta on the 29th September, 1963?]

गृह-कार्य मंत्री (श्री गुलजारी लाल नन्दा): २९ सितम्बर, १९६३ को पीकिंग पक्षीय कम्युनिस्टों के हुए किसी सम्मेलन की सूचना सरकार को नहीं है।

†[THE MINISTER OF HOME AFFAIRS (SHRI GULZARILAL NANDA): Government are not aware of any Conference of pro-Peking Communists having been held on 29th September, 1963.]

IMPORT OF OIL

*219. SHRI SITARAM JAIPURIA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) how much oil is imported from abroad at present and what is its value;

(b) what steps are being taken to minimise the import of oil during the remaining period of the Third Five Year Plan; and

(c) the countries from which oil is imported?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI HUMAYUN KABIR): (a) During the year 1962, about six million tonnes of crude oil (valued at about Rs. 39 crores) and about 3 million tonnes of petroleum products (valued at about Rs. 49 crores) were imported.

(b) In order to reduce progressively our dependence on imported petroleum product, new refineries in the public sector are being set up in the country. The import of crude oil, however, is

†[] English translation.