

## RAJYA SABHA

Wednesday, 23rd April 1958

The House met at eleven of the clock, MR. CHAIRMAN in the Chair.

### MEMBER SWORN

SHRI DAYALDAS KURRE (Madhya Pradesh).

### ORAL ANSWERS TO QUESTIONS

\*27. [The questioner (Shri Jugal Kishore) was absent. For answer, vide col. 166 infra.]

#### ALL-INDIA PANEL FOR APPOINTMENT OF HIGH COURT JUDGES

\*28. SHRI MAHESWAR NAIK: Will the Minister of HOME AFFAIRS be pleased to state whether it is a fact that the Government of India have evolved a new scheme under which appointment of High Court Judges will be made from an all-India panel of names prepared at the Centre; if so;

(a) what are the details of this scheme; and

(b) when it is likely to be given effect to?

THE DEPUTY MINISTER OF HOME AFFAIRS (SHRIMATI VIOLET ALVA): (a) and (b). The question of drawing up an all-India list of suitable persons for appointment as High Court Judges is under the consideration of Government but it is difficult to say at this stage when a final decision is likely to be arrived at.

SHRI MAHESWAR NAIK: May I know whether the concurrence of the State Governments had been obtained?

SHRIMATI VIOLET ALVA: Sir, it is under consideration and correspondence is going on with the States.

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SHRI MAHESWAR NAIK: May I know how the regional interest is going to be safeguarded?

SHRIMATI VIOLET ALVA: How can I say that just now?

SHRI AMOLAKH CHAND: May I know the approximate number of persons who are appointed as Judges of the High Courts every year?

MR. CHAIRMAN: That is another question.

SHRI TAJAMUL HUSAIN: May I know the system by which High Court Judges are appointed in the U. K. and U.S.A. and, are we going to copy this system?

MR. CHAIRMAN: We are not going to copy any other system.

SHRI AMOLAKH CHAND: May I know whether an advocate of one State would be eligible for appointment as Judge in another State at the beginning of his career as a Judge or is it that the initial appointment will be in the High Court where he was practising?

SHRI GOVIND BALLABH PANT: There is no legal bar to the appointment of an advocate who is qualified for such appointment. He may be appointed either in his own High Court or in any other High Court in India.

#### ILLEGAL ENTRY OF PAKISTAN NATIONALS INTO INDIA

\*29. SHRI MAHESWAR NAIK: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of Pakistani nationals who entered India without valid passports during the year 1957-58 and the manner in which they were dealt with; and

(b) whether it is a fact that some of the Pakistani nationals convicted for violation of passport rules refused to go back to Pakistan and if so, how many of them were permitted to settle in India?

**THE DEPUTY MINISTER OF HOME AFFAIRS (SHRIMATI VIOLET ALVA):** (a) and (b). The information is being collected and will be laid on the Table of the House as soon as it is available.

**SHRI MAHESWAR NAIK:** May I know the normal reasons for the very large number of Pakistanis overstaying in India?

**SHRI GOVIND BALLABH PANT:** There is no normal reason. There were perhaps special reasons in every case.

**SHRI P. D. HIMATSINGKA:** Is the Government aware that there are a very large number of Pakistani nationals in Assam without valid passports?

**SHRI GOVIND BALLABH PANT:** That presumably is correct.

**SHRI TAJAMUL HUSAIN:** Were the Pakistani nationals who came to India without valid passports originally Indian nationals who had migrated from here to Pakistan after Partition? If so, do they feel sorry that they went there and that they would like to come back here?

**SHRI GOVIND BALLABH PANT:** Most of the people who have now come back to India from Pakistan were originally inhabitants of the Indian sub-continent.

**SHRI JASWANT SINGH:** Do the Pakistanis who are coming here without passports generally come with the purpose of settling down in India or is it that they come with other motives?

**SHRI GOVIND BALLABH PANT:** They sometimes come, I think, with a desire to settle in India and sometimes, perhaps, their motives are varied and not very commendable.

**SHRI V. K. DHAGE:** Is there not a system to find out that no person without passports overstays his period?

**SHRI GOVIND BALLABH PANT:** I did not follow the question.

**MR. CHAIRMAN:** Is there any system by which you prevent people from overstaying here? That is the question he asks.

**SHRI GOVIND BALLABH PANT:** Action can be taken under the law against persons overstaying.

**SHRI V. K. DHAGE:** But, Sir, it is stated that a number of people have been overstaying here and no steps are taken to see that they do not stay here.

**SHRI GOVIND BALLABH PANT:** In our country, as you know, we have got a mixed population and if a man comes and destroys his passport or does not show it to anyone, it becomes difficult to establish that he has made an unjustified entry. So, it is not always possible to detect these.

**SHRI TAJAMUL HUSAIN:** If a Pakistani national comes to India, his name and local address are recorded in the Police Station and so it is very easy to find out his name and address. If he destroys his passport, Government can very easily find out who that man is and can also get hold of that man. Why is it not being done?

**SHRI GOVIND BALLABH PANT:** That is being done but there are occasions when people come even without passports and smuggle themselves into India. We have such a vast border, especially on the eastern side and again on the western side, that we have not got check posts at every point and sometimes people do manage to creep in.

**SHRI JASPAT ROY KAPOOR:** Is any action taken against those who harbour such persons? Is there any provision in the law according to which action can be taken against those people who harbour such people? If not, do Government propose to enact any such legislation?

**SHRI GOVIND BALLABH PANT:** If a person abets an offence, I think he is an abettor but I do not know whether having such a man in his own residence once means harbouring.

**SHRI TAJAMUL HUSAIN:** Is there a visa called ...

**MR. CHAIRMAN:** You are in such a hurry that you do not allow him even to complete the reply.

**SHRI TAJAMUL HUSAIN:** I am sorry. I did not hear. I did not know that he was continuing.

**SHRI JASWANT SINGH:** If any Pakistani national tries to enter India without a passport and if he is detected on the border, is he allowed to enter this country or is he sent back?

**SHRI GOVIND BALLABH PANT:** It all depends on the circumstances of the case. He is usually prevented from coming in but sometimes there are difficulties. In the eastern border, the Pakistani citizens can come across to our side. They cultivate lands in large numbers which have been allotted to them here and they are even allowed to take part of the produce to Pakistan. Under that guise people can come but there are difficulties and it is not a very simple problem.

#### RESUMPTION OF DRILLING FOR OIL IN JAWALAMUKHI

**\*30. SHRI MAHESWAR NAIK:** Will the Minister of STEEL, MINES AND FUEL be pleased to state:

(a) whether the drilling operations at Jawalamukhi which were suspended some time ago on account of an accident have since been resumed; if so, since when they have been resumed; and

(b) if the answer to part (a) above be in the negative, when they are likely to be resumed?

**THE MINISTER OF MINES AND OIL (SHRI K. D. MALAVIYA):** (a) No, Sir.

(b) Within a few days, after the completion of the present series of tests being carried out there.

**SHRI MAHESWAR NAIK:** May I know whether it is a fact that the recent postponement is owing to the second set of explosions, as reported in the paper?

**SHRI K. D. MALAVIYA:** No, Sir.

**SHRI MAHESWAR NAIK:** What is the approximate loss on account of the explosions which occurred?

**SHRI K. D. MALAVIYA:** In such exploratory drilling, these postponements of drillings are a natural part of the game. Therefore, it is not very correct to say that on account of these stoppages or accidental postponements some financial loss has really occurred.

**SHRI MAHESWAR NAIK:** May I know the extent of expenditure so far incurred and likely to be incurred for the exploratory drilling?

**SHRI K. D. MALAVIYA:** Our estimated expenditure for this 10,000 feet deep drilling operations is about forty lakhs of rupees. I do not know how much it will come to in the end.

**SHRI M. H. SAMUEL:** On what area is this prospecting done? Is it on the basis of a square mile or on a lesser unit?

**MR. CHAIRMAN:** On what basis is prospecting done, on the basis of a square mile or a smaller unit?

**SHRI M. H. SAMUEL:** A lot of expenditure will be saved if you do it on a smaller unit.

**SHRI K. D. MALAVIYA:** My hon. friend is not quite correct in referring to square miles. Exploratory drilling is always done at a point where after a lot of investigation the experts come to the decision that