

MR. CHAIRMAN: No answer.

SHRI M. VALIULLA: Is Pakistan asking for any person under the extradition treaty and is India refusing to hand him over?

DR. K. N. KATJU: Not to mention knowledge.

KHWAJA INAIT ULLAH: If an Indian enters Pakistan without permit and is sent to jail there by the Pakistan Government, after undergoing the punishment in the jail, is that man sent back? Is he returned to India or kept in Pakistan?

DR. K. N. KATJU: It is the lookout of the Pakistan Government to keep him there or turn him out.

KHWAJA INAIT ULLAH: Normally what do they do?

SHRI K. S. HEGDE: What is the normal procedure?

MR. CHAIRMAN: He wants to know what is the normal procedure in such cases, if an Indian enters Pakistan.

DR. K. N. KATJU: Mr. Chairman, I think it is a question to be put to Pakistan. I understand the question all right. He entered Pakistan without permit. They prosecuted him and put him in jail and then put him out of jail. Well, it is for the Pakistan Government to tell us what they would do further, whether they would push him out of Pakistan or not.

KHWAJA INAIT ULLAH: If there is such a Pakistani in India, what do we do?

DR. K. N. KATJU: At present there is no such Pakistani.

SHRI GOVINDA REDDY: Have we had no case of extradition so far?

(No answer.)

DIWAN CHAMAN LALL: May I know, Sir, whether we have an extradition treaty with Pakistan?

MR. CHAIRMAN: He asks if we have an extradition treaty with Pakistan.

DR. K. N. KATJU: We have not.

DIWAN CHAMAN LALL: Does the hon. Minister consider the advisability of starting negotiations for that purpose?

DR. K. N. KATJU: Certainly.

SHRI M. VALIULLA: On his way to Pakistan, it is stated that he committed two dacoities. Why are the details of these two dacoities not given in the statement?

MR. CHAIRMAN: Why do you want more details? They have given you a long list.

SHRI GOVINDA REDDY: It is already covering 14 pages.

SHRI K. S. HEGDE: What is the international practice in those countries where there are no extradition treaties? If a murderer or dacoit enters the territory, is he handed back?

MR. CHAIRMAN: He wants to know the international usage on this question. You know, being a lawyer.

DR. K. N. KATJU: Yes, the hon. Member knows it much better.

SHRI K. S. HEGDE: I know, and that is why I ask why Pakistan is not trying to conform to this international practice. What is their reason?

DR. K. N. KATJU: May I point out, Mr. Chairman, the divergence of the supplementaries from the main question?

MR. CHAIRMAN: It is all about Bhupat.

INSURANCE CLAIMS BOARD

*398. SHRI GOVINDA REDDY: Will the Minister for REHABILITATION be pleased to state:

(a) whether an Insurance Claims Board has been constituted under the Displaced Persons (Debts Adjustments) Act;

(b) if so, who are the members of the Board; and

(c) the number of claims examined by the Board up to the end of February 1953?

THE MINISTER FOR REHABILITATION (SHRI A. P. JAIN): (a) Yes.

(b) (1) Shri K. Y. Bhandarkar, Chairman.

(2) Shri K. P. Mathrani, Member-Secretary.

(3) Shri A. Rajagopalan, Member.

(4) Shri T. K. Desai, Member.

(5) Mr. William Gilmour Wylie, Member.

(6) Shri Tek Chand, Member.

(c) No case has so far been reported to the Board by the Tribunals appointed under the Act.

SHRI GOVINDA REDDY: What is the relative function of the Board appointed and the Tribunal appointed under the Displaced Persons (Debts Adjustments) Act?

SHRI A. P. JAIN: The Tribunal determines the amount of loss and the amount for which the property was insured on the date of such loss and the amount, if any, paid by the insurance company. Then it sends a report to the Board. The Board returns the claim finally, after taking into account the following data:

(1) the amount of loss determined by the Tribunal;

(2) the total amount of losses determined by the Tribunal under claims preferred against the Insurance Company under the Act;

(3) the financial position of the insurance company, as disclosed to the Board on the basis of information supplied by the insurance company (whether *suo moto* or on a request made in that behalf by the Board) or on the basis of information available to the Board from any other source;

(4) the extent to which reinsurance ceded by the company would be available to meet decrees which may be passed against the company under sub-section (2) of section 18 of the Act, and the liability on account of the reinsurance accepted by the company on policies which the company may have to meet under the said sub-section if claims with respect thereto are decreed;

(5) subject to the provisions contained in the Act, the practice and principles normally prevailing in the insurance business in respect of such claims.

SHRI GOVINDA REDDY: Is it the Tribunal or the Board that adjudicates finally?

SHRI A. P. JAIN: Finally it is adjudicated by the Tribunal. The Board sends its recommendation to the Tribunal which have to be accepted.

SHRI GOVINDA REDDY: Who examines the claim?

SHRI A. P. JAIN: Initially the claim is examined by the Tribunal in respect of certain matters which I have just enumerated. Then the Tribunal makes recommendations to the Board which takes a decision and sends it back to the Tribunal which passes the decree in terms of the recommendation of the Board.

SHRI GOVINDA REDDY: According to the terms of reference of the Board, is the Board also entitled to go into the examination of the claims?

SHRI A. P. JAIN: Naturally to the extent that I have mentioned.

SHRI GOVINDA REDDY: Have the displaced persons been invited to register their claims or is it left to the Board to call for claims?

SHRI A. P. JAIN: The hon. Member does not seem to have followed the procedure laid down under the law. It is open to a displaced person to file a claim before the Tribunal. The Tribunal then goes into the claim in respect of certain matters and then makes recommendations to the Board. The Board re-examines the claim in the light of certain facts and makes recommendations back to the Tribunal and then the Tribunal passes a decree in terms of the recommendation of the Board.

SHRI GOVINDA REDDY: Am I to understand that claims can come only through the Tribunal?

SHRI A. P. JAIN: Yes.

PANDIT S. S. N. TANKHA: Sir, is there no right of appeal allowed?

SHRI A. P. JAIN: The Act gives the right of appeal.

PANDIT S. S. N. TANKHA: To which court?

SHRI A. P. JAIN: To the Appellate Tribunal.

BANKING CONCERNS IN INDIA

***399. SHRI GOVINDA REDDY:** Will the Minister for FINANCE be pleased to state the number of banking concerns incorporated in India which have imported capital?

THE DEPUTY MINISTER FOR FINANCE (SHRI A. C. GUHA): The question is not clear. If the hon. Member desires to have information about the number of Indian banks whose shareholders include foreigners, Government has no information.

SHRI GOVINDA REDDY: Are there not banking concerns registered in India with foreign capital?

SHRI A. C. GUHA: Sir, the position is that there are many foreign banks but these are not incorporated in India. The question here relates to banks incorporated in India. There are many foreign banks which are not incorporated in India.

SHRI GOVINDA REDDY: Is it not incumbent upon foreign concerns incorporated outside India to register in India according to the Companies' Act?

SHRI A. C. GUHA: Yes, that may be, Sir, but it is not incorporation.

SHRI GOVINDA REDDY: Are they not deemed for all purposes to have incorporated?

MR. CHAIRMAN: What he says is that registration is not incorporation.

SHRI A. C. GUHA: Under one of the sections of the Banking Companies' Act, foreign banks which want to do banking business here have to give a notice and get themselves registered but that is not incorporation of the Banking Company.

SHRI GOVINDA REDDY: May I know the number of such banks registered in India?

SHRI A. C. GUHA: There are 19 foreign banks functioning in India, 15 scheduled and four non-scheduled.

SHRI GOVINDA REDDY: May I know the total of the capital of these banks registered in India?

SHRI A. C. GUHA: According to the latest figure that we have got from the Reserve Bank of India foreign held investment in banking companies is Rs. 6.83 crores on 30th June 1948.

SHRI GOVINDA REDDY: Have the Government thought of exercising control over foreign banking concerns registered in India?

SHRI A. C. GUHA: Sir, the Indian Banking Companies' Act imposes certain control over the foreign banks and the Government is exercising those controls over them.