AIR DELIVERY SURCHARGE Pakistan N. Bengal, Assam and Nepal. 4 Naye Paise



Incorporating and directly descended from THE FRIEND OF INDIA—Founded 1818 PUBLISHED SIMULTANEOUSLY FROM CALCUTTA AND DELHI

REG. No. C193

CALCUTTA SATURDAY NOVEMBER 25 1961

16 Paisa Pakistan

25 Pyas Burma (inc: Air-Surenarge)

16 Naye Paise

NANAVATI APPEAL DISMISSED SIR B.P. SINGH

Sudden Provocation ROY DEAD Theory Rejected

CONFIRMED

From Our Legal Correspondent NEW DELHI, Nov. 24.—The appeal by K. M. Nanavati from the judgment of Bombay High Court convicting him for the murder of Prem Ahuja and sentencing him to imprisonment for life, was dismis-

of death having been caused by accidental firing or as the

result of grave and sudden provocation. Confirming the life sentence passed by Bombay High Court on Nanavati it held "that the prosecution had proved beyond any reasonable doubt that the accused intentionally shot the

accused intentionally shot the deceased and "killed him." The court further stated that the facts did not bring the case within the exception so as to convert the killing into culpable homicide not amounting to murder.

The facts leading to the appeal

were that the appellant was charged with murder as well as culpable homicide not amounting

ing them alongside those of Marx, Lenin and Mao Tse-tung, President Liu Shao-chi, and other Chinese leaders. Chinese officials were the only guests at a reception given here last night by the Albanian Amsary of the establishment of relations between the two coun-

By a Staff Reporter
Sir Bijoy Prosad Singh Roy, industrialist and former Minister of undivided Bengal, died at his Cal-

cutta residence on Friday at 4-45 p.m. He was 67. Sir Bijoy had a heart attack last

Sunday. On Friday he answered telephone calls in the morning and told friends he was feeling much better. At about 4-30 p.m. he had a fresh heart attack. He called members of his family to his bedide and the members to his family to his bedide and the members to his family to his bedide and the members to his family to his bedide and the members to his family to his bediden to his his family to his bediden to his his his his his high same to his his his his his his high same to his his his high same to his his high same his high same his high same his high same high sam

side and the end came 10 minutes

a large number of his admirers, friends and relatives, including Sir A. Ramaswami Mudaliar, visited his house. His body was taken to Kenrala burning ghat late at

Keoratala burning ghat late at night and cremated.

The offices of India Steamship, of which Sir Bijoy was a director, will be closed today.

(Obituary on Page 6)

STALIN GLORIFIED

IN CHINA

PEKING, Nov. 24.—Chinese Communist Party officials and intellectuals have been instructed to study the works of Stalin and post his picture prominently in local meeting halls, usually reliable sources said here today, reports Reuter.

Peking art shops have brought out big portraits of the former Soviet leader, and are displaying them alongside those of

As the news of his death spread,

NORTH EUROPE NOT AREA OF PEACE NOW

-KHRUSHCHEV

MOSCOW, Nov. 24.—Mr Khrush-chev said today that in the present stuation the Soviet Union most regrettably cannot consider the

Mr Khrushchev said that that was the reason why a Note had been sent to the Finnish Government proposing joint measures to strengthen the frontiers of Finland and of the Soviet Union.

Mr Khrushchev said that the
USSR considered it a most import-

ant duty to take all necessary measures to tie the hands of "the West German militarists and revenge-seekers," who were impudently demanding a revision of the State frontiers established after World War II, and thus to streng-then peace and the security of all

peoples of Europe.

In Helsinki yesterday the Speaker of the Finnish Parliament called for a postponement of Fin-land's coming Presidential elections and a possible six-year ex-tension of Dr Kekkonen's man-date in view of the country's pre-sent "delicate situation", adds

CRASHES: 5 DIE

EDMONTON (Alberta), Nov. 24. The bodies of five men were found in the wreckage of a USAF C-119 aircraft which crashed at the foot of a 5,000-ft mountain on the Alaskan Highway near Edmonton last night, reports Reuter.
Three of the 10 members of the crew parachuted to safety and two others are missing, a Royal Canadian Air Force spokesman said.

The plane was flying from Whitehorse, Yukon Territory, to Tacoma Washington horse, Yukon Te ma, Washington.

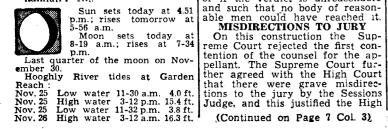
CALCUTTA WEATHER

Forecast for today: Fair weather.

Slight fall in night temperature.

The maximum temperature recorded before 5-30 p.m. yesterday was 27°C (81°F) 1°C below normal. The minimum temperature was 16°C minimum temperature was 16°C (60°F) normal. The maximum humidity was 93% and the minimum 36°C ture was 17°C (63°F). Relative humidity at 8-30 a.m. 70% (7% below normal) and at 5-30 p.m. 47% (16% below normal). 1% (16% below normal).

Rainfall: Nil.





By Supreme Court

LIFE SENTENCE

sed by the Supreme Court by a judgment delivered

on Friday by Mr Justice Subba Rao. A NNOUNCING the 116-page judgment to a packed court, the Supreme Court rejected the twin theories

charged with murder as well as culpable homicide not amounting to murder and was tried by the Sessions Judge. Greater Bombay, with the aid of a special jury. The case of the prosecution was that at the time of the alleged murder the accused was second in command of the Indian Naval ship Mysore. He had married Sylvia at Portsmouth, England, in 1956. The Nanavatis were introduced to Prem Ahuja, a Bombay business man. Gradually a friend-ship which developed into illicit intimacy grew between Sylvia and Prem Ahuja. On April 27, 1959, Sylvia confessed to Nanavati her illicit intimacy with Ahuja. Enraged at the conduct of Ahuja, Nanavati went to his ship, took a revolver and six cartridges on a false pretext and then went to Ahuja's flat. There he shot Ahuja and then surrendered to the police who put him under arrest and sent him up for trial. The defence version was that the accused was unaware of the intimacy until April 27, 1959. On ntimacy until April 27, 1959. On that day when he questioned his wife she shook her head to indicate that she was unfaithful to nim. He guessed that her param

our was Ahuja. As she did not indicate whether Ahuja would marry her and look after the children, he decided to settle the matter with him. He went to matter with him. He went to Ahuja's flat with the revolver and asked him whether he would marry Sylvia. Ahuja is said to have retorted "Am I to marry every woman I sleep with?" A struggle followed between the two and during that struggle the shots went off accidentally and hit Ahuja, resulting in his death. In the trial court the jury reregrettably cannot consider the north of Europe as an area of peace and calmness, which it had been until now, Tass reported, says Reuter.

Mr Khrushchev was speaking in Novosibirsk at a luncheon given in honour of President Kekkonen of Finland.

Mr Khrushchev said that that was the reason why a Note had have the symmetric forms the conclusion of the jury could not be sustained. The High Court then examined the evidence for then examined the evidence for itself and held that Nanavati was

guilty of murder DEFENCE PLEA

In the appeal counsel for the appellant submitted: (1) under Section 307 of the CrPC the High Court should decide whether a reference made by a Sessions Judge was competent only on a propulation of the order of reference perusal of the order of reference made to it and it had no jurisdiction to consider the evidence and come to a conclusion whether the reference was competent or not; (2) under the section, the High Court had no power to set aside the verdict of a jury on the ground that there were mis-directions in the charge made by tension of Dr Kekkonen's mandate in view of the country's present "delicate situation", adds AFP.

(See also Page 7)

U.S. AIR FORCE PLANE

Greetions in the charge made by the Sessions Judge; (3) that there were no misdirections in the charge to the jury; (4) that the verdict of the jury was not perverse, and (5) that in any view, the accused shot at the deceased under grave and sudden provocation and therefore the offence was not murder.

On the above submissions the Supreme Court construed the re-

levant provisions governing the power of the High Court in appeal, revision and reference. The peal, revision and reference. The court summarized the principles regarding the powers of the High Court under Section 307 as follows:—(1) a reference is competent only if the Sessions Judge disagrees with the verdict of the jurors and is of the opinion that the verdict is preverse; (2) a High the verdict is perverse; (2) a High Court can reject a reference if these conditions are not to be found in the reference, but if the reference is proper the High Court must entertain it.

Once the reference is entertained by the High Court, it has to consider the entire evidence and after giving due weight to the opinion of the Sessions Judge and the jury, acquit or convict the accused. The High Court in dealing with the exercise of the second of the s with the case may disregard the verdict of the jury and come to its own conclusions on the evi-dence if its finds that there are misdirections vitiating the verdict or if the verdict is unreasonable and such that no body of reason-able men could have reached it.

MISDIRECTIONS TO JURY On this construction the Sup-reme Court rejected the first contention of the counsel for the appellant. The Supreme Court further agreed with the High Court that there were grave misdirec-tions to the jury by the Sessions



NETAJI NOT HIDING **ANYWHERE**

Nehru Chides **Believers**

From Our Parliamentary

NEW DELHI, Nov. 24.—The future of the ashes of Netaji Subhas Chandra Bose and the legend of his survival—subjects which perennially arose both sympathy and curiosity—were debated again in the Lok Sabha today when the Prime Minister made when the Frime Minister made some interesting disclosures.

He said that "on several occasions" during the past year "we were on the point of bringing the

ashes here in a proper manner and with due respect." But there was the difficulty that "there is a public aspect and a family aspect. to take action. Some members of the family may object and that

embarrasses us."

Mr Nehru would not go into details, but he said that about two years ago Mr Bose's family was sounded through the West Bengal Chief Minister, Dr Roy, but the Government was advised that there might be some difficulty, "some conflict of opinion" and the Centre

should not take any step which Mr Bose's family might not look upon with goodwill.

The Prime Minister gently chided those who persist in believing that Mr Bose is still alive and "hiding somewhere" 16 years after the plane crash in which accordthe plane crash in which, accord ing to all Government inquiries, he died "Hiding

from Nehru asked a little impatiently and then added: "It is not a compliment to a person of that stature to say that he is hiding. If he came back he would be welcomed

by the Government, by the peo-ple, by everybody".

Mr Nehru was speaking on a non-official resolution by Mr Iqbal Singh (C), the debate on which began during the last session of Parliament and was resumed on the first day for non-official business during the present ses-

The resolution, which was later withdrawn, says: "This House calls upon the Government to take necessary steps to bring the sacred ashes of Netaji Subhas Chandra Bose and Biplabi Mahanayak Rashbihari Basu from Japan with full military honour and befitting ceremonies and build suitable memorials in Delhi to ensuitable memorials in Delhi to enshrine the ashes".

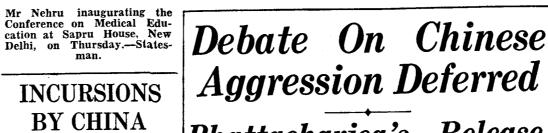
The House next debated in-conclusively, another non-official resolution, by an Independent member, Mr S. N. Banerjee, which says that the Government of India "should give a final ultimatum to the Portuguese to withdraw from Goa, Daman and Diu". In an amendment, Mr A. B. Vaj-payee (Jan Sangh) set January 26 next year as the deadline for the withdrawal.

withdrawal.

Before the House adjourned today, five Opposition members had
spoken on the resolution: Mr S.
M. Banerjee and Mr Nausnir
Bharucha (Ind), Mr Vajpayee,
Mr Nath Pai (PSP) and Mrs Partati Krichnan (Com), All of them a badminton game yesterday. The yester than the continued on Page 7 Col. 1)

a badminton game yesterday. The pathet Lao delegates were dressed in paratroopers uniform and looked in paratroope Mr Nath Pai (PSP) and Mrs Parvati Krishnan (Com). All of them were unanimous that non-violence should be given up if necessary.

The House held an inconclusive debate on the Bill moved by the Minister for Scientific Research and Cultural Affairs, Mr Humayun Kabir, to declare the institutes of technology at Bombay, Madras and Kanpur to be institutions of national importance (Continued on Page 7 Col. 1), under Prince Souvanna insur- good measure.



Bhattacharjea's Release Through U.N. Urged From Our Parliamentary Correspondent

NEW DELHI, Nov. 24.—Answering questions on the

recent arrest and heavy sentence passed on Col. Bhattacharjea by a military tribunal in Pakıstan, Mr Nehru said in the Lok Sabha today that he could not confirm whether Col. Bhattacharjea would be released by the Pakistani Government.

FREEDOM BY **FEBRUARY NOT POSSIBLE**

Maudling's Visit To Kenya Begins

NAIROBI, Nov. 24.—The British Colonial Secretary, Mr Reginald Maudling, said here today that it would not be possible for Kenya to have her independence by February next, reports PTI.

Mr. Maudling, who arrived here

He also made it clear that the CCIA did not believe in being nonaligned on the merits of any particular issue, though it was independent of any military alliances and other pressure groups. He said its general policy was to favour the principle of self-determination and to support the grant of early freedom to dependent countries. On the Angola issue, for instance, the commission had called for the self-determination of the Angolans. Mr Maudling, who arrived here by air from London today on a five-day visit to Kenya, refused to indicate at an airport Press conference, the date of Kenya's independence or outline the time-table pendence or outline the time-table leading to it.

tutional conference in the first three months of the next year. But once you settle on the constitu-

tion Government on Kenya. "These things must be decided by negotiations, not by imposition". He expressed the hope that if the proposed constitutional conference proved successful, the atmosphere would be better for the formation of a coalition Government.

Mr Maudling termed the allegations that the Governor, Sir Patrick Renison, was favouring and

aying with questions of world order and disorder and East-West relations. They had also intervened to make clear the position of the Church in Russia.

mountable unless deliberately

made so.
This outline of the Laotian pic-

ture as it obtains today is an achievement of the forces of reason and moderation—among them the International Control Com-

mission—that have been striving

does not want to win over Laos by war if he can achieve the same

Prince Souvanna is obviously anxious for an early settlement, without which his position becomes even more delicate than it

A third party in this struggle for

power are some members of the Boun Oum Government, princi-

pally Gen. Phoumi Nosavan. Whether he will be allowed to further delay a settlement largely depends upon U.S. policy.

It is obvious that U.S. policy

here has changed since the Kennedy Administration accepted the concept of a truly neutral Laos. The difficulty is to translate the new policy into action for the dis-

towards a settlement.

objective by peace.

PLANS FOR MEETING

OF PRINCES UPSET

No Agreement On Security

Arrangements

From SURENDRA NIHAL SINGH

security for their proposed meeting.

Prince Boun Oum's representa-tives turned down all the three suggestions made by the Sou-vanna Phouma and the Pathet

Lao teams and offered instead one platoon each to accompany

the two princes to the proposed Vientiane meeting. The Souvanna

and Pathet Lao representatives

who have returned to Xieng Khouang, replied by suggesting the Plaine des Jarres or a hearby village or Hin Heup for a meeting of the princes.

Even with the present develop-

ment the situation in Laos to-day represents a change for the

better. This change stems from a general realization here that the

time has come for a settlement.

This feeling, however, is not shared by all the members of the

Boun Oum Government; it is this

factor which lies at the heart of the interminable delays that have

Shortly before midday today, the 13-man delegation representing Princes Souvanna Phouma and

Souphanouvong arrived here from the Leftist stronghold of Xieng Khouang. Mr Samar Sen, Chairman of the Control Commission,

was at the airport walking on

was at the airport walking on crutches—he tore a leg muscle in a badminton game yesterday. The Pathet Lao delegates were dressed in paratroopers uniform and looked almost Cuban in appearance. The Souvanna delegation was headed by Phen Phongsavan, a trusted Souvanna man.

led up to the present.

VIENTIANE, Nov. 24.—The mood of optimism pre-

The Colonial Secretary said: 'We are aiming at an early consti-

work out the details".

Mr Maudling said that they had no intention of imposing a coalition Government on Kenya. "These

rick Renison, was favouring and backing the KADU as entirely false. "He has my full confidence,"

(See also Page 7)

CRITICIZED

From Our Delhi Office

NOV. 24.—Dr O. Frederick Nolde, Director of the Commission of the Churches on International Affairs (CCIA), said today that in his opinion the Chinese incursions into Indian territory and the continued Portuges

and the continued Portuguese occupation of Goa constituted a threat to world peace and justice.

Addressing a Press conference

Addressing a Press conference Dr Nolde made it clear, however, that this was his personal opinion and not necessarily that of the CCIA or the World Council of Churches. The CCIA, which is a division of the WCC, he explained, could take up the study of these questions and express an opinion on them only if a member church referred the issues to them. So far, this had not been done, though he did not preclude the possibility of such studies being made in the future.

He also made it clear that the

He also made it clear that the

Dr K. G. Grubb, Chairman of the CCIA, revealed that the as-sembly of the WCC might be asked

to make a statement on the Angola question and it was possible that the statement would be a

comphehensive one dealing with all aspects of the issue, including the reasons for the outbursts there, the actual events and im-

Dr Grubb said that while the delegates of the Russian Orthodox

Church had mainly listened to the committee discussions on international affairs, they had showed particular interest in the discussions in the sub-section de-

prisonment of Angolans.

A Congress member, Mr Khadilkar. drew his attention to certain Press reports that Col Bhattacharpress reports that cor bratacharding jea might be released or his sentence reduced. Mr Nehru replied that he was unable to say anything

that he was unable to say anything about these reports.

He declined a suggestion by a PSP member, Mr Hem Barua, that the good offices of the U.N. might be sought to secure the Indian Army Officer's release.

He agreed that the sentence was heavy. Although no protest was made to Pakistan, the Indian High Commissioner was constantly in touch with the Pakistani Government to secure facilities.

touch with the Pakistani Government to secure facilities.
He could not confirm that the
defence lawyer engaged by Col
Bhattacharjea's family had complained about lack of facilities,
though he said he might have since
some letters had been received
from him

ces, such as entering Pakistan without a permit and being in possession of arms.

SINO-NEPALESE TREATY

It was officially stated this morning that the recent border treaty between China and Nepal had fully vindicated India's stand on the boundary issue.

In reply to questions the Deputy Minister of External Affairs, Mrs Lakshmi Menon, said that the Sing-Nepalese treaty not only ac-

Sino-Nepalese treaty not only accepted but affirmed the principles of custom, tradition, known geographical features and watersheds as the basis for determining international boundaries. Members pointed out that these

were the very principles which India had pressed as the basis of a settlement and they asked whether in the light of its treaty with Nepal, China would now be asked to make a similar settlement with India nent with India. Mr Nehru, who intervened, said

that no approach had been made since the treaty with Nepal but these principles were urged seve-ral times earlier and would be urged again when an occasion

The House today decided to postpone from Tuesday next to December 4 the debate promised earlier this week on the latest Chinese incursions across the northern frontier.

In the meantime the Govern-ment will place before Parliament a more detailed statement than the extracts from India's protest,

VIENTIANE, Nov. 24.—The mood of optimism prevailing in this straggling capital of Laos was somewhat dispelled today by the failure of the representatives of ladia and China will also be rethe three princes to arrive at an agreement on ensuring leased. MOVE FOR ADJOURNMENT

The Speaker ruled out a motion for adjournment tabled this morning by Mr K. T. K. Thangamani on an incident on November 17 in which a stray bullet from the Portuguese island of Anjdiv hit an Indian steamer while it was passing the island half a mile south of ing the island, half a mile south of Karwar, on its way from Bombay to Cochin.

The alignment of forces is now clear enough. Prince Souphanouvong is for the present content to demand equal treatment with the Right-wing Government and he aligner to work to wing over the second content. The Speaker said that if neces sary he would allow a discussion after a more detailed statement which the Government is expected to make. Speaking on information so far available the Prime Minister said

available the Frime Millister said that the steamer, s.s. Sabarmati, was passing the island when a bullet from a rifle fired from the island hit the ship and caused minor injuries to the ship's doctor. The island is held by some Portugues forces. guese forces. Asked whether a protest had

been made to the Portuguese Go-vernment, Mr Nehru replied that a more detailed report was await-ed. He described the incident as an important international matter, though he declined the suggestion by an Opposition member that convoys should be provided for Indian ships on this route.

(Other Lok Sabha questions on Page 9).

VISA REFUSED

LONDON, Nov. 24.—The Soviet Union has refused an entry visa to a British worker who organized a strike last month in a Berkshire plant making equipment for a tyre factory in the Ukraine, it is learnt.—AFP.

Changes Likely In Constitution

Election Of President And Vice-President

From Our Special Representative NEW DELHI, Nov. 24.—Before the current session of

Parliament adjourns, probably ahead of schedule, it is likely to enact yet another amendment to the Constitu-It is learnt that the Government

has decided that at least two procedural changes in the articles of the Constitution which govern the election of the President and the Vice-President are necessary.

One intends to make it clear that the electoral college for the election of the President—members of both Houses of Parliament and of all State Legislatures—will be deemed to be properly continued even if a few perly constituted even if a few snow-bound constituencies in the snow-bound constituencies in the Himalayas cannot go to the polls along with the rest of the country. The reason why the Government has been compelled to take this decision is that in 1957 the fact that a few Himalayan constituencies had not returned their M.P.s and MLAs was made a ground for challenging Dr Rajendra Prasad's election as President of India.

Although the judgment of the Supreme Court at that time ruling out the objection is binding for the future, the Government is keen that the President's election should not be made an occasion for undue and unnecessary litigation.

for undue and unnecessary impation.

The second change the Government wants to make in the Constitution is in relation to the election of the Vice-President. Under Article 66, the Vice-President is to be elected by members of both Houses of Parliament "assembled at a joint meeting".

On both the previous occasions, Dr Radhakrishnan was the only nominee for the office of Vice-President and therefore he was

President and therefore he was declared elected unopposed. The Government has now been advised by its Constitution pundits that the Constitution should make it explicit that in the event of an unopposed election of the Vice-President, the two Houses of Parliament need not meet.

Otherwise, the Government's legal advisers feel, the matter may be dragged to the law courts by legal quibblers of whom there is no dearth in this country.

FIRE IN BUSTEE Five pumps of the West Bengal

Services brought a blaze in a bustee house in the Goabagan area of Calcutta under control early on Friday morning. A man received burns and was taken to hospital.

From the same area, a married woman (26) was taken in the evening to hospital. She had severe burns and died soon after

DE-NUCLEARIZED ZONE FOR AFRICA SUGGESTED

U.N. H.Q., Nov. 24.—The General Assembly today call-ed upon all member States "to consider and respect the Continent of Africa as a denuclearized zone", says Reuter. (See also Page 7)

"OPERATION NAILS" IN ALGIERS

ALGIERS, Nov. 24.—A huge traffic jam was caused in Algiers today after unknown persons, believed to be acting on behalf of the Right-wing Secret Army Organization (OAS), scattered nails over a large area in the streets, says AFP.

Motorists who luckily suffered only some minor punctures were able to change tyres and drive away for repairs, but many had

away for repairs, but many had to abandon their cars because they were immobilized by sevethey were immobilized by several punctures at the same time. Many offices, factories and shops opened late, and airline flights were delayed because of the "operation nails" demonstration. The nail-sowing was believed to be a protest against the huge number of police and military checkpoints set up in Algiers lately.

CONSERVANCY AFFAIRS AT CRISIS STAGE By a Staff Reporter

Although recrimination has come to be taken in the meetings of Calcutta Corporation as just one of those things, the serious and warning note of Friday's proceedings adequately indicated the crisis the Corporation is facing at present. A motion in support of supersession and installation of a military administration was being debated when the meeting

was adjourned.

The respite, which the adminis-The respite, which the administration, according to some sources, would welcome, was offered in the closing stages by the Mayor, Mr Rajen Majumdar whose suggestion the House accepted as a stopap measure. Consequently the Commissioner was authorized to probe possible rates at which temporary conservancy staff could be porary conservancy staff could be employed by the Corporation.

The meeting was strewn with personal attacks, hoots and rancour. The saving grace was that both the establishment and the

Opposition agreed that conservancy affairs were in an appalling state and needed a thorough overhaul.
The Commissioner was called upon by the Mayor to address the meeting. He stated that during the past fortnight it had been most difficult to get temporary staff at the new rate of Re 1.80 and suggested payment at the old rate of Rs 2.30, applicable at present, only in the case of the Corporation's in the case of the Corporation's permanent conservancy staff. Mr Mihirlal Ganguly (C) pointed out that acceding to the scavengers' demand of a weekly off-day would mean an additional annual expenditure of Rs 15 lakhs. Earlier Mr Naren Sen (UCC) moved that, "in view of the complete collapse of the Corporation's administra-

of the Corporation's administra-tion, the members resign forth-with and that the officers be replaced by military officers of good reputation."



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