

Volume I
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Tuesday
14th July, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

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Members Sworn [Cols. 2—18].

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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Monday, 14th July, 1952

*The House met at a Quarter Past
Eight of the Clock*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Dak Sewak SCHEME

*1710. **Sardar Hukam Singh:** Will the Minister of Communications be pleased to state:

(a) whether the experiment of *Dak Sewak* scheme started in a few circles during the year 1951-52 has proved successful; and

(b) whether it is proposed to extend it in suitable areas throughout the country?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No.

(b) The question does not arise.

Sardar Hukam Singh: Was there a proposal to try it, and may I know the reason why it was withdrawn?

Shri Raj Bahadur: The proposal was tried both as a matter of economy and convenience for the public, and it was proposed that the functions of a Branch Postmaster, a postman and a mail carrier may be merged and vested into one official. In view of the fact, however, that the system has been found to be more difficult, more inconvenient and more expensive, we do not think it can be said to have proved a success.

Sardar Hukam Singh: Was it tried anywhere?

Shri Raj Bahadur: It was tried.

*COLLECTION AND DISTRIBUTION OF
MAILS BY FLYING CLUBS*

*1711. **Sardar Hukam Singh:** (a) Will the Minister of Communications be

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pleased to state whether the agency of Flying clubs is being utilised for the collection and distribution of 'all up' mails in various parts of the country?

(b) If so, which are those clubs and what are the areas of their operation?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No.

(b) Does not arise.

Sardar Hukam Singh: Is the mail being carried by any day service so far, or are the night services carrying the mails?

Shri Raj Bahadur: I think, Sir, day service is also carrying some of the mail, but this question relates to the proposal that flying club aircraft be used for the purpose of carrying mails.

KEY FARM CENTRES

*1712. **Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) how many Key Farm Centres for the development of Cattle were opened in different States in 1950-51 and 1951-52 and how many are proposed to be opened in 1952-53;

(b) whether private centres have been encouraged and financed;

(c) what are the terms and conditions to help private centres; and

(d) which of the centres already opened have become self-supporting?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) No centres were opened during 1950-51. Out of 92 centres sanctioned by the Central Government during 1951-52, 55 are reported to have been started so far, and the rest are in the process of being started. During 1952-53, these 92 centres will be continued and no new centres will be started.

(b) The 92 centres mentioned in reply to part (a) include 22 private institutions.

(c) For private institutions, the Central Government will provide the entire non-recurring expenditure and 75 per cent. of the recurring expenditure.

(d) Does not arise, as no receipts are anticipated under this scheme.

Shri S. C. Samanta: May I know, Sir, whether these key farm centres were opened according to the recommendations of the Gosamvardhan Committee?

Shri Karmarkar: I think, Sir, they were opened according to the recommendations of the State Governments, but I should like to have notice.

Shri S. C. Samanta: May I know whether further applications were received by the Government for giving aid to those private key farm centres?

Shri Karmarkar: Further applications beyond the 22 now mentioned?

Shri S. C. Samanta: Yes.

Shri Karmarkar: I should like to have notice.

Shri Dabhi: Which are the places in Bombay State where these centres have been started?

Shri Karmarkar: In Bombay State, the Centres started under Government institutions are seven, and under private one, but I should like to find out which are the particular places where these are started.

Shri S. C. Samanta: May I know if the function of the Central Council of the Gosamvardhan Committee comes within the jurisdiction of the development of these key farms?

Shri Karmarkar: I could not follow the question.

Shri S. C. Samanta: May I know whether the Central Gosamvardhan Committee deals with this matter?

Shri Karmarkar: No, Sir, the Government deals with this matter. I should like to find out if we have consulted the Gosamvardhan Committee in this matter. Very possibly we have.

Shri S. V. Ramaswamy: Are there any centres in Madras State? If so how many and where?

Shri Karmarkar: Private institutions—six centres; Government insti-

tutions—seven centres, but regarding the places I should like to have notice.

Shri Velayudhan: May I know, Sir, whether the scheme is entirely financed by the Centre or whether the States also bear part of the burden?

Shri Karmarkar: As I said earlier in my principal reply, Sir, the Centre subsidises to the extent of providing the entire non-recurring expenditure, and 75 per cent. of the recurring expenditure so far as private institutions are concerned. So far as Government institutions are concerned, so far as I see, the States do share the expenses.

Shri Sarangadhar Das: May I know, Sir, the number of institutions in the State of Orissa?

Shri Karmarkar: So far as Government institutions are concerned, two.

Shri N. Somana: May I know how many centres are there in Coorg?

Shri Karmarkar: I shall lay the statement on the Table of the House regarding the States.

LOCUST INVASION

*1713. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether India was invaded by swarms of foreign locusts this summer;

(b) if so, how many times locusts incursions were made; and

(c) whether any damage has been done to crops and plants by these locusts incursions?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes.

(b) Six.

(c) No, Sir.

Dr. Ram Subhag Singh: May I know whether Government have taken effective measures to fight this locust menace, and how far they have succeeded in stopping these incursions?

Shri Karmarkar: We have a definite machinery by which we receive warnings, and spread the warnings, and the States have also a definite machinery to keep a watch and take effective steps. As hon. Members are probably aware, the Government of India conducted some classes for training officials, and during 1950-51 and also in May, 1952, the State officials were trained in these anti-locust operations.

Dr. Ram Subhag Singh: May I know whether this year the locust incursions were effectively fought out?

Shri Karmarkar: This year, firstly, they were only incipient, i.e., some of them spread themselves diffused. Secondly, there were no crops in the fields to be affected.

Dr. Ram Subhag Singh: May I know whether, with a view to stopping these locust incursions, the Government of India took any action for fighting this locust menace in foreign countries?

Shri Karmarkar: This is outside my present note, but I remember we sent a mission to Iran.

Mr. Speaker: Questions in this respect, I think, were put several times during the last two or three months. They have got a machinery, and they work in co-operation.

Shri Sarangadhar Das: Are Government aware that swarms of locusts have appeared during the last few days in Manipur State, and what steps are Government taking?

Shri Karmarkar: So far as we are aware, they came in Rajasthan in May. Regarding Manipur, I shall find out.

Shri L. J. Singh: May I know the extent of damage done by the invasion of locusts very recently in the northern and north-eastern areas of Manipur?

Shri Karmarkar: I should like to have notice.

REFRIGERATED STORES

***1715. Shri B. K. Das:** Will the Minister of Food and Agriculture be pleased to state:

- (a) the number of refrigerated stores in India and their locations;
- (b) the capacity of the stores; and
- (c) the articles that are preserved in them?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) A statement is placed on the Table of the House. [See Appendix VIII, annexure No. 21.]

(b) Average capacity of a cold storage is 13,500 mds.

(c) Seed and Table potatoes, fruits and vegetables, butter, eggs, fish and meat and other perishable articles.

Shri B. K. Das: May I know whether these stores belong to Government or are lent to Government by private agencies?

Shri Karmarkar: I do not think that there are Government stores, but I shall find out.

Shri B. K. Das: May I know, Sir, whether any estimate has been made regarding the extent of perishable articles and the damage done to them for want of proper storage?

Shri Karmarkar: I have no information at the moment.

Shri B. K. Das: May I know whether there is any development programme before the Government for increasing the capacity of these stores?

Shri Karmarkar: I should like to have notice.

Shri Pateria: Is Government keeping supervision over these refrigerator stores?

Shri Karmarkar: I think so, but I should like to find out.

MATERNITY NURSES

***1716. Dr. Ram Subhag Singh:** (a) Will the Minister of Health be pleased to state whether it is a fact that some private organizations of New Zealand have asked for sending 60 to 100 Indian girls for being trained in that country as maternity nurses every year for a period of three years at the expense of those organizations?

(b) If so, have Government taken any decision in regard to accepting that offer?

The Minister of Health (Rajkumari Amrit Kaur): (a) No such request has been received by Government. It is, however, understood that a scheme is under consideration of the All-India Women's Conference for sending 60 to 100 Indian girls to New Zealand every year for a period of 2 or 3 years for training as maternity nurses, the cost being met from private donations.

(b) Does not arise.

Dr. Ram Subhag Singh: May I know whether that scheme is entirely the concern of the All India Women's Conference, or have the Government also got anything to do with that?

Rajkumari Amrit Kaur: No, Sir. Government have nothing whatever to do with the offer. It is purely a

private scheme between the All India Water-ways Research Station at Organisations of New Zealand.

NAVIGABLE CHANNEL BETWEEN SEA AND DIAMOND HARBOUR

*1717. **Dr. Ram Subhag Singh:** Will the Minister of Transport be pleased to state whether it is a fact that the Calcutta Port Commissioners have accepted Sir Claude Inglis's advice that a navigable channel can be provided between the sea and Diamond Harbour?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): The opinion of Sir Claude Inglis was that a channel could probably be stabilised in the lower part of the estuary (below Diamond Harbour) and that the River between the mouth of the Damodar and Calcutta could also be brought under control by training works. He recommended the construction of three models of the River for study purposes to come to a final decision. The Port Commissioners have accepted this recommendation and experiments are already in progress on the models which have been constructed at Central Water and Power Commission Research Station, Poona.

Dr. Ram Subhag Singh: May I know how long it will take to complete the construction of the models, which has been referred to?

Shri Satish Chandra: Two models have already been constructed. The third model is not to be constructed. The distance to be covered by the third one has been covered by the two models by extending them slightly. The experiments are in progress and are likely to be completed by the end of 1953.

Dr. Ram Subhag Singh: May I know what is the cost involved in the construction of these models, and also in digging the canal?

Shri Satish Chandra: A sum of Rs. 9,81,000 was sanctioned for the construction of these models. The work is in progress. There is no question of constructing the shipping canal, because the purpose of these models is to explore the possibilities of improving the river itself. If that succeeds, the idea of constructing a canal between Calcutta and Diamond Harbour will be dropped altogether.

Shri Meghnad Saha: May I know in what capacity was Sir Claude Inglis requested to give his opinion?

Shri Satish Chandra: Sir Claude Inglis was the Director of the Inland Water-ways Research Station at Poona. He has retired since then. He was asked to express his opinion, then, in 1946.

Shri Meghnad Saha: May I know whether any model experiments have been carried out, and whether Government can accept his recommendations, however great he may be, unless any model experiments are carried out?

Shri Satish Chandra: Sir Claude Inglis recommended exactly on these lines that the model experiments should be carried out. They are in progress. No decision has been taken so far.

INDIAN-OWNED SHIPS

*1718. **Shri Damodara Menon:** Will the Minister of Transport be pleased to state:

(a) the number of seamen employed in Indian-owned ships; and

(b) how many of them are Indian nationals?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) About 7,000 seamen are engaged every year on Indian-owned ships.

(b) About 3,000.

Shri Damodara Menon: May I know how many of these seamen are nationals of Pakistan?

Shri Satish Chandra: 1,315 on foreign-going ships, and 532 on home-trade ships.

Shri Damodara Menon: May I know whether the Government are taking any steps to see that Indian-owned vessels employ only Indian nationals as seamen?

Shri Satish Chandra: Some steps have already been taken to encourage maritime profession and recruitment of Indian seamen. Two training ships *Bhadrakali* and *Mekhala* which are stationed at Calcutta and Visakhapatnam respectively provide training to ratings, so that foreigners could be gradually replaced.

Shri Damodara Menon: May I know from what centres seamen are recruited in India?

Shri Satish Chandra: Mostly from the coastal provinces, including Kerala.

Shri M. S. Gurupadaswamy: May I know whether there are any Indian seamen in Pakistan-owned ships?

Shri Satish Chandra: I could not say anything about the ships owned by Pakistan.

Shri Achuthan: May I know when we can expect the complete Indianisation in this respect?

Shri Safish Chandra: I do not exactly know. It is proposed to increase these facilities by setting up shore establishments attached to the above ships, so that the intake of trainees will be more than at present. In addition to that, the naval ratings who have been discharged after the war are also employed as far as possible in the Indian-owned shipping companies.

MESSRS. A. H. WHEELER & Co.

*1719. **Shri Vidyalankar:** Will the Minister of Railways be pleased to state:

(a) whether it has been brought to the notice of Government that the firm of Messrs. A. H. Wheeler & Co. often charges exorbitant prices for the books they sell in their stalls; and

(b) if so, what action Government propose to take in the matter?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) No.

(b) Does not arise. If specific instances are brought to notice, however, suitable action will be taken.

Shri Velayudhan: May I know whether the Government have imposed any restriction on the literature that has to be sold by these book-stalls?

Shri Satish Chandra: That is a matter for the local railway administrations. Generally speaking, good and decent books which are in demand by the travelling public are sold at these stalls.

POSTAL EMPLOYEES (CONVICTIONS)

*1720. **Shri N. P. Sinha:** Will the Minister of Communications be pleased to state:

(a) how many prosecutions in each State were made against postal employees for misappropriation or defalcation of public money in the years 1950-51 and 1951-52; and

(b) how many of those cases ended in conviction?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Altogether 619 and 759 prosecutions were launched against post office officials in the whole of India during 1950-51 and 1951-52 respectively; a statement showing the figures for each State is placed on the Table. [See Appendix VIII, annexure No. 22.]

(b) The total number of cases ending in conviction was 127 in 1950-51 and 106 in 1951-52; a statement showing the figure for each State is placed on the Table. [See Appendix VIII, annexure No. 23.]

Shri N. P. Sinha: May I know the total amount involved in all these cases?

Shri Raj Bahadur: I am afraid, that cannot be given off-hand.

Shri Raghavaiah: Is it a fact that as many as 64 lakhs of letters and other articles were destroyed by the APMG at Amritsar D.L.O. Office?

Shri Raj Bahadur: The main question relates to cases of corruption and defalcation. The hon. Member's question is entirely different, as it relates to destruction of letters in the D.L.O. Office.

Shri Raghavaiah: What punishment was given to him for the action he has done?

Shri Raj Bahadur: The question does not arise.

Mr. Speaker: The main question is restricted to misappropriation and defalcation of public money and not to other offences in the Postal Department.

Shri Raghavaiah: My question was that as many as 64 lakhs of letters, including Money Orders were destroyed.....

Mr. Speaker: Then, it is included in the misappropriation.

Shri Raj Bahadur: Then I require notice, Sir.

Pandit D. N. Tiwary: Was any action taken on those who escaped punishment on technical grounds?

Shri Raj Bahadur: When one is acquitted, it is not possible to take any action.

Mr. Speaker: The hon. Member's question is this. A person may be acquitted for want of evidence or on some such technical ground, but substantially one has the moral conviction

that he is guilty. What steps have been taken against such persons?

Shri Raj Bahadur: In such cases some departmental action should have been taken, but I would require separate notice for detailed answer to that question.

LOCOMOTIVES

***1722. Shri N. S. Nair:** Will the Minister of Railways be pleased to state:

(a) whether the 'Telco' has produced any locomotives and if so, how many;

(b) whether the Railway authorities have prepared a memorandum on the production cost of locomotives;

(c) whether there is any difference between the cost of production of locomotives in the "Chittaranjan Locomotive Workshop" and in the 'Telco'; and

(d) whether any dispute exists between the 'Telco' and the Railway Administration regarding the cost of production of locomotives and locomotive parts?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) Yes, 19 locomotives were delivered by 'Telco' upto the end of June 1952.

(b) Yes, the costing of locomotives produced in 'Telco' is done on the basis given in Annexure I to First Schedule of the Agreement dated 20th day of August 1947 between the Government of India and Messrs. Tata Sons Ltd., a copy of which will be found at pages 11-25 of the proceedings of the meeting of the Standing Finance Committee for Railways dated 10th August 1950 (Vol. XXVII—No. 1) which are available in the Library of the House of the People.

(c) Yes, as the types of locomotives are different, Chittaranjan Locomotive Works is at present manufacturing Broad Gauge locomotives and 'Telco' Metre Gauge.

(d) No.

Shri N. S. Nair: Is it the policy of the Government to encourage a private sector in the nationalised railways?

Mr. Speaker: I am afraid he is raising a question of high policy which cannot be dealt with in answer to a question. He may put questions for information.

Shri N. S. Nair: Do Government contemplate at any time in the near future to nationalise 'Telco'?

Shri Satish Chandra: Sir, Government have invested about Rs. 2 crores as capital in 'Telco'. The total capital, when the factory is complete, is likely to be Rs. 7 crores. The Government by investing this amount exercise a lot of control over the locomotive works.

Shri N. S. Nair: Do the Government get any profit from the concern?

Shri Satish Chandra: It has just started the assembly of locomotives; it is not a concern which is profitable at present.

Shri N. S. Nair: Is there any provision for the Government to get any profit?

Mr. Speaker: Order, order. When he has said that Government have invested two crores of rupees, Government will get all the consequent benefits.

Shri N. S. Nair: It is a loan, Sir, if I remember aright.

Mr. Speaker: Is it a loan?

Shri Satish Chandra: No, Sir. It is a capital investment and not a loan.

Shri B. S. Murthy: What is the capacity of this 'Telco' factory?

Shri Satish Chandra: When it is in full production, it will be able to manufacture 50 locomotives and 50 additional boilers *per annum*.

DISPLACED GOVERNMENT SERVANTS FROM SIND AND N. W. F. P. (PENSIONARY LIABILITY)

***1723. Sardar Hukam Singh:** Will the Minister of Home Affairs be pleased to refer to the reply given to a supplementary question raised by Shri R. K. Sidhva on the 17th September, 1951, on Starred question No. 1072 and state:

(a) whether Government have issued final orders accepting the total pensionary liability on account of permanent displaced Government servants from Sind and N.W.F.P.; and

(b) if not, when such orders are likely to be issued in pursuance of the commitment made?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Pensionary liability in respect of service rendered before Partition under the Governments of Sind and N.W.F.P. is that of the Government of Pakistan. Government of India have at no time accepted this liability

nor do they propose to do so now. In order, however, to avoid hardship to permanent displaced Government servants who superannuate after appointment to a post under the Government of India, it has been proposed that an interim pension should be sanctioned in such cases on a provisional basis. The intention is that the provisional pension should represent a percentage of the full pension which would be admissible to these officers, if account is taken of their entire service including service in Pakistan. Consideration of this proposal has been completed and a decision is likely to be reached and announced very shortly.

Sardar Hukam Singh: Are any negotiations still being carried on with Pakistan Government in order to come to a decision about these pensions?

Dr. Katju: Several times.

Sardar Hukam Singh: When was the latest communication addressed?

Dr. Katju: That I could not tell you. No satisfactory solution has yet been reached.

Sardar Hukam Singh: Nothing extraordinary in that, but could I know whether this matter is still being pursued?

Dr. Katju: The matter is being pursued, but how long it will take I really cannot say.

Shri Kelappan: Is the Government meeting its pensionary liabilities in regard to persons who have served here and settled in Pakistan?

Dr. Katju: The point is this, that in cases where provinces were divided, then option was given and liability was taken. But in cases where whole provinces fell either in Pakistan or in India, no liability was taken at all.

Shri Damodara Menon: The hon. Minister said that compensatory pension was being paid to those persons who were employed in Sind and N.W.F.P. by the Government of India. Now, will this be treated as a loan to the Pakistan Government from this Government, because the hon. Minister said that it was a liability of the Pakistan Government to pay the pensions?

Dr. Katju: There is no question of a loan to Pakistan Government. It is being paid or will be paid as a matter of relief. But when the whole question is decided, then the question of allocation will also be discussed.

Dr. S. P. Mukherjee: On what basis is this compensatory pension fixed?

Dr. Katju: I cannot tell you present. This is a matter under discussion between the Home Ministry and the Finance Ministry and the results would be announced within a very short time.

Sardar Hukam Singh: Where the provinces have been divided, is Pakistan discharging its liability to pay the pensions of those persons?

Dr. Katju: I should like to have notice. It does not arise out of this.

Sardar Hukam Singh: Are we discharging our liability towards payment of such pensions to those who have gone over there?

Dr. Katju: I should like to be accurate and, therefore, require notice.

EXTRA DEPARTMENTAL AGENTS

*1724. **Shri Ajit Singh:** Will the Minister of Communications be pleased to state:

(a) whether Government have sanctioned revised rates of pay to extra departmental agents;

(b) how far it has been carried into effect;

(c) whether the revised rate of pay was sanctioned from 1st March, 1948; and

(d) how many extra departmental agents in Orissa in different categories have got the benefit of it?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Government have sanctioned revised rates of allowances to Extra-Departmental Agents. They get no pay being part-time employees.

(b) The orders have been given effect to, except in a few cases in Bihar which are still under examination. In some cases the orders were given effect to from a date after 1st March, 1948. Instructions have been issued for implementing the orders fully before the end of next September.

(c) Yes.

(d) Information has been called for and it will be placed on the Table of the House in due course.

Shri Ajit Singh: Is any office rent or contingency allowance given to these office employees?

Shri Raj Bahadur: No office rent is given; some contingency allowance is given.

Shri Dabhi: What are the revised rates?

Shri Raj Bahadur: The revised rates are:

For extra-departmental sub-post-masters and extra-departmental sorters upto Rs. 40, dearness allowance Rs. 25;

For extra-departmental branch post-masters Rs. 10 to Rs. 25, and dearness allowance Rs. 10;

For extra-departmental Delivery Agents upto Rs. 25, D. A. Rs. 10;

For Extra-departmental stamp vendors upto Rs. 35, D. A. Rs. 10;

For extra-departmental mail carriers and other extra agents upto Rs. 30, dearness allowance Rs. 10.

Sardar Hukam Singh: Has any representation for leave—casual or other—been ever considered by the Government?

Shri Raj Bahadur: As a matter of fact, they are governed by their own rules which are framed by the D.G. of P. and T.

Shri B. S. Murthy: Have the Government any idea to incorporate these into the regular line, Sir?

Shri Raj Bahadur: These agents are taken to give the rural areas a better service on a more economic basis. These people are employed on a part-time basis and this practice obtains almost in all countries.

Shri Nana Das: May I know, Sir, whether any minimum qualifications have been fixed for them, what are their service conditions and whether they are liable to transfer?

Shri Raj Bahadur: I do not think any minimum qualifications have been fixed. But we usually find suitable persons for this work from out of school masters, station masters, retired government officials, shopkeepers and so on and so forth, we take them.

F. A. Os'. PROGRAMME OF SCIENTIFIC PROPAGANDA

*1726. **Shri C. N. P. Sinha:** Will the Minister of Food and Agriculture be pleased to state F.A.O.'s programme of Scientific propaganda and how India is benefited by it?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): The F.A.O. organises international Conferences for exchange of scientific knowledge. It issues technical publications containing facts and figures

and scientific information on food, agriculture, forestry, fisheries, nutrition, commodity problems, etc. For the purpose of scientific propaganda it has established Regional Information Centres and the Regional Centre for Southern Asia is located in New Delhi. This centre is publishing two monthly papers, one in English known as 'Memo' and the other in Hindi called 'Patrika' containing agricultural information of interest to member countries. All these benefit Indian scientific and research workers.

Shri C. N. P. Sinha: May I know, Sir, whether there are any scientific experts working in India on behalf of F.A.O. and if so, how many?

Shri Karmarkar: Sir, as I said, there is the Regional Information Centre, but regarding the number of scientific experts actually working in India on behalf of F.A.O. I should like to have notice.

Shri K. K. Basu: May I know whether the benefits under these organisations are derived only by the research scholars or they can be derived by the agriculturists themselves?

Shri Karmarkar: As my friend very obviously knows, in the first instance the expert information is collected by expert scholars and later on it is disseminated to the agriculturists proper by the countries concerned.

IMPHAL TOWN

*1727. **Shri Rishang Keishing:** (a) Will the Minister of States be pleased to refer to the reply to Starred question No. 682 asked on the 10th June, 1952 and state the exact size of area and population of the Imphal Town?

(b) What is the population of Manipuris and non-Manipuris living within the jurisdiction of the Municipality of Imphal?

(c) Is the water supply (piped water) extended outside the Municipal limits?

(d) If so, what is the number of pipes erected outside the said areas?

The Minister of Home Affairs and States (Dr. Katju): (a) According to the 1951 census the population of Imphal Town is 1.32.947; the area of Imphal Town under the Town Committee is half square mile but of Imphal itself is nine square miles.

(b) Figures showing break-up of population into Manipuris and Non-Manipuris are not yet available.

- (c) Yes.
- (d) 146.

Shri Rishang Keishing: In view of the great demand for pipe water supply in Imphal, may I know if the Government has got any scheme in hand for the improvement of water supply?

Dr. Katju: I shall make enquiries into that and if that improvement is necessary I shall suggest it.

Shri Rishang Keishing: The hon. Home Minister in reply to my question No. 682 stated that Thangmeiband, Wapok, Sagolband, Keishampat and Keishamthong were excluded from the town of Imphal. In reply to my question of today, the population is put somewhere over a lakh by including the said laikais excluded from my previous question No. 682. How are we to reconcile the truth of these two answers?

Mr. Speaker: Order, order. Let him not argue.

Shri Rishang Keishing: But there is contradiction between these two answers.

Mr. Speaker: He may find it out from the hon. Minister outside the House.

Shri Rishang Keishing: What I want to know is which answer is the correct one.

Mr. Speaker: I think I will proceed to the next question.

AGARTALA TOWN

*1728. **Shri Biren Dutt:** Will the Minister of Health be pleased to state:

(a) whether the town Agartala in Tripura remains under water during the rainy season;

(b) whether this is causing various types of diseases in this rainy season;

(c) whether this condition is created due to unplanned settlement of displaced persons on the drains being filled up, keeping no water passage; and

(d) whether all the tube-wells are giving contaminated drinking water?

The Minister of Health (Rajkumari Amrit Kaur): (a) No, the town of Agartala does not normally remain under water during the rainy season.

(b) There is no unusual heavy incidence of any particular disease

during the rainy season except that there are general complaints of Gastro-intestinal disorders.

(c) There has been some obstruction of drainage due to the erection of temporary stalls on the roadside by displaced businessmen. The local administration has already taken a decision to remove these obstructions and steps are being taken to implement the decision.

(d) There is nothing to show that all tube-wells are contaminated. The Chief Commissioner is being requested to have the matter looked into.

Shri Biren Dutt: May I know whether the tube-well water has been sent to Calcutta for examination?

Rajkumari Amrit Kaur: I have no information about that but I shall find out.

Shri Nana Das: May I know the common diseases that affect that area during the year?

Rajkumari Amrit Kaur: Ordinary diseases of course, during the rainy season, and after malaria and, as I said, gastro-intestinal disorders.

ADJUDICATOR AWARD

*1729. **Shri Ganpati Ram:** Will the Minister of Railways be pleased to state:

(a) the total number of posts in class III services created and filled in connection with the Adjudicator Award;

(b) the number of posts reserved for Scheduled Castes, Scheduled Tribes and Anglo-Indians and the papers in which they were advertised and on which dates;

(c) the number of candidates who applied for the same;

(d) the number of the candidates selected of the communities mentioned in part (b) above; and

(e) if the number selected was less than the quota reserved whether the Organisations representing the community were asked to supply candidates as required under the Home Ministry's order, if not, why?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) The number of additional posts created in connection with the implementation of the Adjudicator's Award for which direct recruitment was made was 7,392.

(b) Of the above, the number of posts reserved for Scheduled Castes and Anglo-Indians was 567 and 389 respectively. No posts were reserved for scheduled tribes because the recruitment was practically completed before issue of the orders reserving posts for Scheduled Tribes separately.

As regards Newspapers in which posts were advertised, a statement is placed on the Table of the House showing the names of the papers and the dates of insertion. [See Appendix VIII, annexure No. 24.]

(c) The numbers of Scheduled Castes and Anglo-Indians who applied were 1,500 and 95 respectively.

(d) The number of Scheduled Castes and Anglo-Indians selected were 144 and 82 respectively.

(e) All advertisements issued by the Commission were sent to the Organisations and persons representing these communities. According to the orders issued by the Home Ministry, the functions of these organisations are limited to advising candidates and bringing to their notice any examination etc. and not to press the claims of any individual candidate.

Shri Ganpati Ram: Does the rule for recruitment for Class III staff require that one of the members of the Selection Board should be a scheduled caste member in the Service Commission?

Shri Satish Chandra: I could not say off-hand. So far as I know, the recruitment is made by the Railway Service Commission as it is constituted.

Shri Ganpati Ram: Is it a fact that nobody from the Scheduled Castes has yet been selected as Secretary and Office Superintendent and, if so, why?

Shri Satish Chandra: I could not say to what posts exactly these 144 persons have been selected. The only information that I can give is that 144 persons have been selected for Class III services.

Shri B. S. Murthy: May I know why only 144 out of the 568 seats reserved have so far been filled and what do Government propose to do in order to completely fill the quota of seats reserved for the Scheduled Castes?

Shri Satish Chandra: As I said just now, the selections are made by the Railway Service Commission. The Chairman of the Railway Service Commission, Bombay, has stated that in the case of Scheduled Caste candidates their applications were considered most sympathetically, but it

was found that in a majority of cases, they were much below the requisite standard in respect of general knowledge, personality, etc.

Shri B. S. Murthy: Will Government be pleased to call for information as to whether qualified persons had applied and their applications had not been considered and seats allotted to them?

Shri Satish Chandra: I have nothing to add to what I have already stated. Their cases for recruitment are considered most sympathetically.

श्री पी० एन० राजा भोज : सिंचकशन बोर्ड के मेम्बर कौन हैं और उन में कोई शिड्यूल कास्ट का है ?

श्री सतीश चन्द्र : यह भर्ती तो रेलवे सरकार कमीशन ने की है। कोई सिंचकशन बोर्ड अलग नहीं है।

श्री पी० एन० राजा भोज : जो और जाति के हैं वह शिड्यूल कास्ट वालों को नहीं लेते हैं।

Mr. Speaker: Order, order. He always argues after putting a question. He must take the information and not argue further.

LOCOMOTIVES MANUFACTURERS COMPANY OF ENGLAND

*1730. **Shri J. N. Hazarika:** Will the Minister of Railways be pleased to state:

(a) the number of locomotives purchased from the Locomotives Manufacturers Company of England since 1949 Agreement; and

(b) when the term of supervision of the Chittaranjan Project by the said company under the Agreement will be put to an end or whether the term will be extended?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) Orders for a total of 180 locomotives have been placed with the Locomotive Manufacturing Company.

(b) The Technical Aid Agreement with the Locomotive Manufacturing Company will terminate in December, 1954. At present, there is no proposal to extend the period of this Agreement.

Shri G. S. Bharati: What are the main terms of the Agreement?

Shri Satish Chandra: The Agreement is current for five years. Under the Agreement the company will provide, besides expert advice, technicians and supervisory staff for services at Chittaranjan, to be ultimately replaced by Indian technicians, trained in locomotive manufacturing works in Great Britain. We are required to place orders with the company for at least 200 locomotives during these five years.

Shri G. S. Bharati: Is it compulsory to purchase all the locomotives that are contracted for?

Shri Satish Chandra: According to the Agreement, a minimum order of 40 locomotives has to be placed each year.

Shri B. S. Murthy: What types of engines are imported—broad gauge or metre gauge?

Shri Satish Chandra: Both, I think.

Shri T. N. Singh: Is it permissible to terminate the Agreement earlier and if so, have the authorities explored the possibilities of an earlier termination?

Shri Satish Chandra: An earlier termination will not be beneficial to us. Our technicians are being trained there and our aim is to manufacture cent. per cent. locomotive parts by 1954.

Shri K. K. Basu: Out of the 180 locomotives contracted for, how many have so far been imported?

Shri Satish Chandra: 27 have already arrived and the delivery of another 100 against our second order will commence this month.

Mr. Speaker: Next question.

KHADRALA YOUTH CAMP,
HIMACHAL PRADESH

*1731. **Shri Buchhikotaiah:** Will the Minister of States be pleased to state the amount granted by the Central Government to the Khadrala Youth Camp in Himachal Pradesh?

The Minister of Home Affairs and States (Dr. Katju): Nothing whatever.

Shri Buchhikotaiah: May I know whether there has been any request made by the organisers of this youth camp for funds?

Dr. Katju: Not to my knowledge.

FRUIT PRESERVATION

*1732. **Shri Achuthan:** Will the Minister of Food and Agriculture be pleased to state whether there is any scheme for the preservation of different varieties of fruits grown in different parts of the country in different seasons for the purpose of internal marketing and for export?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): No, except such fruit preservation as is undertaken by private enterprise.

Shri Achuthan: May I know whether there is any data regarding the total quantity of fruits grown in our country?

Shri Karmarkar: I have no ready information on the point now.

Shri B. S. Murthy: May I know whether any help is being rendered to these firms?

Shri Karmarkar: All possible help is being rendered.

Shri B. S. Murthy: Have Government any scheme for starting fruit preservation factories of their own?

Shri Karmarkar: No, Sir.

Shri V. P. Nayar: Have Government any idea of the quantity of fruits wasted by rotting and decaying due to lack of facilities for canning and preservation?

Shri Karmarkar: Notice.

Shri Achuthan: What is the quantity of fruits imported into India?

Shri Karmarkar: Notice.

BURMESE MEDICAL MISSION IN INDIA

*1733. **Shri C. R. Chawdary:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that a Burmese Medical Mission is touring the country recruiting medical officers for service in the Union of Burma;

(b) if so, whether it is under an agreement at Government level; and

(c) the terms of the agreement?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). Yes.

(c) A copy of the terms of agreement offered by the Government of Burma to Indian doctors willing to serve in Burma is placed on the Table of the House [See Appendix VIII, annexure No. 25.]

This has the approval of the Government of India.

Shri C. R. Chowdary: Is it to solve the unemployment problem in India that this recruitment is allowed?

Rajkumari Amrit Kaur: No, Sir. A request came from the Burma Government that because they have a shortage of doctors they would be obliged if the Government of India would allow some Indian doctors who were willing to do so to go to Burma. We agreed.

Dr. Rama Rao: May I know if this does not show that there is a large number of doctors unemployed in India?

Mr. Speaker: That is based on inference.

Shri K. K. Basu: The hon. Minister said that the Burma Government wanted these medical men due to the shortage there. Are we to infer from this that there is no shortage of medical men here?

Mr. Speaker: Order, order.

Shri B. S. Murthy: Is it a fact that the Burma Government wanted Indian doctors and the Government of India are trying to oblige them?

Mr. Speaker: Order, order.

BACKWARD CLASSES

*1734. **Shri Achuthan:** Will the Minister of Home Affairs be pleased to state:

(a) whether a list has been prepared of all sections, classes and communities coming under the backward classes from all States of India after the Constitution has come into force and if so, what is their total population;

(b) the criterion adopted for determination of the backward classes;

(c) the total population of the backward classes in Travancore-Cochin and what sections or communities come under it and their names; and

(d) whether the Travancore-Cochin Government had been consulted before listing the backward classes of that state and if not, why not?

The Minister of Home Affairs and States (Dr. Katju): (a), (c) and (d). No comprehensive list of all Backward Classes has been prepared. Scheduled Castes and Schedule Tribes which are

two important constituents of Backward Classes have been notified by the President under articles 341(1) and 342(1), after consultation with the Governors and Rajpramukhs of the States concerned. In connection with the 1951 Census certain State Governments drew up provisional lists of other Backward Classes. The position about these lists is fully explained in the Memorandum dated the 6th December, 1950 prepared by the Registrar General, India on the subject. Copies of this Memorandum are already placed in the Library of the House. As tabulation for the 1951 Census has not yet been completed, population figures are not yet available.

(b) So far as Scheduled Castes are concerned the basic criterion has been that the caste in question should not only be educationally and economically backward but should also be subject to tangible social disabilities based on the custom of untouchability. As regards Scheduled Tribes all the primitive tribes which were considered by the State Government concerned as fit for inclusion in the Schedule were scheduled.

Shri Achuthan: Have the Government any intention of asking the proposed Commission that will be appointed to enquire into the condition of the backward communities in the different States?

Dr. Katju: That will be one of the terms of reference.

Shri Brohmo-Choudhury: Which communities have been classified as backward classes in Assam, and what is their total population?

Dr. Katju: I cannot say straight off.

Shri B. S. Murthy: Are Indian Christians included among backward classes?

Dr. Katju: They will take it as an insult.

Shri Velayudhan: May I know whether apart from the Scheduled Castes and Tribes there are other backward classes who are getting similar concessions regarding education etc. from Government?

Mr. Speaker: I do not know how it really arises.

Shri S. V. Ramaswamy: The Madras State has a list of backward classes. Will the Central Government also adopt the same list?

Dr. Katju: I shall send for the list and look into it.

PIJ-NADIAD RAILWAY LINE

*1735. **Shri Dabhi:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a new Railway line called the Pij-Nadiad Railway is going to be constructed on the Western Railway;

(b) if the answer to part (a) above be in the affirmative, whether it will be a broad, metre or narrow gauge line, when is it likely to be completed and what is the estimated cost thereof?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) Yes.

(b) It will be a Narrow Gauge line. The line is expected to be opened to traffic in March 1953. The estimated cost of construction including cost of Rolling Stock is Rs. 10.56,655.

Shri Dabhi: What is the amount to be spent and how much work is likely to be done this year?

Shri Satish Chandra: The construction is in progress and the Western Railway have intimated to us that the line may be opened by 1st March 1953, i.e. within the current financial year.

Shri Dabhi: What is the length of the line?

Shri Satish Chandra: 3½ miles.

VASAD-KATHANA RAILWAY LINE

*1736. **Shri Dabhi:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the restoration of the dismantled Vasad-Kathana Railway line has begun; and

(b) if the answer to part (a) above be in the affirmative, when is the restoration likely to be completed and what is estimated cost thereof?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) The reply is in the affirmative.

(b) The line is expected to be opened to traffic by 31st March 1953. The estimated cost of restoration of the line is Rs. 49.4 lakhs.

Shri Dabhi: Are the locomotives and other materials used in this line second hand or new?

Mr. Speaker: It need not be answered.

CENTRAL GOVERNMENT EMPLOYEES (CORRUPTION)

*1737. **Shri Ajit Singh:** Will the Minister of Home Affairs be pleased to state:

(a) how many employees in the Central Secretariat have been found corrupt in each Ministry since 1947;

(b) how many of them have been dismissed from the service; and

(c) the total number of those whose cases are still under investigation?

The Minister of Home Affairs and States (Dr. Katju): The information required is being collected and will be placed on the Table of the House in due course.

STEAMER PASSENGERS COMMITTEE

*1739. **Shri M. D. Joshi:** Will the Minister of Transport be pleased to state:

(a) whether the report of the Steamer Passengers (of the Konkan) Committee appointed by the Government of India in 1949-50 has been submitted to Government;

(b) if so, whether Government have examined the recommendations of the Committee and whether any action has been taken on any of the recommendations; and

(c) when the report will be published for public information?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) Yes. The Shipping Rates Advisory Board, which was constituted by Government in July 1949 to advise on what should be the reasonable deck passenger fares in the Konkan trades, submitted an interim report in March 1950 and the final report in June 1951.

(b) Yes. The shipping companies operating passenger services on the Konkan coast had raised the fares by 50 per cent. from the 1st April 1949. As a result of persuasion by Government, the companies concerned made a voluntary reduction of 8½ per cent. in the fares both in the Konkan coastal and in the inland services with effect from May 1950. In their final report the Board had recommended that in view of this voluntary reduction of 8½ per cent. no further reduction in the fares was called for as regards Konkan inland services, but that, as regards Konkan coastal services a reduction of 12½ per cent. in the level of fares obtaining on 1st April 1949 should be made. Since the Deck Passenger Committee's report had made

certain recommendations regarding the provision of increased amenities for deck passengers which, when implemented, would mean increased expenditure and reduced earnings to the Steamer Companies, and further, since, in the meanwhile, the costs of operation had gone up considerably, Government came to the conclusion that there was no justification for further reduction in the passenger fares in the Konkan coastal services.

(c) It was not thought desirable to publish the reports of the Board as they contained information relating to the working of the Companies which had been furnished to the Board confidentially.

Shri M. D. Joshi: May I know, Sir, whether Government delete certain portions which are not necessary for publication and only publish such portions as can be published?

Shri Satish Chandra: Only conclusions are published. It is the practice in the Commerce and Industry Ministry also in respect of the Tariff Board Reports. The accounts of business and industrial concerns are examined, on the understanding that they would not be published. Only the conclusions are made known to the public.

Shri M. D. Joshi: It was said that the reduction in the fares recommended by the committee was 12½ per cent. Will Government take steps to implement that recommendation?

Shri Satish Chandra: That was the recommendation of the Board. But Government thought that this reduction will mean only a relief of a few annas to each passenger. They are, therefore, insisting on better amenities being provided to passengers, on lesser number of passengers being carried on a particular trade ship to avoid overcrowding, resulting in a lot of inconvenience to the passengers. Higher standards have been prescribed by Government according to the recommendations of the Deck Passengers' Committee.

Shri M. D. Joshi: Have Government insisted on those amenities being provided for the passengers?

Shri Satish Chandra: Yes, Sir; that is being insisted.

Shri B. S. Murthy: What are the extra amenities that Government are contemplating to provide?

Shri Satish Chandra: I cannot say off-hand, but Government has given detailed instructions in the matter.

GRASS OF AMERICAN ORIGIN

***1740. Jonab Amjad Ali:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is any grass of American origin which is being experimented in Assam by the Agricultural Department of that State, which drives flies and mosquitoes and also serves as a fodder to cattle;

(b) if so, with what success;

(c) what is it commonly called; and

(d) whether it is proposed to be experimented in other States?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). A grass of South American origin for the first time tried in India by the Indian Council of Agricultural Research has been found to grow well in many parts of the country, especially Assam. Experiments conducted at different centres showed that the grass was useful as fodder. It does not, however, possess insect repelling properties attributed to it.

(c) It is commonly called Veneruela grass.

(d) The Indian Council of Agricultural Research have completed their experiments and published the results. It is now for the State Governments, to introduce cultivation of this grass, if they so desire.

Jonab Amjad Ali: May I know whether the Government of Assam has asked for any aid in this respect from the Government of India?

Shri Karmarkar: Not that I am aware of.

Shri K. K. Basu: Has the Government fully experimented as to whether there is any bad effect due to this grass?

Shri Karmarkar: Government have examined; but there is no bad effect.

Shri B. S. Murthy: How many varieties of grass have been tried and how many have failed?

Shri Karmarkar: I am sure that only this has been experimented upon; about the others I shall find out.

RAILWAY LINK FROM GARO HILLS TO ASSAM RAILWAY SYSTEM

***1741. Jonab Amjad Ali:** Will the Minister of Railways be pleased to state:

(a) whether the attention of the Government of India has been drawn to the speech of Shri B. Medhi, Chief

Minister at the inauguration of the Garo Hills District Council on the 14th April, 1952 at Tura (Garo Hills), regarding the necessity of construction of a Railway line from the coal fields of Garo Hills to the Assam Railway System;

(b) whether the Government of Assam have represented to the Government of India for the construction of a Railway line to link the coal fields of Garo Hills; and

(c) whether the Government of India is considering it?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):
(a) The reply is in the negative.

(b) Yes.

(c) The project was considered by the Central Board of Transport at their meeting on 7th March, 1952, and it was decided that further consideration should be postponed to a later meeting.

Jonab Amjad Ali: Has the attention of the Government of India been drawn to the Assam Chief Minister's inaugural speech for opening the autonomous District Council in the Garo Hill district?

Shri Satish Chandra: No, Sir. But the Government of Assam has represented to the Government of India in this connection. We have not seen the speech.

Jonab Amjad Ali: A copy of the speech has been supplied to the Ministry.

Mr. Speaker: Has he to ask for any information?

Jonab Amjad Ali: The speech has been supplied to the Ministry.

Mr. Speaker: Order, order. What he said was that the Government of Assam has made a representation. Their attention has not been invited to that speech; he may have sent a copy of it.

**"GROW MORE FOOD" CAMPAIGN
ENQUIRY COMMITTEE REPORT**

***1742. Shri H. N. Mukerjee:** Will the Minister of Food and Agriculture be pleased to state if the report of the Committee to inquire into the working of the "Grow More Food" campaign will be taken up for discussion in Parliament?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): The report is being printed and will shortly be distributed to all the Members of Parliament. Simultaneously, Government are also considering further action on the report. I will be glad if this House finds time to discuss the Report.

Shri H. N. Mukerjee: Could we have an approximate idea of the time when we will have an opportunity of discussing the report?

Shri Karmarkar: The report will be published in about four or five days. The time of discussion will depend upon the House and other parties concerned.

Shri H. N. Mukerjee: Do Government realise its responsibility in this matter, because public opinion is almost unanimous that the campaign has been a dismal and extravagant failure and therefore.....

Mr. Speaker: He need not express any opinion.

SOIL CONSERVATION DEMONSTRATION

***1743. Shri Madiah Gowda:** Will the Minister of Food and Agriculture be pleased to state:

(a) the centres that are opened for soil conservation demonstration;

(b) what methods are adopted for this purpose; and

(c) what success has so far been achieved in this matter?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Soil Conservation work which is a State concern is being carried out at the following centres:-

(i) Sholapur (Bombay).

(ii) Viswavarati. Santiniketan (West Bengal).

(iii) Hazaribagh (Bihar).

(iv) Nanjanad (Madras).

(v) Dry Farming Research Station, Hagari, Madras.

(vi) Dry Farming Research Station, Hagari, Mardas.

(vii) Siwalik Hills in Pepsu.

(b) Crop rotation, strip cropping, terracing, contour bunding, controlled grazing, pasture improvements, afforestation, contour cultivation, grow-

ing of suitable grasses and proper system of manuring are the methods generally adopted for Soil Conservation.

(c) This aspect of agriculture consists generally of long term measures and as Soil Conservation practices have been undertaken only recently in India, it is too early to assess the success achieved. However, the results obtained so far are reported to be encouraging.

Mr. Speaker: The Question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

DELHI TRANSPORT AUTHORITY

*1721. **Shri A. C. Guha:** Will the Minister of Transport be pleased to state:

(a) the annual profit or loss accounts of the Delhi Transport Authority since its inception;

(b) its working expenses during these years;

(c) its capital investment; and

(d) loans taken from Government?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) to (d). A statement giving the required information is laid on the Table of the House. [See Appendix VIII, annexure No. 26.]

CALCUTTA TELEPHONE EMPLOYEES

*1725. **Shri A. C. Guha:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that a Union of Calcutta telephone employees made certain allegations of deterioration of the service conditions of the employees since Government have taken over the telephone from the Bengal Telephone Corporation;

(b) if so, how far these allegations have been found to be true or false; and

(c) what changes have been made in the service conditions since Government management started?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) In 1949, the Calcutta Telephone Branch of the Union of P. and T. Workers wrote a letter to the General Manager raising in a general way certain points, some

of which pertained to the departmentalisation of the staff. As the grievances were not specific, the Union was immediately asked to quote concrete cases, but no reply has been received by the General Manager so far. No other representation has been received by the Director General or the General Manager, Telephones.

(b) In view of (a), the question does not arise.

(c) The Ex-Company employees have been brought on the Central Government terms and conditions of service with effect from the 1st April, 1946, care being exercised to ensure that they were not adversely affected at the time of their formal transfer to Government terms and that their conditions of service and prospects of promotion were not inferior to those which they could have reasonably expected under the Company's administration.

ALL INDIA WOMEN'S FOOD COUNCIL

*1744. **Shri Madiah Gowda:** Will the Minister of Food and Agriculture be pleased to state:

(a) which local organisations are working under the All India Women's Food Council; and

(b) what is the amount of subsidy for each one of those centres?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). The All India Women's Food Council has branches and sub-branches located at various centres in India, which are not separate local organisations. The Council gets a grant from the Government of India, out of which it makes allotments to various branches according to requirements. A statement showing the number and location of such branches together with the amounts allotted to them during 1950-51 to 1952-53 is placed on the table of the House. [See Appendix VIII, annexure No. 27.]

RAILWAY FARES

*1745. **Shri M. Islamuddin:** Will the Minister of Railways be pleased to state:

(a) whether the rate of railway fare is uniform in all the Railways; and

(b) if not, where, how and why it varies?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). The bases of railway fares are uniform on all railways except on certain sections, on which high-

er fares are charged on account of special factors, such as higher cost of construction, maintenance and working. A statement showing these sections and the bases of charge thereon has been placed on the Table of the House. [See Appendix VIII, annexure No. 28.]

TOBACCO

*1746. **Shri M. Islamuddin:** Will the Minister of Food and Agriculture be pleased to state:

(a) the area of land (in acreage) under tobacco in each tobacco growing State during the last 3 years;

(b) the quantity and value of tobacco consumed in India during these years; and

(c) the quantity and value of tobacco exported abroad in each of these years?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (c). Two statements giving the required information are laid on the Table of the House. [See Appendix VIII, annexure No. 29.]

(b) The quantity of raw tobacco cleared for home consumption during the years 1948-49, 1949-50 and 1950-51 was of the order of 160, 208 and 219 thousand tons respectively. Data regarding value of tobacco consumed are not available.

Ex-B. N. RAILWAY EMPLOYEES AT TATANAGAR

*1747. **Shri Nambiar:** Will the Minister of Railways be pleased to state:

(a) whether representations from the Ex-B.N. Railway Employees at Tatanagar, Jamshedpur have been received on the need of granting compensatory allowance to the employees there and if so, what actions have been taken; and

(b) whether the Rules regarding the grant of House Rent Allowance are strictly followed in this area commensurate with the increased population; if not, why not?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) The reply to the first part of the question is in the negative. The second part of the question does not, therefore, arise.

(b) Yes. It may be added that the increase in the population of Jamshedpur (Tatanagar) has not been such as to qualify for house rent allowance at a higher rate.

VENDING CONTRACTS

*1748. **Ch. Raghubir Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Government is contemplating to replace licensing system of vending contracts on Northern and other Railways by tender system; and

(b) if so, how long will it take to give effect to it?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) No.

(b) Does not arise.

FIROZABAD RAILWAY STATION

*1749. **Ch. Raghubir Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Firozabad, an important station on Northern Railway has no electricity while the town itself has;

(b) do Government propose to have electricity connection on this station; and

(c) if so, how long will it take?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). Yes.

(c) It is proposed to electrify the station during 1953-54.

वायु-सेवाये

*१७५०. श्री विग्नेश तिहार: क्या संचरण मंत्री भारत में उन स्थानों के नाम बतलाने की कृपा करेंगे जो दिल्ली से वायु-सेवा द्वारा सम्बन्धित हैं, और क्या कुछ स्थानों के लिए वायु-सेवा बन्द कर दी गई है?

The Deputy Minister of Communications (Shri Raj Bahadur): Delhi is at present directly connected by air with Amritsar, Bagdogra, Banaras, Bombay, Calcutta, Gauhati, Hyderabad, Jaipur, Jammu, Jodhpur, Kanpur, Lucknow, Madras, Nagpur, Patna and Srinagar. Services to none of these places have been discontinued.

AGRICULTURAL PUBLICITY

*1751. **Shri Muniswamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a conference on agricultural publicity is

proposed to be held during the month of August, 1952;

(b) what is the main object of such a conference; and

(c) what is the estimated expenditure to be incurred by Government for the conference?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes. A Conference on dissemination of Agricultural information is being convened by the Indian Council of Agricultural Research. The time and venue of the meeting have not yet been decided.

(b) The object of the Conference is to examine ways and means by which results of scientific research and agricultural information could be successfully disseminated to the farmers and their requirements ascertained and to evolve proposals for setting up a suitable machinery for this purpose throughout the country.

(c) Government are not incurring any expenditure for convening this Conference.

NORTH TRUNK ROAD OF ASSAM

*1752. **Shri Beli Ram Das:** Will the Minister of Transport be pleased to state:

(a) whether Government are aware of the fact that the North Trunk Road of Assam, which connects Assam with rest of India via Jalpaiguri and Cooch-Behar in West Bengal is not an all weather road; and

(b) whether Government propose to take up this road as a National Highway?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) Yes.

(b) No.

CONDEMNED FOODGRAINS

*1753. **Shri B. S. Murthy:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total quantity of rice and wheat rendered unfit for human consumption while stocked in the Central Government godowns during 1950-51 and 1951-52 and the value thereof; and

(b) the causes for the same and what action has been taken against the officials responsible for the damage?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a)—

	Rice	Value
	Tons-cwt. qr. lb.	Rs. a. p.
1950-51	0 0 3 8	24 12 0
1951-52	1 11 0 19	995 6 0

	Wheat	Value
	Tons cwt. qr. lb.	Rs. a. p.
1950-51	0 6 3 16	141 0 0
1951-52	2 18 1 8	1,459 0 0

(b) These are insignificant quantities, considering the quantities stocked and the question of action against any official does not arise.

OFFICERS ON DEPUTATION TO HYDERABAD

*1492. **Shri Krishnacharya Joshi:** Will the Minister of States be pleased to state:

(a) the present number of the Gazetted Officers of the Central Government whose services were lent to the Hyderabad Government after the Police Action; and

(b) whether there is any time limit of their service in Hyderabad?

The Minister of Home Affairs and States (Dr. Katju): (a) Two.

(b) One officer has been lent till the 16th November 1953; the term of the other officer expires on 10th July 1952 and the Hyderabad Government have asked for extension of the period by one more year.

STATE EMPLOYEES OF TRIPURA

399. Shri Biren Dutt: Will the Minister of States be pleased to state:

(a) the departments of administration of Tripura State which have been re-organised and are getting pay on new scales;

(b) the departments that await re-organisation; and

(c) what interim relief is considered to be given to the employees who are not getting pay according to the revised scales of pay?

The Minister of Home Affairs and States (Dr. Katju): (a) The reorganisation of the services and revision of

scales of pay of the posts in respect of the following Departments have been sanctioned:—

- (1) Police.
- (2) Civil Supplies.
- (3) Co-operation.
- (4) Judicial.
- (5) Registration.

(b) The proposals in respect of the following departments are still under consideration:—

- (1) Secretariat.
- (2) Excise.
- (3) Forests.
- (4) Jails.
- (5) Education.
- (6) Medical and Public Health.
- (7) Agriculture.
- (8) Government Press.
- (9) Industries, Commerce and Labour.
- (10) Works and Buildings.

(c) No interim relief is proposed.

BENGAL MUNICIPAL ACT

400. **Shri Biren Dutt:** Will the Minister of States be pleased to state:

(a) whether there is a proposal for extending Bengal Municipal Act to Agartala Municipality; and

(b) if the answer to part (a) above be in the affirmative, what steps have been taken in the matter?

The Minister of Home Affairs and States (Dr. Kati): (a) and (b). The Chief Commissioner is considering in consultation with the local Municipality a proposal to extend the Bengal Municipal Act to Tripura.

SHIPS

401. **Shri Badshah Gupta:** Will the Minister of Transport be pleased to state:

(a) the number of cargo ships and passenger ships respectively belonging to the Indian companies with the date of each being put to sea;

(b) their respective costs and names of the owners;

(c) their respective routes; and

(d) the names and sea-going dates of the cargo and passenger ships owned by non-Indian nationals wholly or partially?

The Parliamentary Secretary to the Prime Minister: (a) to (c). The required information is given in the statement laid on the Table of the House. [See Appendix VIII, annexure No. 30.]

(d) It is regretted that the required information is not available.

MAIZE AND MILO (PRODUCTION)

402. **Shri Ganpati Ram:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total area under milo in different States in 1950-51 and 1951-52; and

(b) the total production of maize in different States in 1951-52 and the percentage of increase or decrease in the previous three successive years?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). Two statements giving the available information in respect of *jawar* and *maize* are placed on the Table of the House. [See Appendix VIII, annexure No. 31.] Milo is not produced in India, and its nearest equivalent is *jowar*.

PULSES

403. **Shri Ganpati Ram:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total area under the cultivation of pulses in 1951-52 and 1952-53 and specially in Uttar Pradesh;

(b) whether the production of pulses in 1952-53 is surplus in Uttar Pradesh;

(c) if so, how much has so far been transported to the deficit areas during the current year;

(d) what is the area under soyabean and whether the production of soyabean is encouraged in some parts of the various States; and

(e) if so, what is the total additional production in India in 1952-53?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Final estimates of pulses for 1951-52 have not yet become available, except for 'other Kharif pulses' which include *urad*, *mung*, *moth*, *kulthi* etc. A statement giving the Final Estimates for these pulses and the latest available estimates for other pulses is laid on the Table of the House.

For 1952-53, no data are yet available since sowings of *kharif* pulses are at present in progress while those of *rabi* pulses will commence only after a few months.

(b) and (c). Do not arise.

(d) Complete and reliable information regarding the area under soyabean in India is not available. A statement giving the available information State-wise is placed on the Table of the House.

As a result of the researches on the cultivation of soyabean crop in the Punjab carried out in 1950, the Punjab Government was asked to arrange for the multiplication of certain varieties of seeds in Kangra Valley and to subsidize their distribution to cultivators. They are since multiplying the seeds. Biochemical investigations into six varieties of soyabean were also carried out at the Indian Institute of Science, Bangalore in 1950 and the results were brought to the notice of the State Governments. Further experiments on soyabean are at present in progress in West Bengal, U.P. and Mysore.

(e) Estimates of production in 1952-53 are not yet available.

STATEMENT I

Area under pulses 1951-52

	'000 acres	
	Gram Second Fore- cast	Tur Second Fore- cast
All India	16,928	5,384
U.P.	6,212	1,610

	Other <i>kharif</i> pulses Final Forecast	Other <i>rabi</i> pulses First Forecast
All India	11,115	3,750
U.P.	633	N.I.

N.I.—Data for U.P., Bihar and West Bengal do not become available at the time of the First Forecast of 'other *Rabi* Pulses' and as such are not included in all-India totals. They become available only at the time of Final Forecasts.

STATEMENT II

Available Estimates of Area under Soyab cans 1949-50

States	Area (Acres)
Assam	400
Madhya Pradesh	152
Orissa	1,239
Uttar Pradesh	156
Jammu & Kashmir	994
Bhopal	8
Coorg	1
Other States	N.A.

N.A.—Not available.

RAILWAY LINES FOR BIHAR

404. Shri L. N. Mishra: Will the Minister of Railways be pleased to state:

(a) the proposals that the Government of Bihar made to the Government of India in course of the last five years for restoration, relaying and constructions of Railway lines in Bihar; and

(b) the steps Government have taken or propose to take, on each of the proposals?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). Proposals made by the Government of Bihar in the course of last 5 years for restoration and constructions of Railway lines in Bihar together with the steps taken or proposed to be taken on each of the proposals are shown below:—

Steps taken or proposed to be taken.

Restoration

(1) Tipahar-Raj-mahal.	The line has already been opened to traffic on 30-12-51.
(2) Bhagalpur-Man-dar Hill.	The work of restoration is in progress and is expect-ed to be completed in 1953-54.
(3) Parsarma-Sup-sul.	The section was opened to traffic on 11-5-1951.

Steps taken or proposed to be taken	
<i>Construction of new lines</i>	
(1) Barwadih-Tori-Birmirtrapur.	The matter is under reference with Bihar Government.
(2) Purulia-Lohardaga Railway conversion from narrow gauge to Broad Gauge.	Conversion of Muri-Ranchi section only is being examined as a separate project, as decided by the Central Board of Transport.
(3) Gaya-Ranchi.	The project has been dropped according to the decision of the Central Board of Transport.
(4) Hajipur-Shebganj-Govindganj-Aretaj-Sagauli.	Do
(5) Hazaribagh-Rampurhat.	Do
(6) Sitamarhi-Sonbarsa.	Necessary surveys have been carried out but reports have not yet been received. The project will be reviewed on receipt of survey reports.
(7) Chakia-Alwalla-Sidhwalia.	The project involves crossing of the river Gandak and is to be considered when a final decision about the site of a bridge across the river is reached.
(8) Madhepura-Singheshwar-Asthan-Raghopore-Forgesganj-Birpur.	The Central Board of Transport have decided that the project should be reviewed after first stage of Kosi multi-purpose scheme is sanctioned.
(9) Murliganj-Dauram Madhepura.	A provision of Rs.10 lakhs has been made in the Budget for 1952-53 and the work is expected to be completed in 1953-54.

SCHEDULED AREAS

406. Shri Sanganna: Will the Minister of Food and Agriculture be pleased to state:

(a) how many tanks and wells were constructed and dug respectively in the Scheduled areas of each Part 'A' State during the last five years;

(b) the amount spent on these works during the last five years; and

(c) whether the people in the scheduled areas were employed for the execution of these works?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (c). The information is not readily available. It is being collected from the State Governments concerned and will be placed on the Table of the House in due course.

CASH CERTIFICATES

407. Sardar Hukam Singh: Will the Minister of Communications be pleased to state:

(a) whether any claims had been registered in respect of cash certificates purchased by Indians in Pakistan prior to Partition and lost during disturbances;

(b) if so, the number and value of such certificates;

(c) whether any decision or agreement has been arrived at between India and Pakistan for payment to such claimants; and

(d) whether the Government of India have paid any claims of Muslims who had migrated to Pakistan after partition and could not produce cash certificates?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) (i) Number of claims registered—5,755.

(ii) Value of these claims—Rs. 23,37,025.

(c) Yes. In August, 1947, the Partition Council had decided that facilities for the transfer of Savings Bank accounts and Cash Certificates should be afforded to the people of both the dominions up to 31st March, 1948. Owing to disturbances and mass migration, the transfers could not be effected upto 31st March, 1948, and hence it was decided in April, 1949, that Post Office Cash Certificates should continue to be transferred from one country to the other provided the applications for such transfer were registered in any post office of the transferee country on or before 30th June, 1949. In the case of deceased investors, the last date for registration of claims in the respective countries was made 31st March, 1950.

(d) Yes. The number of such claims transferred from India to Pakistan is

90. The value of these claims is Rs. 1,21,153.

LAND TO DISPLACED LAND OWNERS OF JAMMU AND KASHMIR STATE

408. Sardar Hukam Singh: Will the Minister of States be pleased to state:

(a) whether any allotment of land has been made to displaced land owners of Jammu and Kashmir State who had to migrate from areas now in the possession of raiders and have been living in India in various places outside relief camps; and

(b) if so, what area has been so allotted?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). The allotment of lands to Kashmiri displaced persons is primarily the responsibility of the Jammu and Kashmir Government, who have registered the claims of such persons, including those outside Camps, with a view to resettling them on land that may be available within the State. Land has been allotted to some persons in some other States, but detailed information relating to such allotment is not readily available.

RAILWAY COACHES

409. Shri Achuthan: Will the Minister of Railways be pleased to state:

(a) how many new third class carriages with modern amenities have been put to use in the Southern Railway in 1951 and 1952;

(b) the total number of such carriages so put in all Railways of India during the above years; and

(c) how many such carriages have been put in the Ernakulam-Sharmoor line in 1951 and 1952?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) 55 in 1951 and 26 in 1952 so far.

(b) 451 in 1951 and 114 in 1952 so far.

(c) The information has been called for and will be laid on the Table when received.

RAILWAY COACHES

410. Shri Ajit Singh: Will the Minister of Railways be pleased to state:

(a) the number of coaches the Indian Railways had just before Partition;

(b) the number left with India after Partition;

(c) the number of Coaches manufactured in Indian Factories upto date since Partition; and

(d) the number of Coaches imported during the same period?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) Figures for the number of coaching vehicles of Indian Railways just before the partition are not available. The number of coaching vehicles on 31st March 1947, the earliest date before partition for which figures are readily available was 24,915.

(b) The number on 31st March 1948 was 20,380.

(c) The information available is upto 31-3-52. It is coaching vehicles manufactured in Railway workshops—1,532, other Indian factories—364.

(d) 98 coaches have been imported upto 31-3-1952 since partition.

PRODUCTION OF RICE IN MADHYA PRADESH

411. Shri K. G. Deshmukh: Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of rice produced in Madhya Pradesh during 1951-52;

(b) the total requirements of rice per annum of the said State; and

(c) the quantity of rice exported from the said State during 1951-52?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) According to the latest estimate, the quantity of rice produced in Madhya Pradesh during 1951-52 is 2,419,000 tons.

(b) It is difficult to give any definite figure to represent the requirements of a State in which a large part of the population is not rationed. The requirements will depend a great deal on the price. The rationing requirements of Madhya Pradesh of rice in a normal year is about 125,000 tons.

(c) The Basic Plan is worked on the basis of the calendar year. 23,000 tons of rice was exported from Madhya Pradesh during 1951. The quantity offered for export from 1-1-52 to 5-7-52 is 83,000 tons.

FORESTS

412. Shri Ganpati Ram: Will the Minister of Food and Agriculture be pleased to state:

(a) the total area (State-wise) covered by the several types of forests;

(b) what effective measures have been undertaken by the Forest Research Institute for natural regeneration of forests and to meet the demand of timber and fuel in the country; and

(c) whether the plantation of forests has been increased and if so, to what extent?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The hon. Member's attention is invited to the reply given to part (a) of Starred Question No. 818 answered on 13-6-52. Further analysis of the areas by types of forests is not available.

(b) The Forest Research Institute conducts researches on methods of natural regeneration of various species, and the results are circulated amongst all the States. These are contained in the Institute's annual reports which are available in the library of the House. The States apply the successful methods of regeneration to their timber and fuel forests, thus ensuring continuous supply against the heavy demand.

(c) Yes. All the States raise plantations of economically important species. The total area of forests artificially regenerated annually all over India is about 256 sq. miles.

TUBE-WELLS IN U. P.

413. Shri H. N. Mukerjee: Will the Minister of Food and Agriculture be pleased to state:

(a) whether contracts were given by the Government of India last year to certain firms for digging tube-wells in Uttar Pradesh;

(b) the names of the firms and the amount of money involved in the contracts; and

(c) the progress, to date, of the operation?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The Government of India did not give any contract for the construction of tube-wells in U.P. to any firm. The Government of Uttar Pradesh, however, entered into a contract with a firm in December, 1950 for the construction of 440 tube-wells in the State.

(b) The name of the firm is Messrs. Associated Tube Wells Ltd. and the amount of money involved in the contract is about Rs. 141 lakhs.

(c) According to the progress reports, the contractors have completed about 25 per cent. of the total work so far and the remaining work is in progress.

SCHEDULED CASTES IN CENTRAL SERVICES

414. Shri Ajit Singh: Will the Minister of Home Affairs be pleased to state:

(a) the number of the Scheduled Castes, Scheduled Tribes and the backward classes men who have been given services in the Central Secretariat under the reservation scheme of the Government of India; and

(b) what sort of services have they been given (rank-wise)?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Information regarding the number of Scheduled Castes and Scheduled Tribes employed in the Central Secretariat is being collected and will be laid on the Table of the House in due course.

The question as to what classes of citizens other than Scheduled Castes and Scheduled Tribes should be recognized as "backward" and what concessions (including reservation in services) should be granted to them, will be considered after the recommendations of the Commission to be set up by the President under Article 340(1) of the Constitution become available.

THE
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

3759

HOUSE OF THE PEOPLE

Monday, 14th July, 1952.

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

BUSINESS ADVISORY COMMITTEE

Mr. Speaker: I have to inform Members that in pursuance of sub-rule (1) of Rule 30 of the Rules of Procedure and Conduct of Business in the House of the People, I nominate the following to be the members of the Business Advisory Committee:

- (1) Shri M. Ananthasayanan Ayyangar.
- (2) Shri Satya Narayan Sinha.
- (3) Shri Harekrushna Mahtab.
- (4) Shri Narahar Vishnu Gadgil.
- (5) Shri Dev Kanta Borooh.
- (6) Shri Hari Vinayak Pataskar.
- (7) Shri P. T. Chacko.
- (8) Col. B. H. Zaidi.
- (9) Shrimati Ammu Swaminadhan.
- (10) Shri P. T. Punnoose.
- (11) Shri Sarangadhar Das.
- (12) Shri Hukam Singh.
- (13) Shri Chandikeshwar Sharan Singh Ju Deo.
- (14) Dr. Lanka Sundaram.

Under the Rules, I will be the Chairman of the Committee.

PAPERS LAID ON THE TABLE

APPROPRIATION ACCOUNTS OF RAILWAYS IN INDIA FOR 1949-50—PART I—REVIEW AND PART II—DETAILED AP-
110 PSD.

3760

PROPRIATION ACCOUNTS; CAPITAL STATEMENTS, BALANCE SHEETS ETC. OF INDIAN GOVT. RAILWAYS, 1949-50; BALANCE SHEETS OF RAILWAY COLLIERIES AND STATEMENTS OF ALL-IN-COST OF COAL, ETC. FOR 1949-50; AND RAILWAY AUDIT REPORT, 1951.

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a signed copy of each of the following documents under article 151 of the Constitution:

- (1) Appropriation Accounts of Railways in India for 1949-50. Part I—Review. [Placed in Library. See No. IV. U. (a) (75).]
- (2) Appropriation Accounts of Railways in India for 1949-50. Part II—Detailed Appropriation Accounts. [Placed in Library. See No. IV. U. (a) (75).]
- (3) Capital Statements, Balance Sheets and Profit and Loss Accounts of Indian Government Railways, 1949-50. [Placed in Library. See No. IV. U. (a) (74).]
- (4) Balance Sheets of Railway Collieries and Statements of all-in-cost of coal, etc. for 1949-50. [Placed in Library. See No. IV. A. (a) (71).]
- (5) Railway Audit Report 1951—Report on the Audit of the Accounts of the Railways in India, including the Appropriation Accounts for 1949-50. [Placed in Library. See No. IV. U. (a) (76).]

INDIAN TARIFF (THIRD AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce* the Bill.

STATE ARMED POLICE FORCES (EXTENSION OF LAWS) BILL.

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

"That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State, be taken into consideration."

Very few words are necessary in respect of this motion. The House is aware that in several States both in Part A and Part B, armed constabularies exist, and for their maintenance, discipline and various other matters there are statutes in existence. Recently when one State sent for the assistance of the armed constabulary in the neighbouring district (belonging to another State) the question has arisen as to how this loan of constabulary is to be governed, and this Bill provides that when any members of any armed constabulary force go elsewhere they would continue to be governed in relation to matters of discipline and other liabilities by their own laws. That is the object of this Bill. There is nothing else.

Mr. Speaker: Motion moved:

"That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State, be taken into consideration."

Dr. S. P. Mookerjee (Calcutta South-East): May I just ask one or two questions—I do not want to make any long speech.

What exactly was the provision of section 3 which is sought to be amended now? Secondly how will co-ordination be obtained if some portion of the police force working in a particular province is under the disciplinary jurisdiction of another authority? Does not the hon. Minister feel that it may lead to practical complications? Until now the practice has been that if any police force from one State is

sent to another State, then all the police forces in the latter State work under one disciplinary jurisdiction. How exactly will those details be worked out? Were there any practical difficulties in giving effect to the provisions of the law which have been in existence for the last sixty years, or is it that this demand has just been made on account of the old Indian States coming into the Indian Union? The hon. Minister may explain how this co-ordination will be obtained under the proposed amendment.

Dr. Katju: There would be no difficulty. The question arose in this way. The police forces were governed by their own laws. When they were sent, and they went outside, you had to amend the statutes in this way that either you provide that they would for as many days as they remained outside their own States be governed by some other laws, or you provide that they would be governed by their own laws. I am speaking, not with exact knowledge, but I imagine it is true that when Armed Forces go outside and go for assistance to other countries they continue to be governed by their own laws. That is my impression. But so far as this is concerned I do not think there will be any difficulty whatsoever because we have considered the matter and we thought that when these armed constables go elsewhere they should continue to be under their own officers—they are for purposes of service, subject to the direction of the other Inspector-General—but so far as the internal management is concerned, the observance of discipline and other things, they continue to be subject to their own officers. And there should be no difficulty in the working of this.

Shri Punnoose (Alleppey): I wish to make a few observations on this matter. The object of the Bill as stated by the hon. the Home Minister is that with regard to the armed police forces that are moved out from one province to another the laws of discipline of the particular force will govern them and not the laws of discipline of the State to which they go. That is what I understand.

In the first place there is no indication as to why this new extension has been sought for. What exactly has been the difficulty felt in the past and what have been the conditions that persuaded the Government to bring in this extension, have not been explained.

I would also request this House to take into consideration the whole mental attitude of our people with regard to these things. The forces

*Introduced with the previous recommendation of the President.

referred to in this Bill are known to every Indian: the Bengal Military Police, the Eastern Frontier Rifles, etc. Of course the Malabar Special Police is not included in the schedule. They have been very well known to our people, and their past is such a black past, such a repulsive past that any sort of extension or amendment or change with regard to these forces is always likely to be looked upon with very great suspicion. Probably due to the long years of generations of foreign rule in this country our people have that mental attitude and that mental climate in which they look with very great suspicion on anything that is likely to add to the powers of these forces. That is one thing.

Secondly, it is very clear that the Home Minister is bringing before this House a fairly large number of amendments, Bills, etc., for arming himself; for what, I do not know. He entirely denies that there is any sort of emergency here in this country today. He goes to the extent of losing his temper when.....

Mr. Speaker: Order, order. He should not make such remarks. He will be inviting something in return. It does not add to the dignity of the House.

Shri Punnoose: Yes; I withdraw. For example, the other day, when the Bill for the employment of the Navy and Air Force to disperse unlawful assemblies was discussed, he emphasised that there was no sinister motive behind that. But, what exactly are the circumstances that persuade the Home Minister to make this extension is not very clear. That is a matter on which I shall make some observations for clarification. In the Police Act of 1888, it is clearly stated that these forces that move from one province to another province will be governed by the discipline and the laws of the province to which they go. That is very clear. Here it is said that what is sought for is that those forces will be governed by their own rules irrespective of the province to which they go. What exactly is the result of this? That is the point on which clarification is needed. For example, the Bihar Special Police is taken to Hyderabad. Are we to understand that they will be under the discipline, and under the laws of that particular force and that the rules and discipline of the Hyderabad police force are not binding on them? If the answer is that they will be under their own rules and discipline, that is a very serious matter.

On 3rd April, 1951, when the Demands for the States Ministry were being discussed in this House, an hon. Member of the Congress party had this to say about the Special Police that was working in Hyderabad at that time:

".....but two more battalions of Armed Police have been brought from Bihar, for it is contended that all this is necessary to combat communism. It may be so. I can only express my fervent hope that the new battalions from Bihar will not live up to the unenviable reputation for brutality that has been established by armed units from other States, notably the infamous Malabar Police."

Of course, she had something good to say about the U.P. Armed constabulary.

Shri C. D. Pande: Repeat that also.

Shri Punnoose: What is relevant is the other thing. Any way, it continued:

If the armed police that is transferred to another State that has shown a clean record in Hyderabad."

If the armed police that is transferred to another State is going to be governed by its own discipline, what does it mean? The Bengal Police Act is here. It is stated there that a particular offence can be tried only by an officer of such and such rank of that particular police force. An armed police force is called in at a time when there is some emergency. The conditions will be abnormal. Whether the calling in of that force is justified or not, that depends upon the judgment of the authorities. At a time when abnormal conditions are prevailing, if the police force that is taken to that particular State is not under the control of the officers, of the Inspector-General of Police, of that particular State, if the Ministry for Law and Order in that State has no control over this force, what does it mean to the people of that State? That is what I ask. I believe it means a lot. There is no instance of a force moving out and serving in another province without giving rise to bad reputation. There is always a complaint, and that is natural, because these forces are strangers there. They do not know the conditions that exist there. They have no ties with the people there. With the result, that they move about with the temperament of an Army of occupation. On that occasion, if the officers of that particular State, if even the

[Shri Punnoose]

Ministry of Law and Order in that State have nothing to do, and have no control over these forces, it means that the people will be left at the mercy of those police forces. If my reading of the amendment or extension of the law is correct, I wish to oppose it very strongly, because that is adding to the miseries of the people. The Members of this House and the people at large have every right to expect from a Government that calls itself, national, from the Congress Government, a law disbanding all these Special police establishments. The National Movement has demanded it. With regard to the Malabar Special police force of one province shall not put forward by the National Movement for the disbandment of these forces. We should have at least expected an amendment that limits the power of these forces. At least we could have expected, and we should have expected that the Congress Government would say that the Special police force of one province shall not be taken over to another province. On the other hand, today, more extensive powers are demanded in fact, though in wording, it is not so. As such I strongly oppose this extension and call upon this House and appeal to this House to look very seriously into this matter.

Shri S. S. More (Sho'apur): May I rise to a point of order, Sir? It appears that by this piece of legislation, certain enactments which have application within the territorial limits of certain States, may be extended in their operation to another State. Let me take an instance. A contingent of the Bombay Special police is sent to Bengal. There is the Bombay Act applicable to this contingent. Will that Act get operational extension to Bengal? My submission is, can we validly do that sort of extension? The necessary result of this piece of legislation will be that sort of extension. We have got some personal laws. Wherever a Hindu goes, his personal laws pursue him. It appears in this case that the Government is committed to give a sort of a personal feature to the particular enactment which may be operative in that State. Can we validly do it?

Mr. Speaker: In this respect, while Mr. Punnoose was speaking, I looked into the provisions of the Bill and I wanted a clarification from the hon. Home Minister. He may say whether I am thinking on right lines. If I express that, perhaps, the point of order raised by the hon. Member Mr. More will also be disposed of on the

merits. Of course, that point of order can be disposed of without going into the question of merits by simply saying that so long as the legislation that is now proposed is within the competence of the Government of India, it certainly has jurisdiction to amend the laws of the whole of the Indian Union. The difficulty which he points out will not come in so far only as the legal jurisdiction of the House is concerned. That is not the principal point to my mind. He raises an objection on merits which also is the objection of Mr. Punnoose in another way. But I find that in line 16 the phraseology is that the members of the various Police Forces in different States "shall continue to be subject to the same laws in respect of discipline and liabilities as would have been applicable to them, if they had been discharging those functions within the State to which the said forces belong". So, I say this phrase "continue to be subject to" implies that, by being sent outside the territorial limits of the State, the laws of which have constituted that particular Police Force, he does not cease to be subject to those laws, though he will be serving some other Government and will also be subject to the discipline in another State not so far as service conditions are concerned, but so far as execution of orders given by that State are concerned, to the laws of the other State. That is how I feel about it. Am I right in that presumption? Because, the words are "continue to be subject to". It is not attempted to interfere with the laws existing in the parent State, nor is it an attempt to enforce those laws in the other State. The only question is that the personnel does not get free from its obligations, from its discipline in the original State.

Dr. Katju: That is true so far as it goes. The words are "in respect of discipline and liabilities". If he commits any offence in another State, of course, he will be liable to be punished. If there is any offence covered by the laws of that State, he will be punished.

Dr. S. P. Mookerjee: Before you give any ruling.....

Mr. Speaker: I am not giving a ruling.

Dr. S. P. Mookerjee: May I draw the attention of the Home Minister to one matter? In the Seventh Schedule to our Constitution, No. 80 in List No. 1 which is the Union List, is as follows:

"Extension of the powers and jurisdiction of members of a police force belonging to any State to

any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated."

and the next is:

"extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State."

That is unconditional. That is not relevant here. Thus if we desire to extend the powers and jurisdiction of members of a police force of one State to another, and enact a law for the purpose, it is only Parliament, because it is a Union List subject, which can legislate. From that point of view, this Bill is in order, but it is for consideration whether the clause mentioned here should not include some such phraseology as given in No. 80, viz., whatever is done must be done with the concurrence of the Government of the State concerned where a police force is being transferred for temporary use.

Mr. Speaker: That will automatically follow, because when the transfer is made, it will be at the request of that State; and again, the distinction which I feel still is that, by this Bill, the police force which is going to be imported into another State is not called upon to exercise powers and jurisdiction in that area which vest in that police force in pursuance of the laws under which they exercise powers in the original State. No. They will be there only for certain orders to be received and carried out by them, and they will be under the laws of the State to which they go. The only clarification which this Bill seeks to make, it seems to me, is that by the mere fact of being drafted for service in another State, they do not lose all the responsibilities that they have for discipline and other subjects as a force of the parent State.

Dr. Katju: That is so.

Shri S. S. More: As the House is being called upon to extend the area of certain enactments which are of a State nature to other States, shall we be entitled to go into the particular enactments which come to be extended if we pass this piece of legislation? Because, otherwise, we shall not be in a position to go into the particular merits or demerits of the enactments.

Mr. Speaker: The hon. Member will see that there is no case of extension

so far as I can see from the structure of this Bill. If he sees now, for example, the wording:

"The Central Government may, by notification in the Official Gazette, add to, or omit from the Schedule any enactment and on the publication of such a notification, the Schedule shall be deemed to be amended accordingly."

Now, that refers to.....No, that is a different provision. I am referring to.....

Shri S. S. More: I am not questioning the sovereignty of Parliament.

Mr. Speaker: Apart from the sovereignty of the House, I was just trying to find out the particular part which refers to the Schedules. There is a provision under Section 3 of the Police Act of 1888. I have not looked into that Act, but it appears to be a supervening clause, and it is possible and I am inclined to think that these various enactments that are mentioned in the Schedule perhaps run counter to the provisions of Section 3 of the Police Act. We are removing that Section. That is how I feel about the construction of the Bill. When the police force is obviously outside the State, the question that really arises is, whether the Police Act of that State should be considered to have extra-territorial jurisdiction when the Police force is outside the territory of that State. Obviously, it should be governed by the Police Act when it is outside so far as matters of discipline go. The hon. Minister even will bear me out. When it is outside the State limits, it is to be governed by the Police Act, but under its own constitution, it is not that the force is disbanded or ceases to be a force under the special Act by the mere fact of being drafted in another State. The police force continues to be under the same Act by which it was constituted in the particular parent State. A possible conflict may arise. Therefore, so long as the force is outside the limits of the parent State, then, so far as the inconsistencies go, it is necessary to say that, that Act will not apply in matters other than discipline, jurisdiction etc. That is how I believe the structure appears to be.

Pandit Thakur Das Bhargava (Gurgaon): Will there be then two disciplines, two liabilities, one in respect of the local Police Act and the other pertaining to the Act of the State from which the different forces come. Supposing he commits an offence, will he be subject to two penalties?

Mr. Speaker: I do not think it is that; but I think the Home Minister will be better able to explain. I have not studied the subject, but my impression is that it is much more to co-ordinate or avoid the conflict of the situation. It is not that there are two disciplines, two powers to be invested. No. There is some conflict between the duties of that police force and its discipline and all that, outside the State and inside the State; and in order to bring them into line, it may be necessary for the time being to suspend the operation of the discipline etc., in the parent State and still continue it for all substantive purposes. But it is for the hon. Minister to explain in greater detail.

Dr. S. P. Mookerjee: Sir, it will be better if the hon. the Home Minister looks into the Indian Police Act of 1888. So far as it appears to me, it is one-co-ordinated Act. In Section 2, it starts with the proposition that

"The Central Government may, by notification in the Official Gazette, create a special police district embracing parts of two or more provinces and extend to every part of the said district, the powers and jurisdiction of members of a police force belonging to a province specified in the notification."

Apparently, the object was that with regard to districts in two provinces adjoining each other, it is only the Central Government which may direct that the police force belonging to one province may go and work in the adjoining province.

Further, it is said that when such police officer goes to a province which is not his own, then, for all purposes, he takes charge of the areas which are to be under his control. That is sub-section (iii). Then Section 3 lays down—as you have just indicated, it is sought to be amended—that they will be subject to the disciplinary jurisdiction of the province where they work for the time being. Thus, it is one complete and co-ordinated scheme that was contemplated in the Act of 1888.

Here all that we are doing is this—we are not altering the first two provisions: even now I suppose, if these police forces are required, the Central Government's permission will be necessary: we are also not altering sub-section (iii), because when they go to a sister province, they will have to take charge completely of a particular area which may be allotted to them. The question put by my hon.

friend Pandit Thakur Das Bhargava is that when they go there obviously they will have to be subjected to the discipline of the authorities in that province. But so far as certain other matters are concerned, under the new Bill before us, we are declaring that they will be subject to the discipline of their parent province. This is a matter which requires some looking into, so that we may not pass a law which will be inconsistent with another Act of which may defeat the very object which the hon. the Home Minister may have in view.

Mr. Speaker: Let us hear what the hon. the Home Minister has to say

Dr. Katju: Sir, the Bill has been examined with great care by the Law Ministry, and legal advice has been obtained. It is not quite correct to say that an armed constabulary is only used for quelling disturbances, out of political considerations.

Dr. S. P. Mookerjee: Leave aside that matter.

Dr. Katju: As has been pointed out to me, there are the joint anti-dacoity staff, the enforcement staff consisting of forces of two or more neighbouring States, to check smuggling and to ensure strict observance of law in that behalf. Then there may be emergencies. All these armed constabularies have been established under special laws. The House will recollect that in this Police Act which was referred to just now, i.e. the Police Act of 1888, in paragraph 2 of that Article, these are called special police forces. It may be a matter of doubt whether this Police Act would be applicable to the armed constabularies because in respect of the armed constabularies, in every State, special laws have been passed. And as you were pleased to point out just now, in paragraph 2 it is said that 'armed force' means any police force constituted by any of the enactments specified in the Schedule. If now, armed constabularies at the present moment have been constituted in Bengal, Bombay, Central Provinces (Madhya Pradesh), Orissa, Rajasthan and the Uttar Pradesh, it may be that such constabularies may be constituted in other States later on. It is open to the Central Government to add the armed forces constabularies of those States also by a notification, to this article. The question arose viz., that when those people go to other States, a difficulty may arise. It may be argued that the Police Act of 1888 is not applicable to them, because they are armed constabularies. It may be further argued that inasmuch as they are serving outside their State, they

are not subject to the discipline of that State, because they are serving outside its jurisdiction. It may be argued that they are not subject to the jurisdiction of the Armed Constabularies' Acts of the States in which they are serving because they are not members of the forces to which those Acts apply.

In order to obviate those difficulties—as you were pleased to remark, it is not a question of functions or powers or privileges, but what has been made clear is with regard to discipline and liabilities particularly—it is proposed that they will be subject to the rigours of their own laws, and punishable accordingly, if they commit any offences or in any way disobey the State laws. The only question is, who will be the officer who will hold a jurisdiction over them? I respectfully submit that it is a very plain-sailing thing which is not likely to cause any difficulty in working. And no constabulary (armed) can go across from one State to another, unless it is requisitioned by that neighbouring State; therefore it will go there with its concurrence. Therefore I do not foresee any special difficulty in any shape or form in the working of this Bill, which was really proposed in order to obviate any possible legal difficulties that may arise in future.

Dr. S. P. Mookerjee: Have the State Governments been consulted, and if so, have they agreed to this Bill being passed?

Dr. Katju: This Bill has been under consideration for a long time. If I am not mistaken, I think every State has very likely consented to it. The Bill was framed last year, and so is it not a product of this year. Therefore, let not the hon. Member put it on me.

Mr. Speaker: I think practically it appears to me at least that, the view I was holding from the very beginning has been more than confirmed by what the hon. the Home Minister has said. But it seems that some Members of the Opposition are not yet able to clear up their doubts.

Dr. S. P. Mookerjee: The hon. the Home Minister was not very clear as to whether the Police Act of 1888 applies to these forces or not. I could have understood if the Bill had said that the Police Act of 1888 would not apply at all to these forces. But it refers only to Section 3 of that Act, which means that other Sections of the Police Act 1888 may apply.

Mr. Speaker: Order, order. I have got one suggestion to make. It appears to me that this kind of contro-

versy will take up more time of the House. So, we may just postpone the consideration of this Bill at this stage, in order that the hon. the Home Minister may also, if he so likes, re-examine any legal niceties, and the Opposition also may go into legal niceties. We shall take up this Bill tomorrow.

Meanwhile, we may proceed with the other Bills. In a way, we have to devote our time to one measure or the other. From what I have heard, I feel that this Bill is more or less a formal one, which does not require much of discussion. However, in order that it can be said to be formal, it is necessary that the doubts raised which have finally been reduced to legal doubts now are cleared. Therefore, I am suggesting this course, that we take up this Bill for consideration tomorrow, if the hon. the Home Minister is agreeable.

Dr. Katju: I am agreeable, Sir.

Mr. Speaker: So, we shall now proceed with the further legislative business.

CRIMINAL LAW AMENDMENT BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, and to provide for a more speedy trial of certain offences, be taken into consideration."

I hope this measure will find general acceptance in this House because it deals with a matter about which we hear a great deal, namely, the checking of corruption. Under the present law, a bribe-taker is punished because he is guilty of a substantive offence. The bribe-giver is punished because he is considered to be an abettor. But an abettor means that the main offence should be punished. If he offered a bribe which was not accepted, then it was open to argument whether the intending bribe-giver had committed any offence at all, and then there was the question of speedy trials. All this subject was examined by a very competent Committee which was presided over by an eminent Judge of the Lahore High Court who was a Member of the last Parliament. This Committee is known as the Bakhshi Tek Chand Committee. This Committee went into all these matters at very great

[Dr. Katju]

length and it made certain recommendations and it is in the light of those recommendations that this Bill has been framed. It goes a little farther than the recommendations there. Now the House will notice that we propose under this Bill to enact a new Section in the Indian Penal Code called Section 165A and that Section is intended to punish the bribe-giver, whether he succeeds in his design or does not succeed, whether he succeeds in actually passing on the bribe or whether he fails in that object. This question of bribe-giving and bribe-taking has assumed new importance. Years ago, or rather in the past the idea associated with bribe was that of extortion, namely, the public officer concerned was abusing his authority and was trying to make money by exercise of oppression and tyrannical conduct. The case that we very often heard of was that of a police officer extorting a bribe. There is a murder committed, there is a dacoity committed in a particular village or a particular locality; the officer is not an honest officer, he wants to make money, he goes into the village and he tries to spread his net far and wide and he attempts whether he cannot make some money. His agents give it out that a certain moneyed person or somebody who could pay is being named by witnesses and might be indicted in the offence, and by threats he is able to extort money. The consequence of that was that while for the time being to save his honour, his life and his property under fear the bribe was paid, as soon as the bribe was paid the bribe-giver was most indignant and was always willing to come forward and to give evidence against the man who had exercised his oppressive behaviour towards him and who had extorted the bribe out of him.

10 A.M.

Then comes another class of bribes which is the result not so much of extortion, but, if I may use that expression, which is the result of 'seduction', namely, the bribe-giver wants to make money. Take an ordinary case. Across one province *Gur* is selling at Rs. 17 a maund. Across this side of the border in the United Provinces *Gur* is selling at Rs. eight a maund and there is an inter-State barrier. The *Gur* dealers are most anxious to take their *Gur* across into the other State where they can sell it at Rs. 17 a maund and make 100 per cent. profit. Now they are most

willing and ready, if they must, to share the profit 50 per cent. with lots of officers at outposts, check-posts and the police stations. I am speaking from knowledge. Cases have come into the courts where these people have thrown out a bait to these officers, weak in their disposition, and tried to seduce them from the straight course of their duty. And the result is this: when once an officer who may be influenced and gets on to this slippery path and falls from rectitude and gets into the habit of making easy money, he becomes accustomed to it and falls into the pit again and again. It is very difficult to say who is more to blame in such cases—the seducer or the seduced, the bribe-giver or the bribe-taker—and in many cases the sums are very large. Thousands of rupees, and even lakhs of rupees. I am speaking from some experience in this class of transaction,

Now the Bakhshi Tek Chand Committee reported that the little indulgence which seems to have been shown in the past to bribe-givers by the framers of the Penal Code should now be withdrawn and bribe-giving should be made specifically a substantive offence. For that purpose, Section 165A is now sought to be added to the Penal Code. That is one part of the Bill.

The other part of the Bill deals with another matter. The House may be aware that pardons are sometimes given in order to secure evidence. But under the Criminal Procedure Code this pardon-giving power is restricted to very serious offences—murders, dacoities, robberies—and cases in which it is desirable that one guilty man—maybe of a lesser degree—may get off by having a pardon given to him, but with the aid and assistance of his evidence other people who are guilty of offences of a more heinous character may be punished. The other provision in the Criminal Procedure Code is that whenever there is a case in which a pardon has been given, that case cannot be tried—whatever its nature—by a Magistrate, but must be referred to a Sessions Judge. The moment you give a pardon, that case becomes a sessions case. Thirdly, we notice that before Magistrates these corruption cases sometimes take months and months. You see Magistrates are occupied with lots of other duties, executive duties, administrative duties and there are postponements and adjournments. It occurred, therefore, to Government that they might accept the recommendation of the Bakhshi Tek Chand Committee

that there should be a regular provision empowering Magistrates to offer pardons in these corruptions. You may give a pardon—it all depends upon the circumstances of each case—either to the bribe-taker or the bribe-giver or to his agent or to his subordinate who may be guilty of abetment, and thus secure evidence, and thereupon when pardon is given it will become a Sessions case. Under the existing procedure, a Sessions case means, the House knows, commitment proceedings. They take a lot of time. Then the Magistrate commits the case and it goes before the Sessions Court and the Sessions Judge tries the case. In this Bill the procedure is this. In the first place, we provide that pardon might be given, by a suitable amendment of the Criminal Procedure Code, in these bribery cases. Secondly, we provide in clause 6 and in later provisions that these cases should be triable only by Special Judges and these Special Judges should be only officers of the rank of Sessions Judges and Additional Sessions Judges. I notice that an amendment is sought to be moved that it may also cover an Assistant Sessions Judge who is always a very senior officer with sometimes twenty years service as a Subordinate Judge, and who is an officer who can be depended upon to deal firmly with these cases. Now, this will not be a Sessions trial at all. The police investigates and immediately commits this case as a warrant case to a Sessions Judge or to an Additional Sessions Judge or to an Assistant Sessions Judge who will be notified by the Government as a Special Judge within the meaning of this Act, and thereupon the Special Judge shall forthwith take cognizance of the case and try it as a warrant case and, I do hope, with the utmost expedition. The Sessions Judges, the Additional Sessions Judges and the Assistant Sessions Judges are not accustomed to move leisurely and work leisurely in the manner of a Magistrate; they work six hours a day and we do hope that they will try these cases in an expeditious fashion.

Lastly there is a provision that the quantum of punishment should also be raised. At present the punishment is two years. In the Bill it is proposed that it should be raised to three years and of course there is a provision about fine, namely, unlimited fine. When this case goes before a Special Judge who is of the status of a Sessions Judge or Assistant Sessions Judge, then the fine which may be imposed may be Rs. five or Rs. five lakhs—there is no limit. There is no

limit by which a Magistrate of the first class is bound.

Finally, we provide that there would be an appeal to the High Court. There would be no revision petition to the High Court because it is a straightforward matter and the High Court could dispose it of. I repeat once again, the object is, firstly, to make bribe-giving a substantive offence, secondly, to allow Magistrates to give pardon or to offer pardon in suitable cases, thirdly, to have these cases tried by very senior officers, and, fourthly, and above all, to have these trials in a very expeditious manner so that the guilty people may not escape. I need not say that, but in these bribery cases really time is of the essence of the situation because the greater the delay the lesser is the deterrent effect. What we want is that if there is a bribery case it should be tried and disposed of as quickly as possible so that other people dishonestly inclined may be deterred from continuing in their nefarious course. That is the long and short of the Bill. I hope the Bill will find general concurrence.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, and to provide for a more speedy trial of certain offences, be taken into consideration."

I have just received an amendment tabled this morning by Mr. M. S. Gurupadaswamy. His amendment wishes to refer the Bill to a Select Committee. I have already once—casually, of course,—told the House that I shall be prepared to waive notice in respect of amendments received the same day only if the amendment is a substantially agreed one. The Bill has been on the agenda for a long time and I do not know why the hon. Member could not table his amendment earlier than today. I am sorry I cannot waive notice. He will have an opportunity of speaking on the Bill and saying whatever he wishes to say. Now the motion for consideration is before the House.

Shri M. S. Gurupadaswamy (Mysore): Sir, this Bill is a very important one. It implies so many things and I felt, lately of course, that it may be referred to a Select Committee; as it has got some far-reaching provisions. I thought it would be better if a Select Committee sits on it and discusses it.

Mr. Speaker: I am not finding fault with his line of thought. If the

[Mr. Speaker]

House so feels, certainly the Bill could go to a Select Committee. My only point is that unless I have an indication of substantial agreement of the House, I should not waive notice in this respect. Is the hon. Minister agreeable to the amendment?

Dr. Katju: No, Sir, because it is a short Bill and I think it should be disposed of as quickly as possible.

Mr. Speaker: So I am unable to waive notice.

Shri M. S. Gurupadaswamy rose—

Mr. Speaker: Yes, he may speak.

Shri M. S. Gurupadaswamy: I fundamentally agree with some of the views expressed by the hon. Home Minister with regard to this Bill. He said the Bill contemplates to deal with corrupt practices in both the administration and in public life more drastically so that the morale of administration as well as of public life might improve. All the Members of this House agree on this point—there is no difference of opinion. We all want that all corrupt practices, practices involving bribery and corruption should be eliminated in all walks of life including the administration.

[MR. DEPUTY-SPEAKER in the Chair]

But it is a very serious matter, a very important one. It is a matter which concerns the very life of the community, the entire administration. Therefore, in dealing with this matter we must exercise the greatest deliberation in devising the ways and means for eradicating this disease of corruption from the body-politic. The report submitted by the Special Police Establishment Enquiry Committee is a very important one. It has made many recommendations some of which have been included in this Bill. But while including these recommendations in the Bill no substantial care has been bestowed upon the amendments that have been proposed. According to one of the amendments suggested—I refer to the additional section proposed, that is section 165A—the Bill contemplates to put the giver of the bribe in the same position as the taker. That is, the Bill proposes that the offer of the bribe and the bribe-taker should be treated alike, that there should be no difference between the two individuals. Till today, the Act made a difference between the offerer of a bribe and the taker of a bribe, and that difference was based on certain reasonable grounds. As hon. Members are aware, it is the man who cannot get

things done in the Government by influence or otherwise who usually offers a bribe. Often, the common people who are not economically well-off go to the officers for getting things done and they find that they cannot get things done without offering a bribe. Therefore, the existence of bribery is due to the existence of corrupt officials. Simply because a common man offers a bribe, you cannot call him a culpable individual and try him and punish him. That is a highly retrograde step. It is injurious to the community itself. Although the Bill has a very laudable idea behind it, the result will be the victimisation of the common man. As I said before, the common man has got the impression that without paying something to the officials he cannot get anything done. That impression should be eliminated. For that purpose, you have to take proper action against the officials, not against those who offer bribes.

The Special Committee has drawn a distinction between the classes of people who offer bribes out of compulsion and who offer bribes just to make easy money. If I may put it frankly, you have the class of merchants and industrialists who want to induce the official class to obtain import and export licences. This latter category of bribees should stand on a different footing and should be treated drastically. They are the real culprits. But I do not blame them so much either because it is the existence of the corrupt official class that is responsible for this type of crime that is going on. I attach great importance to the corruption practised by the official class. The hon. Minister should consider this aspect of the question, and try to root out the basic cause of corruption, namely, the official class which is corrupt. The Committee clearly says that there cannot be much honesty among the official class unless there is proper top control over it.

While dealing with the Special Police Establishment in Delhi, the Committee points out that that Department is not doing the work of investigation and enquiry properly, because many of the police officers have been recruited in all sorts of ways. Refugees who were employed in Pakistan till the other day in various Departments have been taken in the S. P. E., as also some superannuated officials who had retired. I ask you humbly: what can these superannuated officials do in the matter of enquiry? Can we expect anything good from men who

have retired from service? According to the latest official statistics published in Mysore, the efficiency of retired men is far less than that of new recruits. This is a very unhealthy practice. I would rather wish that the hon. Minister recruits from the open market on the basis of merit. Then alone efficiency will increase and corruption can be weeded out.

The Report mentions that the work of the S. P. E. has increased. I differ from this view. The statistics show that the number of cases enquired into and disposed of is very few. In 1950, 496 cases were registered and 175 cases out of them are still pending. I am sure you will agree with me that by registering a few cases,—and corrupt officials are to be found in thousands—it is not possible for us to weed out corruption from the administration. What is the use of maintaining the S. P. E. if it does not take steps to register all possible cases of corruption? As the hon. Members are aware the number of corruption cases is increasing phenomenally every day. Therefore, I feel that the Report is rather incorrect in this respect. I request the hon. the Home Minister to take into consideration this aspect and see that all possible cases of corruption are registered and proper action is taken against officers who make money in this way.

My next submission is that the appointment of Special Judges is highly objectionable. After all, dealing with cases of bribery and corruption is an ordinary criminal matter which should be placed within the jurisdiction of ordinary magisterial courts. I do not see how special courts are necessary and how Special Judges are needed. Of course, I understand the desire of the hon. the Home Minister that these cases should be disposed of quickly. But for this purpose if a time-limit is fixed for every case of corruption the ordinary Magistrate or Sessions Judge will dispose of the case more expeditiously and satisfy the desire of the executive. By appointing Special Judges, the Government's expenditure will increase. Therefore, I feel that this portion should be deleted.

Now, a word about the giving of pardons to people who can be taken as approvers. Of course, in murder and such other serious cases, people may be taken as approvers and given pardon. But is such a thing necessary at all here? Should a petty crime of this type be made a sufficient reason for taking people as approvers? Cannot the courts collect evidence by other means. Why should you exempt

a man merely because he volunteers to give evidence against somebody else? I feel that this portion also must be deleted. I oppose it.

In the end let me repeat that this Criminal Law Amendment Bill which has been moved today is not an innocuous or simple measure, as my hon. friend the Home Minister said.

It has got far-reaching implications. Once again I submit that we must always draw a distinction between the bribe-giver and the bribe-taker. That is necessary in the interest of the community. I feel that if only we take proper steps to appoint officials with high integrity and character, corruption which is so rampant in Government Departments will die down soon and the community will be free from corruption. So it is very necessary to treat the bribe-givers in a separate category and give them a less punishment. The original act contemplates giving them a punishment of nine month's imprisonment to such people. That is sufficient, I feel.

पंडित ए० आर० शास्त्री (जिला आजमगढ़—पूर्व व ज़िला बलिया—पश्चिम) : उपाध्यक्ष महोदय, यह जो संशोधन की विषि हमारे सामने उपस्थित है इस के पीछे जो भावना है उसका तो मैं आदर करता हूँ, किन्तु जैसा अभी मेरे से पहले बोलने वाले भाई ने कहा, यह समस्या का समाधान नहीं है। हमने यह समझ कर कि हमारे सार्वजनिक जीवन से करक्षण (corruption) और अनाचार मिटे, हमने यह चेष्टा की है कि घूस लेने वालों के बराबर ही घूस देने वालों को दंड दिया जाय ताकि घूस देने लेने की प्रथा नष्ट हो जाय। मैं नहीं समझता कि इस से हम जो कुछ नतीजा हासिल करना चाहते हैं वह हमें मिल सकता है। मैं इधर यह देख रहा हूँ कि हमारी सरकार जो एक वैलफ़ेयर स्टेट (Welfare State) के रूप में काम करने का लक्ष्य रखती है, जिसका घेय यह है कि वह जनता की महान से महान सेवा कर सके वह केवल परिस्थितियों के कारण ही विवश हो रही है कि ऐसे प्रस्ताव हमारे सामने लावे, ऐसी विधियां हमारे सामने लावे कि जिनसे उस को अधिक से

[पंचिंत द० आर० शास्त्री]

अधिक अधिकार मिलें, वह अधिकार जो कि यहां की विदेशी सरकार को भी प्राप्त नहीं थे। जिन विधियों के बारे वह भी काम चला सकती थी आज उस प्रकार की विधियों की हमको आवश्यकता पड़ रही है।

यह तो मैं मानता हूं कि इस नवी नदी भाई हुई स्वतन्त्रता में कुछ लोग निरंकुश हो गये हैं और वह जन सेवा के आदर्श को भूल कर जनता में उत्तेजना फैलाने और उसी तरह की बातें करने की प्रेरणा देते हैं जैसे कि विदेशी सरकार के जमाने में स्वराज्य चाहने वाले और स्वराज्य की लड़ाई लड़ने वाले करते थे। अभी कुछ दिन पहले मेरे भाई मोरे साहब ने यहां कहा कि हम उन तमाम बातों को भूल गये हैं जो सन् १९४२ में हमारे ऊपर हुआ करती थीं, जो फार्यरिंग बंगरह हुआ करती थीं वह सब हम भूल गये हैं, जो जुल्म होते थे वह सब हम भूल गये हैं। आज हम उसी प्रकार से अधिकार लेना चाहते हैं तो उनको आश्चर्य होता है कि हम ऐसा क्यों कर रहे हैं। तो मैं यह तो जानता हूं कि यदि इन अधिकारों को लेने की विदेशी सरकार को ही नहीं बल्कि इस स्वदेशी सरकार को भी चर्चरत पड़ गयी है तो यह केवल परिस्थितियों के कारण ही है। परिस्थितियों के कारण ही डिक्टेटर (Dictator) पैदा होते हैं और परिस्थितियों के कारण ही देश में बड़े बड़े विनायशील महानुभाव पैदा होते हैं। समाज में उत्तेजना फैलाने वाले लोग होंगे तो उनसे समाज को बचाने के लिये इस तरह की बातें करनी पड़ेंगी कि जो देशने में बिल्कुल कोवरसिव (coercive) मालूम होती है, जिन में बैनीवोलेंस (benevolence) का नाम तक नहीं है और जनता की

सेवा की भावना का जिन में लेशमात्र अंत भी दिखाई नहीं पड़ता। यदि समाज में उच्छृंखलता फैलाने वाले लोग होंगे तो उन से समाज को बचाने के लिये यह सब कारंबाई करनी पड़ेगी।

“प्रजा अनूशंसं नूशंसं वा रक्ष-
कार्यंत् कर्त्तव्यं रक्षता सदा।”

राज्य-भार नियुक्तानां एष धर्मः सनातनः।”

चाहे ठीक हो चाहे अनुचित हो, वह सब करना ही पड़ेगा। यदि राज्य शासन चलाना है तो उसमें इस तरह की कड़ी कारंबाई करनी ही चाहती है।

किन्तु मैं सरकार के सामने उसका भी लक्ष्य रखना चाहता हूं कि वह देखे कि उसका लक्ष्य क्या है। उस का लक्ष्य यह है कि वह जन सेवक सरकार है, बैलफेयर स्टेट है और उसकी अधिक से अधिक कारंबाइयां उसी दिशा में होनी चाहिये। मैं विरोधी दल के भाइयों से कहना चाहूंगा कि यह जो स्वेदेशीय सरकार है उस में और जो विदेश सरकार थी उस में अन्तर को देखें। जिस ढंडे से उस सरकार को हांकना चाहते थे उसी से इस सरकार को नहीं हांका जा सकता। तो मैं उन से भी निवेदन करना चाहता हूं कि वह अपनी उच्छृंखलता फैलाने वाली बातों को रोकें। यदि वह इस सरकार के सामने विषाक्त बातावरण पैदा करेंगे और यदि वह डार डार चलेंगे तो इस सरकार के बुद्धिमान लोग पात पात चलने से बाज नहीं आवेंगे और ऐ उनकी सारी उच्छृंखल योजनाओं को विफल कर देंगे।

इस बात को मानते हुए भी मैं इह प्रस्तुत संशोधन विधि से उस मानी में सहमत

नहीं हूं कि 'जिस तरह इसको पास करके हम समाज में एक ऊँचा आदर्श स्थापित करने की कामना करते हैं और मेरे मित्र श्री गुरुपादस्वामी ने जो बात कही उससे मैं बहुत अंश तक सहमत हूं कि इस के द्वारा वह आदर्श सिद्ध नहीं होगा । इस संशोधन के द्वारा आप करने क्या जा रहे हैं? धूम देने और धूस लेने की परिपाटी हमारे समाज में है । धूस देना और धूस लेना टीक उसी प्रकार से है जैसे कि स्पाइनोज़ा की फ़िलानफ़ी में फ़ार्म गिविंग और फ़ार्म रिसीविंग (form giving & form receiving) एक ही तत्व के दो पहलू हैं । तत्व एक ही होता है और फ़ार्म गिविंग और फ़ार्म रिसीविंग उसके दो भाग होते हैं । जैसे कि प्रश्नोपनिषद् में हम पढ़ते हैं कि गर्य और प्राण के समुच्चय में यह विश्व बना है । तो एक ही वस्तु है, उसी में शेप (shape) देने की ताक़त है और उसी में शेप लेने की ताक़त है । हम देखते हैं कि कुम्हार मिट्टी को घड़े की शबल देने की ताक़त रखता है और मिट्टी में घड़े की शेप लेने की ताक़त है । यदि इन दोनों ताक़तों का समुच्चय न हो, यदि दोनों एक दूसरे के प्रति उदारता न बरतें, यानी जब तक कुम्हार में यह लियाकत न हो कि वह शबल दे सके और मिट्टी में यह ताक़त न हो कि वह शबल से सके, तब तक घड़ा नहीं बन सकता । तो इस में सन्देह नहीं कि दोनों हाथ से ताली बजती है, एक से नहीं । यदि धूस देने वाला न हो तो धूस लेने वाला कहां से आवे और यदि धूस लेने वाला न हो तो धूस देने वाला कहां से आवे । तब इस चीज़ को देख कर दोनों को इस में (इस प्रस्तुत संशोधन विधि में) एट पार (at par) रखने की चेष्टा की गई है । मैं नहीं समझता कि शबल देने वाली और शबल लेने वाली

ताक़तें एक समान होती हैं जो एक्टिव फ़ोर्स (active force) है उस में वही ताक़त है जो पैसिव फ़ोर्स (passive force) में है । मैं नहीं समझता कि जो कुम्हार एक्टिव फ़ोर्स है उस में वही ताक़त है, वही लियाकत है और वही शक्ति है जो कि उस मिट्टी में है जो कुम्हार के हाथ में पड़ कर घड़े का रूप धारण कर लेती है, निस्सन्देह एक एक्टिव फ़ोर्स है जिस में प्राण शक्ति है, और दूसरा पैसिव फ़ोर्स है जिस को राय शक्ति कहते हैं । फ़ार्म लेने वाली डैड (dead) शक्ति है । उस मरे हुए निष्प्राण रा मैटीरियल (raw-material) को ले कर लेवर (labour) शक्ति, श्रम शक्ति, उसे एक दूसरा रूप दे देती है और उसी लेवर शक्ति की, श्रम शक्ति की महिमा गाई गयी है । उसी की महिमा "कैपिटल" में कार्ल मार्क्स ने फेटीशिज्म आफ कमोडिटी के अध्याय में गाई है, वह मेरे इन मित्रों के सामने भी होगी और इस हाउस के प्रत्येक माननीय सदस्य के सामने होगी । तो श्रम शक्ति के मुकाबले में वह रा मैटीरियल कुछ नहीं कर सकता । वह एक डैड बाड़ी (dead body) है । उस डैड, स्लीपिंग, डीप स्लम्बर (dead, sleeping, deep slumber) में पड़े हुए मैटर (matter) की शबल में कौन कर देता है? श्रम शक्ति कर देती है, लेवर कर देता है ।

तो यह जो हम समझ बैठे हैं कि वह बेचारा धूस देने वाला यों ही चला जाता है, उसकी जेब में पैसे खटक रहे हैं और वह जा कर उनको दे देता है । ऐसा नहीं है । वह विवश है और अपनी विवशता में परेशान हो कर वह यह काम करता है ।

[पंदित ए० आर० शास्त्री]

मैं अपनी सरकार को आगाह कर देता हूं, सबैत कर देना चाहता हूं, मूलनव्बह कर देना चाहता हूं—परन्तु हिन्दी नहीं समझने वाले दोस्तों के लिये मैं ने मूलनव्बह का प्रयोग किया है और इससे मैं उन को सैरम इम हिन्दी में अपना विचार दे रहा हूं—मैं यह चेतावनी अपनी सरकार को देना चाहता हूं कि आप यह समझ कर इन दोनों को एक दूसरे के बराबर नहीं रख सकते। यह जो धूस लेने वाली शक्ति है वह बड़ी विशाल शक्ति है। वह ऐग्जिक्यूटिव (executive) के लोग हैं, एक सिलेक्शन बोर्ड (Selection Board) के चरिये से बड़े बड़े पदों पर वह आरूढ़ हो जाते हैं। फिर अपनी कुर्सियों पर बैठ कर वह जो जी चाहे बैसा बरताव करते हैं और हमारे जसे हजारों खाकसार उन दरवार में जाते हैं परन्तु कोई सवाल हमारा हल नहीं होता और किस प्रकार की विवशता में आ कर हमें अपना काम निकालना पड़ता है यह हमीं जानते हैं कि दो बोरी सीमेंट चाहिये, छत फटी पड़ी है, लेकिन कोई सुनवाई नहीं होती। तो फिर उम क्लक्कं को दो रुपये दे कर हम दो बोरी सीमेंट ले आते हैं। इस प्रकार की विवशता है। वर्षों से यह पढ़ति चली आती है। (कर्प्पन सब जगह फैला हुआ है, इसी दिल्ली में हमारे यहां देख लीजिये।

“ बायज शराब पीने दे मस्जिद में बैठ कर,

या वह जगह बता कि जहां पर खुदा न हो ! !

मिनिस्ट्री में बैठ कर या ऊंचे पद पर बैठ कर आप यह न समझें कि यह करप्पन का खुदा है। मेरी समझ में ऐसी कोई जगह

नहीं है जहां करप्पन का खुदा न हो। यह तो सब जगह मौजूद है। अगर सैकिंड क्लास में जगह नहीं है और आप को जाना है तो आप कुछ रुपया दे कर फ़स्ट क्लास में चले जा सकते हैं। गाड़ी की हालत कैसी है कि १५ - १५, २० - २०, २५ - २५ आदमी धूस जाते हैं और उम का कोई इलाज नहीं होता। लोग चिल्लाते हैं लेकिन कोई नहीं सुनता। लाउड स्पीकर है, पर कोई सुनने वाला नहीं। तो इस तरह से हमारे जीवन के हर अंग में करप्पन दिलाई पड़ता है और उसका कारण यह है कि जिस किसी को करप्पन रोकने का चांच दिया गया वही उस म साम्राज्यी बन गया। जो उस से हिफाजत करने के लिये लड़ा किया गया वही मिल गया तो यह कुफ़ भला कब रुकने वाला है।

“ चामे का बेरहा, कुकरकू रखवार ” तो हम चाहते हैं कि कम से कम जनता तो ऐसी हो जाय कि वह करप्पन में न पड़े, वह धूस न दे। यह बिल्कुल सही बात है, जनता को करप्पन में नहीं जाना चाहिये। लेकिन जनता के जाने के लिये वही देवसी कारण होती है। हर माने में धूस इसी कारण देनी पड़ती है। चार पांच दस रुपये दे दिये तो काम टीक हो गया। पंद्रह बीम रुपये थानेदार को दे दिये तो मामला बन गया बरता थानेदार कब छोड़ने वाले हैं। तो इस तरह सरकारी कर्मचारी लालच में पड़े हैं और जनता देवसी में पड़ी हुई है। इन दोनों को हमें बराबरी में नहीं ढालना चाहिये। फिर मैजिस्ट्रेट छोड़ देता है उस को माफी देने का अस्तियार हासिल है। फिर स्पेशल जज के यही अपील है। इस सम्बन्ध में मैं यह तो नहीं कहता कि मैं बिल्कुल सही कह रहा हूं किन्तु मूँह माननीय मिनिस्टर के एक व्याप्त्यान

की घुंघली सी स्मृति है जिस में उन्होंने कहा था कि तनखावाहें बढ़ा देने से करप्तान सरविसेज में रुक जाय यह बात नहीं है। और अपने बड़े भारी तजुबें के आधार पर उन्होंने यह बात कही थी। उन के व्याख्यान की, जैसा मैं ने कहा, एक घुंघली स्मृति मुझे है। उन्होंने अपने तजुबें से बताया कि कुछ ऐसे लोग पकड़े गये हैं कि जिनकी तनखावाहें बड़ी बड़ी होती हैं, लेकिन फिर भी वह करप्ट (corrupt) होते हैं। तो सवाल यह है कि हमारी पब्लिक लाइफ (public life) में करप्तान का जो केन्द्र बिन्दू है वह हमारी सेवाएं हैं, हमारी सरविसेज (services) हैं।

हर छठे महीने फ्रांस की मिनिस्ट्री प्रायः बदलती रहती है। पार्टियों के झगड़े होते हैं और गवर्नर्मेंट बदल जाती है। मगर फ्रांस एक महान शक्ति है। मैं वहां गया तो नहीं पर मैं ने सुना है कि वह इतनी बड़ी शक्ति इसलिये है कि वहां की सरविसेज जो है वह इनकरप्टिबिल (incorruptible) है। वह इस बड़े शासन को चलाती है। लोग बदलते रहते हैं पर सरविसेज बराबर काम करती रहती हैं। मैंने मेरे कम एंड मैन मेरे गो बट आई गो आन फार ऐवर (men may come and men may go but I go on for ever) तो वहां शासन सत्ता शान के साथ चलती रहती है। कारण कि वहां जो ऐग्जीक्यूटिव (executive) है वह इनकरप्टिबिल है। वह अपना यह कर्तव्य समझती है कि अपने शासनतंत्र को ठीक तरह से चलाये। मैं ने यह बात कहानी के तौर पर सुनी है, मेरी डाइरेक्ट नालिज (direct knowledge) तो नहीं है। मिनिस्ट्री बदलती है मगर शासन सत्ता प्रबल गति से चलती रहती है जिस के पीछे सरविसेज का बल

होता है। यही सरविसेज वहां जनता के चरित्र को मॉल्ड (mould) करती है। विधान बनने के बाद सारी शक्ति ऐग्जीक्यूटिव के पास चली जाती है। अगर ऐग्जीक्यूटिव ऐसी हो कि हमारे एकट को ठीक तरह से ऐक्शन में ट्रांसलेट (translate) कर दे तब तो पब्लिक लाइफ इनकरप्टिबिल हो सकती है, न कोई उनसे नाजायज़ फ़ायदा उठा सकता है और न वह किसी से नाजायज़ फ़ायदा उठाते हैं। अगर ऐग्जीक्यूटिव न्याय पर बबलम्बित हों तो उनको करप्ट नहीं किया जा सकता—पथर पर को मारियो चोखो तीर नसाय—उन पर इस तरह प्रलोभन का असर नहीं हो सकता जैसे कि पथर पर तीर का असर नहीं होता। अब दिक्कत क्या पैदा होती है। अब जो घूस दी जाएगी वह इस तरह तो दी नहीं जायगी कि आप हुजूम के साथ जायें, वह तो तखलिये में दी जायगी। फिर आपने अधिकार यह दिया है कि देने वाले को वही सज्जा मिलेगी जो कि लेने वाले को मिलती है। तो अगर वह देखेंगे कि डिटेक्ट (detect) हो गये तो उस को जेब में ले कर भी उसको खजाने में दाखिल कर लेंगे और घूस देने वाले का चालान कर देंगे। ऐसे केसेज (cases) मेरी नालिज में हैं। मेरे निवाचन क्षेत्र में ही ऐसी घटना घटी थी। दोहरी घाट का एक थाना है। पटेश्वरी राय वहां अमिला के कांग्रेस मंडल के मंत्री थे। उनको मालूम हुआ कि थानेदार ने एक आदमी को पकड़ा है और घूस ले कर उसको छोड़ने पर रजामन्द है। डिस्ट्रिक्ट मजिस्ट्रेट से उन्होंने जा कर कहा कि इस तरह घूस ले कर थानेदार आदमी को छोड़ने को तैयार है। डिस्ट्रिक्ट मजिस्ट्रेट ने कहा कि आप जाइये हम यहां से किसी को भैंजेंगे। लेकिन खेद है कि एक तरफ़ तो बात यह होती है

['दित ए० आर० शास्त्री]

और दूसरी तरफ उस धानेदार को आगाह कर दिया जाता है कि इस तरह तुमको धूस लेने में पकड़बाये जाने की व्यवस्था की जा रही है—मैं इसी तरह इससे पहले एक प्राज्ञीकृ टिव इंस्पेक्टर (Prosecutive Inspector) को पकड़बा चुका था और उसको नौ मन्त्रीन की सचा और दो सौ रुपया जुरमाना हो गया था—तो उस धानेदार को यह मालूम हो गया। उसके बाद जब यह धूस दी गई तो उसने धूम को अपने हाथ में लिया और उसको खजाने में दाखिल कर दिया और धूस देने वाले का चालान करवा दिया। तो इससे यही होगा। कि अगर तखलिया में टी गई धूम ठीक है तो उसमें अधिकारी की जेव गर्म हो जायेगी और अगर उसमें जग भी मन्देह होगा तो वह धूम देने वाले का चालान कर देगा। इससे कराशन घटेगा नहीं। मर्ज बढ़ता ही जायेगा। हाल यह होगा कि “मर्ज बढ़ता गया ज्यों ज्यों दवा की” !!

डाक्टर काटजू : तो दवा क्या की जाय ।

वैदित ए० आर० शास्त्री : मैं ने कहा कि जैसे अगर दिली के स्टेशन पर आप आसानी के लिये एक लाउड स्पीकर लगादें और ट्रेन के टाइम पर कुछ पुलिस के आदमी वहां धूमते रहें तो यह सब कुछ नहीं होने वाला है फिर बिना टिकट कोई पहले या दूसरे दर्जे के छिन्नों में नहीं धुसेगा इस के अलावा आने आदमियों के रिक्रूटमेंट (recruitment) में आपको साथशानी बरतनी चाहिये और उनके सामने ऊंचा आदानं रखना चाहिये चाहे वह छोटे दरजे के हों या बड़े दरजे के। बड़ा दुःख है कि हमारी पब्लिक लाइफ (public life) में इस तरह का कराशन है। असल में

मर्जी तो शहद पर बैठती ही है। कौटिन्य ने अपने अंगशास्त्र में कहा है कि राज्यान और जनता का धन शहद के समान है और कर्मचारी, जिसके मानी ऐंग्जीक्यूटिव आफिसर्स के हैं, जो हैं वह मर्जी के समान हैं और उत्त शहद को चाट जाना चाहते हैं। इसम शहद का दोष तो है नहीं क्योंकि उसकी तो लाइफ (life) ही पैसिव (passive) है क्योंकि उसको तो कोई न कोई चाटेगा ही। जिसको पैसा दिया जाता है उसको कोई काट नहीं होता क्योंकि पैसा मिलने में तो लाभ ही है। काट नो देने वाले को होता है। अब आपने पैसिव कंडीशन (Passive condition) में पैटे हुए आदमी जो धूम लेने वाले के एट पार (at par) कर दिया है। मेरे भ्याल में यह ठीक नहीं है। इस विधि में यह एक भयकर दोष है। इसका व्यवहार करके वया आप पब्लिक लाइफ को पुरी तरह ऊंचा उठा सकेंगे इस ओर मैं आपका ध्यान दिलाना चाहता हूं। यह तो मैं एंगास्टिव्सी (exhaustively) नहीं बतला सकता कि किस किस तरह हम पब्लिक लाइफ को आज की अपेक्षा ऊंचा उठा सकते हैं। लेकिन मैं यह निवेदन कर सकता हूं कि हमारे गृह मन्त्री जैसे विधिविधान के जानने वाले व्यक्ति के लिये कोई रास्ता निकालना कठिन नहीं होगा कि यह अनावार कैसे मिटे। इसके मिटे बिना समाज मजबूत नहीं हो सकता, करप्शन अंग्रेजों के आने से पहले भी जब हमारा अपना राज्य था मौजूद था और जब अंग्रेज यहां आये और उनका राज्य रहा तब भी यह मौजूद रहा और अगर अब हमारे बाजाद हो जाने के बाद भी यह करप्शन नहीं मिटता है और हमारी जनता का जीवन-स्तर इमानदारी की दृष्टि से ऊंचा नहीं होता, तो निस्संदेह यह स्वराज्य के दिन के लिए रहने वाला है?

मैं इस बिल के पीछे जो भावना व्यक्त की गई है, उसका आदर करता हूँ, लेकिन उस भावना को चरितार्थ करने के लिये जो साधन निकाले गये हैं, वह बिल्कुल अपर्याप्त हैं और सदोष हैं, और इन से काम नहीं चल सकता। मैं अधिक समय न लेते हुए सिर्फ यह सुझाना चाहता हूँ कि मौलिक दोष इसमें यह दिखाई देता है कि जीवन के समुच्चित रूप में एक-जी-क्यूटिव अधारिटी जो कि एक ऐकिट फोर्स (active force) है और एक तरफ जनता की विवशता का जीवन है जो एक प्रेसिव जीवन है, इन दोनों को अपराधियों की एक ही कोटि में रखना गया है, मैं इस बात को ग़लत समझता हूँ और इससे तो लालची अफसरों को एक बड़ा भारी लाभ यह पहुँचेगा कि उनके घूस लेते हुए पकड़े जाने की सम्भावना ही मिट जायगी। जो छिपी हुई घूस होगी, वह तो डिटेक्ट नहीं हो सकती और जिसमें तनिक भी पकड़े जाने की उस अफसर को सम्भावना होगी, उसमें उस बेचारे ग़रीब विवश आदमी का उल्टे चालान होगा और वह रिश्वतखोर और करप्ट अफसर अपने सर्विस बुक के रेकार्ड में यह पा जायगा कि वह निहायत ईमानदार अफसर है, हालांकि वह निहायत दर्जे का बेईमान और करप्ट अफसर है। इस कानून का नतीजा होगा यह कि गुनाह करेगा वह अफसर और मत्थे जायेगा दूसरे के। इसलिये जो यह त्रुटि इसमें है उसको आप हटायें और इस खारबी को दूर करने के लिये कोई बात सोची जा सके तो अच्छा है। मैं तो उत्सुक हूँ कि हमारी सरकार जनता की सेवा करने वाली सरकार सिद्ध हो और एक बेलफेयर स्टेट यहां सच्चे मानों में बन जाये। वह कोहरसिव मेजर्स (coercive measures) से नहीं बन सकती है, उसके लिये तो परसूएसिव मेजर्स (persuasive measures) की ज़रूरत है और वह जनता का हृदय परिवर्तन करके ही बनायी जा सकती है।

है, स्वयं गांधी जी भी इस हृदय परिवर्तन पर ज़ोर दिया करते थे, हँडे के ज़ोर से यह परिवर्तन नहीं हो सकता और जब तक एक स्टेट की जो कोहरसिव फोर्स है, उसकी कोहरसिवनेस (coerciveness) विदर बढ़े (wither away) और नष्ट नहीं होती तब तक वह स्टेट सच्चे मानों में एक स्टेट वर्थ दी नेम (state worth the name) नहीं बनती। वर्थ दी नेम स्टेट में उस स्टेट को समझता हूँ जो अपने कोहरसिव मेजर्स को त्यांग दे और परसूएसिव मेजर्स में विश्वास करे, सच्चे मानों में वही बेलफेयर स्टेट हो सकती है और ऐसी बेलफेयर स्टेट कोहरसिव मेजर्स से नहीं बन सकती हैं, वह तो परसूएसिव मेजर्स से बनेगी और उसके लिय हमें प्रयत्न-शील होना चाहिये।

Dr. Jaisoorya (Medak): I have not got very much to say on this Bill. I see a lot of difficulties, because, if you get yourself involved in that thought, one becomes desperate because it is like cleaning the Augean stables. I asked a very big administrator once, what is to be done. He said, 'My dear fellow, we will have to begin from very high up; that is the trouble'. That leads you from one thing to another and it becomes complicated.

There are various ways of corruption. Everyday, it is happening. It begins with three annas or four annas called *mamool*. *Mamool* means "the usual thing". You cannot see a Minister or a high official without giving four annas to his *chaprassi*. Otherwise, he will not take your visiting card.

Dr. Katju: That is tipping.

Some Hon. Members: Four annas is too little.

Dr. Jaisoorya: Eight annas is the minimum; I know since I have had to deal for several years with private transport. You cannot pass a policeman without giving him four annas.

[Dr. Jaisoorya]

Otherwise he hauls you up allegedly for over-loading, or that the colour of your bus is not correct. These things are happening everyday. The whole trouble is, little rats get caught, the big fish do not get caught. Another trouble is that when you give a bribe, no stamped receipts are given. We know things are happening. I know a Sub-Inspector's pay is Rs. 100/-. They own a cow, a motor car, a motor cycle, two houses, two wives, three mistresses and four sons at college. All in Rs. 100/-. I have wondered very often what a miracle is happening there.

Mr. Deputy-Speaker: Is that practice widespread?

Dr. Jaisoorya: Very widespread.

Then, another thing happens. A man does not take bribes alone. It is very equitably distributed in arithmetical proportion among a number of officials. A chaprassi gets rupees two; the man higher up a few hundreds. They all protect each other. These are practical difficulties. In Bombay, we had an Anti-corruption League which co-operated with the police. To a certain extent it did very good work. But, then, when it started exposing certain very unsavoury things about persons in high position, and very influential people, suddenly the files disappeared. These are the things that we have to face.

Another thing; I do not agree that the bribe-giver should be penalised, because, then, he would not come forward to give evidence. I do not agree that everyone who whistles at a woman should be penalised. Every overture is not necessarily a crime. We expect people in Government service to be very virginal in their outlook. We expect them not to succumb to seduction. If they do, they should not be in Government service. Before the First War, the German official, and the entire cadre was almost incorruptible. In India, it has just been the reverse. Of course that system of corruption has been coming on through the ages as a privilege. I remember, when my father was to have been promoted, a certain Minister called him and said, "Doctor, unless there is a gold paper weight on the paper, the paper is liable to fly away". In fact, I am giving out no secret that for honours done even by Princes, we have been asked to give large sums as *nazarana*. There are various ways of corrupting a person. It is not necessarily through money.

I know some people are not corruptible by money; but you can corrupt them by understanding their psychology. Sometimes, a cup of tea and dinner can corrupt a man more than money. In the olden days when leaders went to the Viceregal Lodge and drank a cup of tea—I do not know what was in that cup of tea, but they turned a somersault. So, the problem is not easy. The problem is that as long as there are corruptible people, there will be people corrupting them for certain purposes. I will give you an example. Here in Delhi, a person applied for a telephone. For six months he did not receive. He received it through a little donation.

Shri Nambiar (Mayuram): Donation?

Dr. Jaisoorya: We call it donation. I know people charged with black-marketing giving large donations to political parties as a form of washing away their sins. How then are you going to solve the problem unless it is this, that the standard of behaviour of those who are serving the people is the only thing to fall back upon? You cannot corrupt a man if he is incorruptible. That is the axiom. I tell you mistakes do happen. I know cases where people have alleged that they have given a bribe because a certain official had to be removed, they did not want him there because he was strict. I know whole petitions that went to the Government saying that the man was corrupt. The reverse can happen. Also if you make that the giver or the alleged giver is also liable to punishment, you can blackmail a man. The official, or the policeman can blackmail a man saying that he offered him a bribe, and that he was so good as to refuse it. Therefore, there is only one solution. I will give another example, and the whole difficulty lies not in the term of imprisonment that my friend wants to raise magnificently, from two years to three years. In France and other places the punishment is much more drastic. You have to publicly whip such people and throw them into jail for longer periods. Otherwise, there is nothing going to happen.

I can give another case, and this I can prove. An honest Police Officer from the C. I. D. Department was asked to investigate complaints against a certain high official, and he did his duty and he supplied the material, and he was told: "We should not go against this official; withdraw the results of those investigations". He said: "I cannot do it, because they

are facts. You asked me to do it and I have done it." That man was demoted.

An Hon. Member: Who is that?

Dr. Jaisoorya: I will tell you afterwards. These are the difficulties we are having. You have got to encourage people to come forward and help the Government in exposing corrupt officials, but up till now, I regret to tell you that people have become frustrated and desperate because after giving their material, higher protection has saved and kept these villains. I know cases where they have been transferred, promoted on transfer.

An Hon. Member: That is our tradition.

Dr. Jaisoorya: These are the things. Therefore, there is only one way: which is ruthlessness. Even if you suspect an official, suspend him and do not try to protect him. There is no old school to loyalty here. These are the things. That is why I find it very difficult—I do not agree with my friend here that you should not have special tribunals. I think you should have, with very wide powers. Magistrates or Sessions Judges should have extreme powers to make the sentence as drastic as possible. Then only there is some hope. It is going to take us a long time to get over the idea that through bribing somebody we can get things done. But the fact remains there is so much red tape in this country that it is easier—peasants have told me it is far cheaper to buy iron and steel implements in the black market than with permits at controlled prices. People come and stay for weeks here trying to get permits and to get things done legally. They can get things done only through bribes. There is so much red-tapism, so much waste of time. You should keep a strict watch on your officials. One look from you should make them tremble. As long as he feels "I have got somebody higher up with whom I can pull strings", you cannot abolish corruption. Everybody must be made to feel that he can get no protection if a case is against him, and that ruthlessly we shall remove such men. Then only the fear of God will come into them.

II A.M

मीटी० इम० सिंह (जिला बनारस पूर्व): उपाध्यक्ष महोदय, इस विधि पर अब तक जो

वहसे हुई हैं मेरी समझ में वे इस की परिधि के कुछ बाहर हैं। यह विधि जो दो या तीन संशोधन और आने वाले हैं उनका एक हिस्सा है। ऐसी हालत में जैसा कि मंत्री महोदय ने शुरू में ही कहा टेक चन्द कमेटी की रिपोर्ट के आधार पर कुछ संशोधन आवश्यक प्रतीत होते हैं, लेकिन यह एक सिर्फ आंशिक विधि है इस में जो धारा करप्तान (corruption) या ब्राइब (bribe) की है वह बहुत दूर तक नहीं जाती। हां, इस समस्या को हल करने के लिए हम को योड़ा बहुत उन भागों पर भी विचार करना होगा जो इस विधि के दायरे में नहीं आते हैं। इस विधि में सिर्फ एक नया संक्षण मिलाया गया है और वह यह है कि जो धूंस देता है वह भी उसी तरह से जुर्म करता है जैसे धूंस लेने वाला। वह एक सिद्धान्त की बात मालूम होती है, मेरी समझ में इस में सिद्धान्तः किसी को कोई विशेष आपत्ति नहीं हो सकती है। हां, हमारे अन्य सदस्यों ने जो कहा है उस से मुझे भी योड़ी बहुत सहानुभूति है। इस का कारण यह है कि यह एक असाधारण समय है। इस में हमें और आप को दिना किसी मतभेद के यह जो विष हमारे समाज में हमारी सर्विसेज (services) में चल रहा है उसकी रोकना चाहिये। मैं यह मानता हूं कि युद्ध के बाद यह विष बड़े जोरों से फैला है। तो फिर अगर हमें इस को किसी तरह से दूर करना है तो इसके लिये असाधारण नियम भी लाने होंगे। मेरी समझ में इस नियम को भी हमारे मंत्री महोदय किसी अंश में असाधारण समझते हैं। किन्तु पांचवें संक्षण में यह जो सब संक्षण (sub-section) एक है वह सिर्फ दो साल के लिये लागू रहेगा। तो मेरा कहना यह है कि अगर आप इस को संकुचित दृष्टि से लागू करेंगे तो शायद हम किसी नतीजे पर न पहुंचेंगे। बहुत से मुकदमें जो चलेंगे, बहुत सी बातें जो कही जायेंगी, जो जांच पड़ताल की जायेंगी, उस में काफ़ी समय लग सकता है और दो वर्ष में इस पूरे

[श्री टी० एन० सिंह]

ऐस्ट को फिर से किसी न किसी रूप में लाना होगा, सास तौर पर जो सब जज का प्राविधिक (provision) है, उस को फिर लागू करना होगा, ऐसा मेरा अन्दाज है।

Dr. Katju: May I just intervene here and just say a few words? The restriction of two years referred to in sub-clause (2) of clause 5 is restricted to the provision relating to giving pardon in bribery cases. Up till now, under the Criminal Procedure Code, inasmuch as a bribe-giving offence or a bribe-taking offence is not supposed to be very serious, no pardon can be given under Section 337. The Tek Chand Committee has reported that this power should be given. So, as an experiment, they suggested that this should be restricted for two years in the first instance, at the end of which a review of its working may be made. If it is found to work well, then it might be made a permanent feature of the Statute. Otherwise, that power may be withdrawn.

Secondly, I should like to make it clear that under the Penal Code, bribe-giving is already an offence under Section 114; if a bribe is given and is not accepted, then that is also an offence, with the only restriction that the punishment will be one-fourth that for the original crime. The Tek Chand Committee reported that that restriction should be withdrawn, and that it should be made a substantive offence, whether the bribe is accepted or refused, and that there should be proper punishment.

श्री टी० एन० सिंह: तो मैं यह जानना चाहता था।

I would like to say a few words in English, on this point. In sub-clause (2) of clause 5, it is stated that the amendments made by sub-section (1) shall remain in force for a period of two years. I would like to know whether the sub-section (1) referred to here refers only to sub-clause 1(a) of clause 5, or whether it refers to both parts (a) and (b) of sub-clause (1) of clause 5. Sub-clause (1) of clause 5 makes certain amendments in respect of two parts (a) and (b). In sub-clause (2) of clause 5 we find the words 'sub-section (1)'. Do these words apply only to part (a)? Does sub-clause (2) apply to sub-clause (b) or not? What is the interpretation of the hon. the Minister?

Dr. Katju: This amendment in clause 5 is to Section 337, Act V of 1898, of the Criminal Procedure Code. That Section deals with pardon-giving powers. The amendment now proposed says that pardon can be given under Section 337 to offences relating to or falling under Sections 161, 165, and 165A of the Indian Penal Code (Act XLV of 1860) also.

Mr. Deputy-Speaker: The hon. Member's difficulty is this. In this Bill, clause 5 is for amending Section 337 of the Criminal Procedure Code, where the general right to pardon is given under the existing provisions. It is proposed to extend the pardon to offences falling under Sections 161, 165 and 165A of the Indian Penal Code. As an experimental measure, this provision will be in operation only for a period of two years. The hon. Member wants to know whether sub-clause (2) of clause 5 refers to part (a) of sub-clause (1) only or to part (b) of sub-clause (1) of clause 5 also.

Shri Venkataraman (Tanjore): The words 'sub-section' in sub-clause (2) of clause 5 should be 'sub-clause'. In a Bill we refer to Sections as clauses and to sub-sections as sub-clauses.

Pandit Thakur Das Bhargava (Gurgaon): The new sub-section 2B will come after the sub-section 2A. So, if 2A goes away, 2B also will automatically go away.

Mr. Deputy-Speaker: True, it may be consequential as Pandit Thakur das Bhargava says. Notwithstanding the fact that any pardon could be given for offences under sections 161, 165 or 165A, we shall assume for the sake of argument that at the end of two years, if it is found that it is not desirable or that it is unnecessary to tender pardon, and that this section has not proved beneficial, then sub-section (1) would not cease to be in operation, because the new sub-section 2B will be there. The point is whether this 2B also should go, if the sub-section (1) referred to in sub-clause (2) of clause 5 disappears after a period of two years. In that case, the hon. the Minister evidently means that it is sub-clause (1) in sub-clause (2) of Clause 5, in which case, the words 'sub-section' ought not to have been used.

Dr. Katju: It is a question of drafting, Sir, and I shall look into that.

Shri T. N. Singh: I would urge a further consideration of the problem. I hope the hon. Minister will consider it further and clear up the point that I have raised.

अस्तु, फिर मुझे आपके सामने अब दो एक बातें सिद्धान्त की कहनी हैं। मेरी समझ में हमारे यहां यह एक रोग सिर्फ क्रानिक ही नहीं बल्कि.....

Shri Vallatharas (Pudukkottai): Sir, this is a very important part of the legislative business. There are lawyers here who do not know Hindi, but who are still learning it. And it will take some time before we could understand the speeches in Hindi on legal implications. The desire is there to understand them. When we want to speak, we do not want to be giving redundant points. Therefore, I would suggest that such of those Members as know English may be pleased to speak in English and not in Hindi simply as a matter of dignity or some such thing, suddenly depriving us of a very valuable assistance. I would request you, Sir, that you may kindly ask the hon. Member to speak in English...

Mr. Deputy-Speaker: The Chair is colourless, and will allow any hon. Member to speak in any language. Only if hon. Members are anxious that others who do not know Hindi should also follow them, they may choose to speak in English.

Shri T. N. Singh: I accede to the wishes of my hon. friends here. I do not want to speak in such a way that others will not understand. At the same time, I would expect that they would also help us and co-operate with us, in popularising the national language.

I say that this corruption and bribery are not merely chronic diseases, but they have almost become like an epidemic. As such, I feel that emergency measures will have to be taken. For that reason, the ordinary laws and the ordinary ideas of laws also will have to be modified considerably. Our conception of criminal law in view of the epidemic nature of corruption and bribery that are rampant in the country today needs reorientation. The ordinary law as it exists today is such that it prefers to allow nine guilty men to escape punishment, while one innocent man is punished. May I be permitted to enunciate the principle that it is better that nine corrupt officers may be punished, and along with them one who is innocent is also punished, rather than allow the nine guilty men to escape? If this pro-

position were to be accepted and if we were to make an approach to the whole problem from this angle, I think we shall be able to deal with this question in the manner of a real emergency which it is today. And that will bring a new concept of law, a new approach to the whole problem. I feel in that case even our friends who are always afraid of arming the executive with more powers, will not hesitate to support it, because that will be the acid test of their real wish to fight corruption. If the executive gets more powers in this matter of suppression of bribery and corruption, I wish our Opposition Members would specifically support them in the enforcement of such a principle. Because, after all, it is an emergency and a national emergency too. We must tackle it boldly, strongly and drastically. If the concept which I have enunciated were accepted, we would be able to proceed much farther. Unfortunately, we have been listening, and I have been listening, with pain day after day to objections on small technical points, not concerned actually with the main objective. Are we going to achieve the object of making our country strong, our National Government strong, and our National State functioning actively day after day? If that is the objective and if we approach it on that basis, then all our problems can be solved. But here today we are wrangling on small points; we are wrangling whether this power should be given or not. After all, it is our people's Government. We are here as the elected representatives of the people and the Government is selected by the majority of the people. Therefore, if we have faith in the Government and in our people who have elected us, then let us go ahead and march forward—whatever our individual notions may be and which may even conflict with the accepted notions of law, of jurisprudence and all that. If that approach were made once, I think this problem of corruption and bribery can really be solved. Therefore, while I do not mind this small measure that is brought forward, I do hope that a more drastic measure will receive the support of Opposition members.

After all, this is nothing. Ultimately, the solution of the problem of corruption and bribery lies in a general raising of the moral standards of our people. The question that the bribe-giver should also be punished by law is only an extension of the principle that the general moral standard of the people should be raised and to that extent I welcome it. But at the same time, I would not like too

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much emphasis to be put on this aspect of the question. After all, many officials have earned a bad name in the mind of the public. We should not be upset about it. Some are bound to get a good name, and some a bad name. This will occur. Therefore, if for some reason or another the people feel that corruption is rampant—as a matter of fact, our Election Manifesto itself lays emphasis on purifying the services and purifying the general tone of our people and everything—then there is nothing wrong in saying or nothing derogatory to anybody if we say that we have to clean up the Augean stables. For that reason I would certainly welcome the first aspect. But I would also advocate that the officials—the official class who take bribes—may be put under the law not only on a par both with the bribe-giver. I am convinced that the official who takes bribe is the more guilty person and that principle has to be accepted. I do accept it very willingly and I think Government also knows it and will accept it.

In the application of that problem, the real problem then arises: how are we going to prevent officials from taking bribes? Here the official machinery as today built up is just a hierarchy of officials one above the other. We have got the ordinary peon or Mate Chowkidar, then we have got another Mate, then further up we have got a supervisor, then Superintendent and so on it goes up. The hierarchy goes on and as we have gone on keeping one check after another, that very check has led to corruption. That is the tragedy of the situation. If we put a man, a supervisor, he also unfortunately becomes a victim of this tendency to take bribes and the result is that we have to put somebody else above him to check his corruption and bribery. So step by step the checks increase and so does corruption and bribery. It goes on increasing. That is the real problem. How to tackle it? I feel that in that regard the theory that I enunciated, that is, it is better that one innocent man may also be convicted than nine guilty persons should escape, should be accepted. If we are courageous enough—it is a national emergency and in my opinion it does not upset the law of jurisprudence—to accept that approach, I think probably we may be able to make real progress. I know there will be cases where innocent officials will be victimised, but in an emergency we have to take that risk. And once we take that risk, I think we shall be able to proceed farther. I am sure our Home Minister who is too much of

a lawyer and who will never accept this approach.....

Dr. Katju: What does he mean by 'too much of a lawyer'?

Shri T. N. Singh: I mean to say, Sir, that his approach may be too legalistic.

Dr. Katju: Not at all.

Shri T. N. Singh: If not, Sir, then I hope it will be possible for him to look at this approach which I have suggested more sympathetically.

Dr. Katju: Sympathy from whom?

Shri T. N. Singh: From you, Sir.

Dr. Katju: To the bribe-giver?

Shri T. N. Singh: So, anyway, Sir, proceeding further, I would refer.....

Mr. Deputy-Speaker: A number of hon. Members are anxious to speak. I would only appeal to hon. Members to make suggestions as to how not only by law, but otherwise also corruption can be put down. Everybody knows corruption is there. Therefore, giving instances may not be necessary.

Shri T. N. Singh: I will conclude in a very short time. I will only refer to this question of Special Judges whom it is sought to appoint under this law. As I raised that point in regard to clause 5 of this Bill, I would not refer to that. I would refer to another aspect. I think even the procedure by Special Judges will have to be modified in the light of experience, because even where special tribunals have been appointed to deal with such cases a long time has elapsed before they come to a decision. That is our experience. We have had in the provinces sometimes Special Judges dealing with certain cases, specifically of corruption or bribery, and even there the time taken has been too long. So the real problem, I think, which this Bill tries to tackle is expeditious disposal of cases by Special Judges and for that I would submit, probably it may be desirable to consider whether the procedure can be simplified further and whether what is stated in the Bill alone will meet the needs of the situation. I would humbly urge that this aspect of the problem should be further examined because I have a feeling that mere appointment of Special Judges and certain special procedural changes suggested will not meet the needs of the situation, and probably we will have to modify the application of the Criminal Procedure to trial of such cases still further.

Pandit Thakur Das Bhargava: This Bill does not specifically deal with corruption or bribery as such. As a matter of fact, the terms of reference of the Bakhshi Tek Chand Committee were very restricted and the recommendations made by this Committee are sought to be given effect to in certain particulars of this Bill. I was a member of this Committee and therefore I can certainly submit that in regard to certain points which have just been made out. I can give a definite reply.

Now, I will refer to the first page of this Committee's report in which the terms of reference are given:

"The Committee was not required to hold a general enquiry into what may be described as the problem of corruption in the public services or among people who have financial dealings with the Central Government and to suggest methods for the eradication of such corruption. Such an enquiry would have been of a very comprehensive character, whereas the task that was actually entrusted to us was of a much more specific and concrete nature within well-defined limitations".

Therefore, I would humbly submit that in judging about the recommendations of this Committee, we should not look at the report of the Committee from the broad angle whether this Committee has been able to make any recommendations so far as the question of eradication of corruption is concerned. In the terms of reference some specific points were referred to them and they submitted their recommendations in regard to them only. So far as this Bill is concerned, I will only attempt to make a reply to certain objections that have been raised in regard to certain sections. I will not go into the broader question of whether so far as the eradication of corruption is concerned this Bill will be sufficient or not for that purpose because the Bill does not aim to be sufficient for that purpose—it only deals with certain aspects of the legal procedure and it would not be right to expect anything very substantial if this measure is implemented. After all, it deals with procedure only and in addition with one more aspect of substantiating the offence of bribe-giving. But, in fact, the offence already exists. So far as the question of those persons is concerned who give bribes, even under the existing law, that is even if this Bill is not passed, they are guilty and can be brought to book. What this Bill aims at is to make the offence appear in a concrete form in the shape of a

new section and at the same time enhance the punishment. That is the only purpose of clause 3. Otherwise it does not seek to make any change whatsoever. As regards the broad question of whether the bribe-giver should be punished or not, I think we should not go into it more deeply here. As a matter of fact, even today the bribe-giver is an offender and can be brought to book. It is quite true that as long as there are persons who will take bribes there will be found persons who will give bribes, but it is equally true that as long as there are persons who give bribes there will be found persons who will be seduced by them. At the same time it is quite true and I quite realise the force of the objections of my friends who said that in the public estimate, as well as otherwise I should say, people do consider that in the present circumstances those who give bribes do so more because they are forced to do so, and in a lesser measure because they want to seduce people to get certain advantages. At the same time I have also got an experience of more than 42 years of practice...

An Hon. Member: Of what?

Pandit Thakur Das Bhargava: Of detecting and bringing to book certain classes of people, of detecting them and as also of seeing how bribery is practised. And with that experience I can submit that this conception among the people that it is always the official who compels the bribe-giver to give the bribe is not very correct. People want to take undue advantages, they want to escape from the consequences of their offences, and they want to seduce the officials so that they may get some advantage.

Dr. P. S. Deshmukh (Amravati East): Are not there any people waiting to be seduced?

Pandit Thakur Das Bhargava: On page five of the report you find that this is recognised:

"We are fully aware that in at least some instances the offering or giving of the bribe to a public servant is due more or less to compulsion; for example where a public servant declines to do his normal duty unless he received a gratification for himself. Such cases are little different from extortion, and we have every sympathy for the view that in an instance of this nature the man who is forced to pay a bribe should not be considered equally culpable with the public servant concerned. But we cannot ignore

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the other class of cases—which are perhaps not less numerous and which possibly involve corruption on a larger scale—where a person seduces or attempts to seduce a public servant from his duty for the purpose of achieving a gain to which he is not entitled."

My humble submission is that those who take bribes and those who give bribes are equally guilty because the person who gives the bribe is also doing something for getting some illicit gain for himself and the person who takes the bribe in cases where it is not taken by way of extortion also does the same thing with a view to secure a similar end to himself, namely to get some illicit gain. In some cases a person gives the bribe for getting a licit gain, a legitimate gain—there, of course, our sympathy should be with that person, but in cases where people want to get these kinds of advantages I think the law should be strong enough to punish them.

In most cases of these corruption charges the evidence usually produced is of persons who arrange a bribe or sometimes of persons who give a bribe. The weight to be attached to the evidence of a person who gives a bribe may be small, or may be great, it depends upon the circumstances. I know of cases in which police officers have been brought to book on account of the evidence of those from whom bribes were extorted and whose evidence was believed. I do not think that our law of evidence is so defective that such a person who gives the bribe may not at all be believed. Therefore, what this Bill effects is only this, that we do not want that there should be delay in the trial and as such we recommended that Special Judges should be appointed. I am one of those who do not want the appointment of any special judges unless there is an emergency. I want the law of the land should be enforced in regard to every offence in a normal way, but I do feel that in a case of this nature unless and until you have got Special Judges it will be very difficult to bring the offenders to book expeditiously. Therefore, this system of Special Judges was absolutely necessary. Secondly, when a pardon is given the present law lays it down that the case must be committed. If the case is committed it is likely to be prolonged to a great length of time. At first the Commitment proceedings take place and then the case goes to sessions. That has been dispensed with. It has been brought to our notice that in all these cases dealt with by the sessions courts long delays

have occurred; even years rolled by and the person was not brought to book. With a view to eliminate such delays these recommendations have been made. At the same time may I submit that this Committee was appointed to go into the question of the Delhi Special Police Establishment and therefore we were only concerned with how they were acting, how they got their cases, what their difficulties were, and we wanted to have a solution for their difficulties and in that respect only, we recommended this solution. Therefore, though this Bill is a general one it must be borne in mind that for the special circumstances which were brought to our notice we recommended these changes and I believe that these changes are of such a salutary character that they will certainly expedite the disposal of cases.

I want to make one specific point to which I want to invite the attention of the hon. Home Minister and of this House. I have seen that with a view to see that the delinquent is brought to book the police people, and the Special Police Establishment people also, have recourse to a very objectionable kind of tactics, that is the trap system. I very humbly beg to suggest to this House and to the Home Minister that this trap system should be abolished. As long as this trap system exists there is no doubt that in particular cases people can be got at, caught and punished, but at the same time it is a very vicious system. In the course of my practice I have seen that most vicious people were employed to lay the trap; they are absolutely unscrupulous and are engaged by the Government or by the Police for the purpose. They go to the person concerned and their sole attempt is to put the money before him; as soon as he puts the money in his pocket the Police and the Magistrate come and get hold of that man. I can understand that in some true cases this system proves useful, but at the same time it may so happen that a person in whose case it is the first occasion may also be caught. It is not that the offender is entrapped, but an honest man who commits the offence for the first time may be caught. After all, law is not a barometer which is used for finding out if a man is honest in his dealings or not. A person who is absolutely innocent may just yield to some sort of temptation and may receive some money, or the money may be so planted in his hands that he may be caught. For instance, notes signed by a certain officer may be arranged to be put before him and

he may be caught. No defence is open when such a thing happens. He will be convicted.

Again, I doubt whether the trap system is legal. In cloth sale cases, usually you send a man with a signed Rs. 100 note. He goes to the market, asks the people to sell cloth at black market rates. The money is given to the seller. The Police, the Magistrate and everybody is there and they capture the man. Legally, unless there is a contract to buy and sell, the offence is not complete. There cannot be any contract for selling or buying in the case I mentioned. Thus, trap system is practised even in cases where legally the offence is not committed. This is a bad system. It does not seek to capture only the person who is guilty, but even an innocent person may be involved and he would be unable to unmesh himself.

Shri S. S. More (Sholapur): Supposing an officer A wants to take some bribe from a person B. B will be liable for the offence. B goes to a police officer and says, "That man is asking for a bribe. What can I do?" and if some signed notes are given to B which are handed over to the other man who is out to be corrupt, then will that be objectionable from my hon. friend's point of view?

Mr. Deputy-Speaker: He is saying evidently that there are not such cases in large numbers. He is asking whether, when there is an allegation against an officer and for the first time he succumbs to temptation and takes the signed notes, that should be made an occasion for prosecuting him.

Pandit Thakur Das Bhargava: I do not say that good cases cannot be caught by this system. My submission is that in a very large number of cases the trap system is working like an engine of oppression and absolutely innocent people are caught. I have seen in many cases that the worst people are employed. Those unscrupulous persons will be able to make any statement whatsoever. If the money is planted in a man's hand somehow and if he is asked to take it, he may be charged and no defence is open to him. After all, unless and until I and the other man who wants to trap me agree to a buying and selling contract, the offence is not complete. The other chap is not willing to enter into a contract and he knows that the transaction is not complete and yet the thing is regarded as legal. The Madras High Court in one case described the trap system in great detail and condemned it in unequivocal terms. I do not want to say more about it. Respectfully and humbly I submit that the Home

Minister should see that the trap system is abolished; and if it is not abolished, he should see that it is so minimised in its operation that only rare and good cases are brought under it. To use it as a general rule for all people is not justifiable.

Mr. Deputy-Speaker: Can this not be used at least for departmental and administrative punishments?

Pandit Thakur Das Bhargava: I have known cases where in departmental cases also, whenever a higher officer gets a clue that his subordinate is a dishonest man, he sends a signed note through somebody and it sometimes happens that even an innocent man who has incurred the displeasure of his superior officer or against whom some complaints are made by somebody else is made to suffer by adopting this practice. It is not always that this system is employed in respect of dishonest people. Some evidence was brought before us in regard to such departmental cases and the practice which is now developing in most of the States like Madras, U.P. etc. is that they appoint some Judges and they hear the departmental cases and in bad cases either they ask the man to resign or without giving him any option they dismiss him. That is a very salutary rule. But in judicial cases all the corrupt officials cannot be brought to book. Many dishonest people are acquitted. Therefore, it would be much better if selected cases only are sent up to courts and in all such cases conviction follows.

I know of a case in which a *thana-dar* who was a very big bribe-taker got chalanned for ten cases. When the case went to the court, the Magistrate knew he was a bad man and wanted to convict him, but the *thana-dar* was so clever that in all those cases where the bribe-giver had alleged that the bribe had been given at a particular place he cooked up alibis that he was actually at a place fifty miles away on that particular day. His presence was proved to have been in such a village as was physically inaccessible from the place where the money was alleged to have been given, and ultimately he was acquitted. Nothing was done to him. Bribery is committed so very nicely and the officials combine together and take their respective shares. Once, the Chief Justice of undivided Punjab came to our District Bar Association and asked the lawyers for their views about corruption, bribery etc. and I pointed to him that in one of the *thanas* Rs. 21,000 were taken by the Police in one month and asked him what he was going to do in regard

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to the police officer concerned, I told him that the S.P., who was a European, was also corrupt and was taking some portion of the bribes which the *thanadar* was getting. But then the Chief Justice was helpless. He only wanted to look into Rs. two and Rs. three taken by *chaprasis* and *nasirs*. He could do absolutely nothing in regard to that major case I pointed out. The Sessions Judge, the Deputy Commissioner and several others were there. I gave my views openly before them. My humble submission therefore is that corruption cannot be rooted out by judicial cases alone. It is utterly impossible to do so. Government should recruit good people.

Dr. P. S. Deshmukh: But where are the good people?

Pandit Thakur Das Bhargava: In this country there are very good people. But there are far too many bad people. We know that even the highest officers when recruiting men give jobs to their friends and relations and are guilty of nepotism and favouritism. When the whole recruitment takes place on that basis, why are you worrying about bribery? Bribery is one sort of corruption and our attempt should be to root out the entire corruption. We should take courage in both hands at the highest levels the virtues which we ask others to practice. I am very hopeful. Before the war, corruption was not so rampant. During wartime it began. Every European was corrupt. Even those who had never taken bribes became corrupt during war-time. Our young men who are now recruited to the Indian Administrative Service and other Services are much better, and with their coming I am hopeful that corruption will die out. During these four or five years, people were under the impression that under the National Government corruption will disappear, but today when we go to the villages people say to our face that corruption is as rampant as before. As a matter of fact, till now we were not taking stock and were reconciled to all bad things as if they were inevitably in store for us. Now everything wrong evokes criticism. That is as it ought to be. Now if you go to the villages...

Shri Kelappan (Ponnani): Why do you go to the villages. It is more rampant here—in the capital.

Pandit Thakur Das Bhargava: Am I to understand that the hon. Member feels that there was no corruption at any time here. I am only submitting that it is less than what it was before and that things are improving. Our young men who are getting into the services are much better than

before. If you say that corruption is rampant, I say that you and I are responsible for it. The Judges cannot do anything. Unless the general standard of the people is improved, how can you root out corruption?

An Hon. Member: Then, what is the remedy?

Pandit Thakur Das Bhargava: So far as Government is concerned, its duty is quite clear. Every Government servant should be honest. Unless we raise the morality of the people; unless we ourselves become non-corrupt there is no remedy. As some hon. Member pointed out Section 302, IPC, has been on the Statute Book for a very long time. But has it prevented murders being committed. So corruption will go on until and unless we raise our standard of morality.

So far as this Bill is concerned, it only aims at eliminating some delay and also to bring to the public mind that bribe giving is as much an offence as bribe-taking. I do not think that this Bill touches the main question and it is hardly necessary to expatiate and discuss the broad question at this stage.

Shri Nambiar: With regard to this Bill I have my own apprehensions, because it embodies a new idea. For the first time a person who offers bribe is going to be treated an offender, as much as a person who accepts the bribe. Formerly it was not so. The Statement of Objects and Reasons says: "They seek to make the offering of bribe a substantive offence by itself instead of, as at present, a mere abetment." Whatever the intentions of the hon. the Home Minister may be, and however much anxious he might be to root out corruption, if the person who offers bribe is going to be treated an offender, how will bribery come to light? If a person who offers a bribe is going to be threatened that he will be booked and punished with imprisonment, why should he disclose that he offered a bribe? What is the need for him to come into the open and make a disclosure? When he gives the bribe, he might get what he wants. He will never come out and confess that he offered a bribe. By making the bribe-giver an offender and making him subject to such serious punishment, which may go up to three years, the hon. the Home Minister knowingly or unknowingly tries to defend a corrupt official. I, therefore, suggest honestly and in all humility, that this drastic measure which he is suggesting will not help us; on the other hand, it will only hinder us.

I would in this connection like to take the hon. the Home Minister into the basic root, or basic reasons, for corruption which is rampant today.

Even in the original Act there is provision to punish a person who receives bribe; but that has not put an end to prevalence of corruption. It has on the other hand increased. If the hon. Minister thinks that by this amendment, he could decrease it, I must tell him that he is mistaken.

Unless and until you improve the lot of the underdog, you cannot root out corruption. Take for instance the case of a clerk in a Government office. I have no sympathy for corrupt officials. Imagine the plight of a man who gets a pay of Rs. 45 per month in the City of Madras with a dearness allowance of Rs. 20. With Rs. 65 he has to live in the City of Madras. How is it physically or humanly possible?

An Hon. Member: So. he can take bribes?

Shri Nambiar: As I have already said I have no soft corner for the bribe-taker. But why do you not see the reality of the situation and try to remedy the root cause of it? Unless the present Government improves the living conditions of persons in the lower rungs on whom important responsibilities rest, I am afraid the social evil of corruption cannot be rooted out.

Take for instance a person who offers a bribe. A few months back a person came to me with an idea of digging wells with governmental assistance. I thought that it was a very good proposition for which help could be easily obtained. But when I went into the matter I could see that there were some 500 to 600 applications. So in the ordinary course he could not get any help. He was inclined to spend some money but I discouraged him to do it. At last I came to the conclusion that he will never get any assistance unless he spent the money. I was not myself feeling morally courageous to ask him to pay the bribe. This is the position in the villages.

Much is talked about corruption on the railways. I agree there is corruption in the goods branch, in the traffic branch, etc. There again look at the condition of the railway worker, or the station master on whom so much of responsibility is placed. We go and ask the station master that he should not behave like that. Agreed. He is as anxious as ourselves that he should not accept bribe. But look at his home and his children. He stands between the devil and the deep sea. As the hon. Member who preceded me said, the youngsters who come into the services are conducting themselves better. I know of a case where a booking clerk who refused to take bribe

was taken to task by his higher official. There a section of people were receiving the bribe and this particular official, a bad element, did not join them. Therefore, he was transferred. Therefore unless you tackle the problem at its root by improving the living standard of the underdog, you cannot root out corruption. -

Now I come to the bribe-giver. There are certain blackmarketeers, some big sharks, who thrive and live only on bribe-giving. If there is any provision here to distinguish such elements from the rest, I would certainly have supported this measure. But this is an omnibus measure. As my hon. friend Dr. Jaisoorya just now said, it is wide enough to cover the case of a person who gives four annas to a policeman. What I say is that this provision is so ambiguous and omnibus a provision that anybody and everybody can be brought in. The position is then quite different because it does not serve the purpose.

For instance there may be a case in the railways and a railway servant may not be liked. A person may come forward and say that he offered him a bribe to do a certain thing and he may be punished. Where is the defence for that poor man who is undernourished and half-starved? He cannot go to court, engage lawyers and defend himself. It will be a very difficult proposition for the railway servant who may be accused.

Therefore, when we bring in a sort of legislation like this we should consider all sides. After all this is not a new legislation. There is already a law in force. When you amend or extend that law you must satisfy us why you are extending it. It has not been done. Even in the hon. Minister's speech he did not attempt to say why this extension is sought. He said there is an increase in corruption. He ought to have given statistics that in such and such department or section we find considerable increase in corruption, due to so many reasons, therefore by bringing this amendment we seek to reduce it to such and such extent, so as to convince the House and the people that this is an extension which will satisfy the needs. But they just bring in an amending Bill and there it is said that the fellow who gives bribe is also to be booked, and in one paragraph they dispose it of. This is not the way the House or the people should be treated.

Whenever a law is sought to be extended—this is a substantially important measure which is to be enacted—when such a measure is brought, the people must be told in what way

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an improvement in the existing law is sought to be attained. In that way also it is not serving the purpose, because we are not told how far we are going to improve or what is the state of affairs in which we already are. Of course the hon. Minister can say that he is not worried about all these things and that he only wants to get the Bill passed. Then we have nothing to say because he can get it done. I do not dispute its possibility or his capacity to do it, because he can bring any Bill and get it passed. But that should not be the spirit with which he should approach the issue. That is my humble submission.

Coming to certain criticisms made about the trap system, I do not want any trap to be set up for any person. But there are certain officials whom it is very difficult to book. How can they be booked? Therefore some sort of an arrangement is needed. I do not approve of the actions of the police officials who in many cases trap a person in season and out of season for some other purposes. If the police officer had any grudge against a particular person, that fellow will be trapped. Of course that margin or possibility is there. But in respect of certain officials whom it will otherwise be impossible to book, there may be a genuine attempt from certain quarters to trap—not exactly trap—but to book them, for which signed notes will have to be issued. I know of certain cases on the railways, particularly of one P.W.D. Inspector who is in receipt of so much bribes, which can be exposed, but he went up to the High Court and got out that he was innocent—and he is still in service. I know that particular man, because that particular man it is very difficult to book. I fought on that matter, the railway workers have been complaining, we took photos of all his doings, we took photos of his movements with certain others, and we brought everything out. Still the man has come out successful in the court. Therefore there are certain elements where we have no other go but to book them like that.

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Then there is the question of legality, and the learned lawyer Member said that there is no completed contract, and when there is no completed contract will it be legal. That means that the man who takes and the man who offers, both must agree, there must be an agreed act, and then only it becomes legal. I think that is going too deep into the legal quibblings of the question. Let us see it on its merits.

Whether it is legal or illegal, or whether the High Court will take it as a completed agreement or not—I do not want that we should go into those matters so deeply. I say let us look at the merits of the issue.

The final point I want to make is that there are methods by which this corruption can be fought out. For instance when I was in China—I had been there and the hon. lady Member, Shrimati Vijayalakshmi Pandit had also been there—I could see that there was a big anti-three movement there. The three things are corruption, bureaucracy and malpractice or wastage. These three items are there where the entire people are asked to fight against these three evils. When they catch hold of a corrupt official and if there is evidence against him he is punished, whoever he may be, even if he is a person with high responsibility. I can say that even certain elements there who had a history of Communist leanings and sympathy with Communism etc. were convicted. Anybody, whether he is a Communist or not, whether he is in power or not, if the people could give evidence against him, he is thoroughly punished. But here I have no knowledge of any Congressman being convicted. Of course the Congressmen are in power here. I am not casting aspersions on Congressmen as such, but there is that soft corner and feeling and if he is a Congressman with a white cap, though his heart may be black, he is allowed to go free.

Pandit K. C. Sharma (Meerut Distt.—South): Sir. on a point of order. Is this within the scope of the Bill?

Shri Nambiar: Why not?

Mr. Deputy-Speaker: Order, order. If the hon. Member has any particular case where a Congressman or a person belonging to any particular section of politics has been guilty but the Government have refused to take action against him, then that is a point which can be referred to. Merely to satisfy the hon. Member and to follow the example of China, if a Congressman has to be booked I think it will not be right. The hon. Member must have an instance where merely because he was a Congressman, although he was guilty, he was let off. There are now groups and groups and points of difference and misunderstandings arise on various grounds. Why should he add one more cause for misunderstanding?

Shri Nambiar: That is why, Sir, I started with the preamble that I am saying this without any bad reflection to any particular Member or party. I will be more precise in saying that a very very responsible Congress leader in my district, namely Trichinopoly, who had once been even a Minister, evaded giving paddy which he had stocked, the Collector had occasion to put it up, and the Collector got dismissed.

Mr. Deputy-Speaker: Order, order. I have no objection. But it is good to refer only to cases which have appeared before the court and some evidence is there on which reliance can be placed. Otherwise, charges can be made and counter-charges can also be made. And the other person, whether, a Minister or otherwise, even an ordinary citizen outside, is not here to defend himself. Personal references of that character may therefore be avoided. Now, it is easy for any hon. Member to say against any other person in an important position or otherwise...

Shri Nambiar: But, Sir, I did not mention his name, in the first place. Secondly what has happened there is in record, in the Madras Government, in the correspondence between the Collector and the Ministry. It is there and a reference can be made.

Mr. Deputy-Speaker: It is not possible for us. It is not a court where a particular person is accused and he has a right to defend himself. If there is a case let it be referred to—so and so was convicted or something else. In the absence of any such case let not hon. Members refer to particular persons here. One can see who a Minister is in a particular place. It is not every man who belongs to a place who is a Minister. Therefore...

Shri Namdhari (Fazilka-Sirsa): My point of order is different. My submission is that the hon. Member has to speak on this Corruption Bill. In this place he is trying to exploit the railway people and draw our sympathy. These are graduates of the fox university and we must be very careful with them. (Interruptions).

Shri B. C. Das (Ganjam South): Is the expression 'Fox' university parliamentary, Sir?

Mr. Deputy-Speaker: I understood the hon. Member to mean FOLKs university, that is the peoples' University: not 'Fox'.

Shri Nambiar: I am sorry; my intention here is not against any particular group or persons.

Mr. Deputy-Speaker: Personal references may be avoided.

Shri Nambiar: My point is that we must have all our forces mobilized to root out corruption. You must use the law courts; you must use the platforms; you must use your private influence to see that corruption is rooted out. I am one with the hon. Home Minister if he is at all for fighting corruption; because I find he says so, but his action does not show that. That is my difficulty. I am one who wants to root it out lock, stock and barrel from its inception to the final stage. That is why I say we must improve the social conditions in the country, we must improve the economic conditions in the country and we must improve the morale of the staff, from the point of view of standard of living—at the point that they are instigated to be unpatriotic. Legally, if any individual commits a crime, he must be punished severely. In all these respects, I am one with others who want to fight corruption. I am sorry that this Bill does not lead to that state of affairs. So, I would request the hon. Minister to reconsider the points and the basis on which I and the other hon. Members have spoken here. I say, by introducing such drastic punishments on the offerer of bribes, he will satisfy the purpose. I would ask him to re-think and come to conclusions.

Shri Joachim Alva (Kanara): I would like first of all to deal with the psychological background of corruption. Corruption has been rampant in our body politic for some time now and it is a great shame that the fighters for freedom, who flung everything into the melting pot of freedom-fight, have to face, when they are in seats of authority, this problem.

There is a very innocuous sentence on page 15 of the Report on the Bakshi Tekchand Committee's Special Police Department which says that the Ministry of Home Affairs have under consideration two proposals to deal with this problem and that the first is the compulsory retirement of officers who have qualified for full pension and who are suspected on any grounds to be corrupt, even though there may not be sufficient formal evidence for a judicial enquiry or a departmental proceedings. So far so good! The Government of India has come to a good decision on this matter that when officers are suspected to be corrupt they retire them compulsorily. You cannot hide corruption from the face of the man. Psychologically, corruption may not be set apart from a man's nature. In the law of nature it is so

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written that sooner or later the evil deeds of man will be found out. The reputation of the evil deeds of a man goes abroad much sooner than the law courts can get hold of him. In this connection we have some very good principles laid down by the British Ministers, some golden principles that are enshrined in the British House of Commons. During the last 25 years, we have had the case of Mr. Thomas, who, when he was the Chancellor of the Exchequer was known to have made some profits out of having given away some secrets and the result was that he had to retire from public life. We have had the fine example of Hugh Dalton, who only a few minutes before he was to deliver his Budget speech and on his way to occupy his seat, mentioned about the Budget; it was considered improper and he had to leave the post of Chancellor of the Exchequer and seek temporary retirement. (Some Hon. Members: Not retirement). Two or three years ago, we had the example of an officer—I am unable to mention the name of the officer—in England, who perhaps for having taken a few drinks and for accepting harmless presents, was proceeded against and he had to quit office. We have to put right the top, and begin right from the bottom. Right from the bottom in the sense that in the case of the lower-scaled officers and lower-scaled clerks, we have to watch the cost of living index and see that their salaries are in keeping with the rise in the cost of living, and that they are not given salaries by which they are tempted to take bribe this way or that. Take the Railway administration. We have in our Railways the largest corporation, the largest nationalised industry in the world. Yet, we have numerous instances when, either for buying tickets or booking a passage or for obtaining priority for despatch of goods, money had to be parted with. Thus the reputation of the administration goes to pieces. The law is an ass and it has no remedy against these evil doers.

I should like to quote the instance of Bombay. I come from the city of Bombay and I shall say something to its credit and reputation. We had a Chief Minister there who has just retired and we have now a Chief Minister who is known to stamp out corruption. We have had a Chief Secretary Mr. Bhatt, who is known for his integrity and character. We have not heard of any case against the top officials. Why is it so? The Chief Minister had been probing into those cases;

the Chief Secretary has a grip over the I.C.S. officers and even where they had put in 15 or 20 years service, they were demoted, if something went wrong. Perhaps, I may humbly suggest as a layman, untrained in the arts of Government that it is high time for the Government of India to have a Chief Secretary. Not Secretary General, who merely dabbles in External Affairs, but a Chief Secretary, a person with the highest patriotism, integrity and honesty, who will have the right in conjunction with the head of Government to go into and enquire into the conduct of I.C.S. officers, however high they may be, who have been known to swank about. They should be demoted or sent away to the provinces from which they came, where perhaps they had had no chance of being promoted as Secretaries, but who are Secretaries here. I say that the reputation of two or three officers at the Government of India has been bandied about the country, officers whom even the Prime Minister has not been able to remove from one place to another. We have a Prime Minister whose reputation and integrity are known round the world over. We have a few officers in the Government of India whom we are unable either to remove or transfer owing to various technicalities. I suggest we start with a Chief Secretary to the Government of India who can deal with these officers and control their destinies whenever they go wrong in the matter of demotion, promotion, transfer, etc. If he is an I.C.S. officer, who has his own clique or coterie to back him and thus becomes strong that sometimes even national interests cannot weigh against him! We have done a great tragedy in this matter. In 1947 we had a good chance of recruiting to the services 2,000 young men who had been behind jail walls, who had flung away everything and their careers, and who had only honest character and patriotism plus ability. If we had perhaps put them in offices, in the States and in the Government of India, we may not have had this onslaught of corruption in this country. This is a psychological problem as I said.

There is also the economic side. We have to watch the cost of living index. There is a clerk whose salary is Rs 100. His cost of living comes to Rs. 200. He cannot purchase a seer of milk, nor fruits for his children. These are problems which have to be tackled from the economic side.

Another point that I suggest is this. Corruption cannot be completely

stamp out from this country unless we change the basis of this society. I say this with all the seriousness at my command. A few people in this country, 2,000, 4,000 or 5,000 have lots of money and an unquenchable passion for amassing more money. They have any number of bank accounts and offering a bribe of Rs. 10,000 is not at all difficult for them. As long as we have this basis of society, unless we change this basis and give unto every man his due, we shall not be able to root out corruption. Even if you lock them up or as they do in China, flog them in the streets, the position will not change. In China they had a redistribution of wealth, and the basis of society was changed. Every man got what he needed; every man got his required bowl of rice. As I said, if 5,000 people have lots of money in their hands, they will naturally try to fling that money to create influence in their favour. I may cite the instance of a police officer in Bombay who refused to take a bribe of a lakh of rupees. With the result he was trebly promoted; from a Sub-Inspector, he became straightaway a District Superintendent of Police in three years which is a high rank indeed and the Government went out of its way and promoted him. Merely Bills of this type we are now discussing will not do anything. We have known cases of corruption in the Bombay High Court where the Judges of the Appellate Court have flung away cases on mere technical grounds. A man has taken bribe. He is put up for trial. He goes through the process of trial and convicted. Then the case comes before the High Court and the High Court just throws it away on technical grounds just because the offender says that the money was planted. On the slightest technical grounds perhaps, seven out of ten cases have gone off, and three only remain to be booked. That is why I say, Sir, let us not merely take the legal side. We will not be able to achieve much. We have to take a very serious view of the situation. We have to watch the living index and promote men and officers of ability and upright character. Unless we do these things, we will not be able to root out corruption. We have about or more than 500 Ministers in this country, have we known of one Minister resigning or being forced to resign for corruption. At least my memory is very short, and I do not remember any Minister having resigned or having been forced to resign on a matter of corruption. If perhaps a Minister is upright, straight, you can as well look at the man, into his face and say "his hands are clean, his career is known". Some Ministers

perhaps have feet of clay, because they have either wrongly used their influence or perhaps they do not dispose of cases purely on merits. That is why we are today faced with this problem. This has become a gargantuan problem. We are not able to solve it. With the best minds we are not able to solve it because we have not got strong public opinion about this point. We have not got people to say thus far and no further. Unless we are able to put this right, we shall be unable to reach our goal.

As I said, thank God that at last the people have risen to consciousness. They have taken a serious view. The Government appointed the Tek Chand Committee. As I said, the Government of India is able to deal with the officers only at the end of the retirement period. Why should not Government take up the cases of people who have been acquitted by the Court, hold departmental enquiries and then ask them to go and look elsewhere for jobs? Unless we do this, Parliament cannot do anything. Parliament is an ineffective body so far as corruption is concerned unless we are backed by strong public opinion. Unless the whole basis of society is changed, all the legality, all the devices to fight corruption will not succeed and the weapons in our armoury will not be effective. We must take a leaf from the British public life where a Minister, if there is the least breath of scandal against him, has to depart from his office. Unless we are able to put that respect into our own public life, we shall not reach our goal. It is no use asking the people downstairs to be upright when people upstairs have got a breath of suspicion around their person. Unless people in all walks of life are able to arrive at a common standard of life, a common behaviour and decency, we shall not be able to check the prevalence of corruption.

The war brought fat salaries, the war brought huge profits and bulging bank accounts, and that state demoralised the vitals of our public life. The vitals of our public life are damaged to such an extent that we are not able to get out of that condition. The huge cobra has strangled our national life, and we are unable to stem the tide, nor are we able to kill it, because we have not got the strength of public opinion. The machinery is so slack. The Judges of the Appellate Court on mere technical grounds throw out a whole case, and the offender goes scot-free, goes home smiling. These are

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cases which should be watched by the Department concerned.

Dr. P. S. Deshmukh: On a point of order, Sir. In the course of his speech, the hon. Member who has just sat down, I think, said that High Courts throw out cases on frivolous grounds.

Shri Joachim Alva: I said technical grounds.

Dr. P. S. Deshmukh: Previously, the word used was "flimsy". I do not know how far it is correct, and whether it would not amount to even contempt of Court.

Mr. Deputy-Speaker: I infer that there was no aspersion against any Judge or any Court, but he only wanted to say that on technical grounds cases are thrown out. The word "flimsy" was used. I shall have it corrected to "technical grounds".

Shri Venkataswamy: I shall confine my remarks to the several provisions of this Bill without straying into an elaborate argument over the corruption prevalent in the country or alleged to be so prevalent.

The hon. Members who started discussing this Bill said that a new offence is being created under this Bill. They said that the offering of a bribe is for the first time made an offence, and on that premise, they built up arguments for and against, and my hon. friend Dr. Jaisoorya said that people are compelled to offer small "mamools" so that they may get their things done, and asked Government whether they propose to penalise even those small people who are compelled to give "mamools" owing to the existing system and so on. To my mind, we are not creating any new offence at all. Already, there is provision in the Penal Code for punishment of persons who offer bribes. If the bribe is given and the offence is complete, then, the provision of Sec. 109 would be attracted which means that the person who offers bribe would be punishable with same sentence as the person who receives it, and in a case in which bribe is offered, but it is not accepted, it would be falling under Sec. 116, and under Sec. 116 the punishment is just one quarter of what the punishment for the main offence would be. Therefore, it is not that we are creating for the first time an offence punishable under this statute, but, on the contrary, we are enhancing the punishment that would be inflicted on the person if the bribe is offered, but not accepted. The offerer

of the bribe and the man who accepts the bribe stand on the same footing and in a moral sense, both are delinquents. It is no consolation for society to be told that they are compelled to give. If a person resorts to this expedient argument and says that by the force of circumstances he has been compelled to offer a bribe, the other argument would be equally available, that by the force of circumstances, of expediency, he was compelled to accept the bribe, in which case bribery need not be an offence at all. Both the man who offers and the man who accepts may go scot-free. But, if society should improve, if the moral standards should be maintained, it is very necessary that the offenders, whether they are the offerers of bribe or those who accept bribe, should be put on the same footing and be punished on the same footing. What this Act seeks to do is to enhance the punishment for those persons who offer the bribe to the same extent as for those who accept the bribe. Therefore, the argument based on the theory that a new offence is being created, and that even small persons who are compelled to give 'mamools' are brought within the clutches of this new law, and that some unheard of or serious offence is being created, and that some serious punishment is going to be heaped on the people, is not at all warranted by this Section.

I want to draw the attention of the hon. Minister to one or two lacunae in this legislation. In respect of the first one, I have myself given notice of an amendment. If the Sessions Judge and the Additional Sessions Judges alone are to be appointed as Special Judges, I submit that many of the districts in India would be crowded with so many cases that the normal functions of the District and Sessions Judge, namely, trying cases of murder or cases of a higher magnitude, would be almost relegated to a corner. In fact, they will not be able to attend to all the cases which will go before them for disposal under the ordinary process of law. Therefore, it is necessary that some person equally high up in the judicial hierarchy should be allowed to hear these cases. And an Assistant Sessions Judge, so far as my own province of Madras is concerned, is a senior Subordinate Judge of more than 17 to 18 years standing, and they are the persons who are the most competent to hear and dispose of cases under this Act. It is good that the Government have thought that the trials of such serious cases should not be left

to the lower magistracy, but should be dealt with by the higher officers of the judiciary, and I am sure the House as also the country would welcome this move.

Then what is to happen to those cases which are pending. Today I am told that there are over 200 cases all over India, which are pending before several Magistrates. If the new law is enacted, then, the Magistrates will become incompetent to try these cases, as they will lose their jurisdiction over the matter. Therefore I think some provision is necessary, which ought to be provided in this Bill by way of abundant caution namely that cases which are pending before Magistrates should be transferred to the special Judge in whose jurisdiction these cases have arisen.

The other question raised is whether or not pardon should be given in cases of bribery or corruption. I do not think that this is a matter which may be disposed of on any principle. There may be cases in which only one or two may be involved, and in such cases, the offer of pardon to one will certainly adversely affect the other person involved in the case. But there may be conspiracies to commit bribery in which hundreds or tens of persons may be involved. In those cases, unless we tender pardon to one of them, the connecting link or the missing link in evidence may not be forthcoming. The House would accept, as also the people that in such cases, it is right to offer pardon. This is a matter which shall not be determined by any executive authority, but will be determined by the Judge before whom the case comes up. The discretion of offering pardon will be vested with that Judge who alone is to decide in every case whether pardon should be given or not, on the merits of the case. I think that if you want to bring in conspiracies of a major kind where a number of people are involved in an attempt to corrupt the officials or to offer bribes, it is necessary that at least one of the persons who formed a link in that conspiracy should be tendered pardon, so that his evidence may be forthcoming. Your experience itself will show that in most cases of conspiracy, pardon has to be granted either to one or other accused so that the necessary evidence may be brought before the Court. Therefore I submit that there is nothing wrong in the provision for offering pardons to those involved in cases of corruption and bribery.

With these few words I warmly support the Bill before the House.

110 P.S.D.

Mr. Deputy-Speaker: I think I can conveniently adopt the following procedure now. As a matter of fact, there is no new law that is being introduced. The punishment for abetment of an offence, which is already an offence, though the Act is not committed is now sought to be raised to the same level as that for the major offence. And then a Special Judge is appointed to consider or try these cases. The provision for a pardon also is included, because it is felt under the Tek Chand Committee's Report that without such a provision it will not be easy to get evidence. I find that hon. Members are making a number of suggestions, not for the improvement of law, but with respect to other matters, namely, the administrative steps that may be taken in this behalf. They have even gone to the extent of saying that unless the economic condition of the people is improved, it is not possible to root out corruption.

In these circumstances, I feel that there has been sufficient discussion over this matter. I shall bear in mind the names of hon. Members who have not had an opportunity to talk at this stage. When we come to the discussion of the clauses, I shall call upon them to speak, and try as far as possible to give opportunities to all other Members who have not taken part in the discussion so far.

So, I shall now call upon the hon. the Home Minister to reply, and close this stage. When we come to the consideration of the clauses some more time can be given to hon. Members who would like to take part in the debate.

Shri Vallatharas: Some of us on this side feel that we have not got any chances at all to speak. We have only been listening, and there is a one-way traffic only. I have the greatest grievance that I am not getting a chance. As a lawyer, if I do not get any chances to speak in these Bills, then what is the use of my sitting in this Parliament? We must also be given opportunities to talk.

Shri D. D. Pant (Almora Distt.—North East): I am also a lawyer. I have also not got opportunities to talk as yet.

Mr. Deputy-Speaker: Let there be no discussion on this. I shall call upon all hon. Members who want to speak and who want others to hear them speak, when we come to the clauses.

Babu Ramnarayan Singh (Hazaribagh West): What you have said, Sir,

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is perfectly desirable. There is no doubt about that. But the matter is of so very grave importance, that each one of us should be allowed to talk, and that there should be no hurry in this matter.

Mr. Deputy-Speaker: There is no hurry. I shall call upon all hon. Members to talk.

Shri S. S. More: Supposing, we are called on to speak, during the second reading, our remarks will necessarily have to be restricted to the particular clause under discussion.

Mr. Deputy-Speaker: Clause 3 is sufficiently wide enough, that hon. Members can speak on that clause whatever they want to. I shall now call upon the hon. the Home Minister.

Dr. Katju: I am indebted to my hon. friend who has just preceded me, for a very careful dissection of the various clauses of the Bill. But speaking without any offence and with all respect, I am really rather surprised at the tenderness shown to the bribe-givers. I quite realise that in petty cases or cases which may be considered to be cases of extortion, the bribe-giver is entitled to every sympathy, as in these petty cases of 'mamool' etc. But during the last five or ten years, there have been cases where the bribes have been given simply for the purpose of making profit to such an enormous extent that if the House knew of the cases which I know personally, it will be astonished. For instance, I shall give just one case.

In the Uttar Pradesh, there was a ban on the export of *gur* from the 1st April in a particular year, from that place to Punjab. The *gur* prices in the U.P. were near about Rs. eight a maund, while in the Punjab it ranged near about Rs. 17 or 18. Licenses were already granted for export, and they were to expire on the 31st March, and so there was a tremendous rush on the part of every license-holder to transfer or to put across his own stuff into the Punjab. They also came along the border near Moradabad, and Meerut and every one of them tried his best to seduce the Station Master, and the Railway Staff—not the Rs. 45 lower staff, but the higher staff—to give them wagons.

I know of one case in which in 14 days the Station Master concerned—very likely of his own ingenuity or of the ingenuity or with the assistance of higher officers—somehow or other diverted 52 wagons and the price

the man was Rs. 500. In 14 days, Rs. 26,000 were cleared up. He got two years from the High Court. But then he should not have taken a single penny. I quite realise that. The fellow ought to be condemned. He was condemned. But what is the moral guilt of the man who went to him and said: "Here is Rs. 500"? Or take another case. The export is stopped of *sarees* or textiles and railway trucks are sent from the mill premises down to the country. In the olden days, about four years back, of course you had to pass through different police stations and you could not make 100 per cent. profit. Therefore, in order to distribute the 'sugar', so to say, you just paid eight annas here and eight annas there and instead of making, let us say, Rs. 50,000, you said you were quite satisfied with Rs. 25,000 and you distributed Rs. 25,000 among ten officials. Now, this is what the Bakshi Tek Chand Committee has called seduction. It is not a case of catching the smaller people; it is a case of catching the bigger people who in these days want to corrupt officials. Here in this Bill, as was pointed out, what is there? The sentence of imprisonment is two years for the bribe-taker. The Bakshi Tek Chand Committee says it is too low, it ought to be raised. It has been raised to three years. If the bribe is not accepted, then today the maximum imprisonment is only six months. The Bakshi Tek Chand Committee says, "make it a substantive offence with the same punishment, make it three years" "In order to expedite trials, appoint Special Judges" because in the case of Magistrates, I know it takes months and months and the case drags on. In Calcutta four years were taken in a certain case. We want them to be disposed of, and by senior Judges.

This is the object of the Bill and here is my friend, the hon. Mr. Nambiar, who spoke about the low paid staff of the railway for whom his heart is weeping. So is my heart, but it has nothing to do with the present situation. Then the question comes, the question of giving pardons. Now we give pardon in order to secure evidence. And then somebody talked about trap. A trap is always laid not for the purpose of corrupting a man; a trap is always laid for a man who is known to be corrupt. And generally when traps are laid—please remember this—in 95 per cent. of cases, what happens is this. The officer concerned wants a bribe and the man from whom the bribe is demanded, is a rather stiff man, so he consults some friends and says 'Why should I

pay anything? Let me go to the District Magistrate and report. Therefore this is not a trap. Information is given of the demand made right from the start to the District Magistrate or the Senior Superintendent of Police and the trap is laid in that way. I think there may be three or four persons' cases in which police officials have the strongest suspicion or information that a man is definitely making money; then they say: "Very well, we shall try to catch him". But these are all administrative matters. You may say that a trap should not be put into the way or path of innocent officers. I quite realise that. It is not a question of low paid staff or high paid staff. When I started practice, I tell you, in the Civil Court at Kanpur there was a Reader who was known to be utterly honest, getting a salary of Rs. 50 or Rs. 60. People said that he was of the unusual variety. He was a Muslim gentleman, he had gone to Mecca and he had taken a vow that he would not touch a single piece of improper money and he stuck to it. There may be people who may get Rs. 500 or Rs. 600. There is an English proverb: "Every man has got his price". Supposing a man is getting a thousand rupees and someone goes and puts before him a lakh. That is the moral degradation which began during wartime. A lakh of rupees is very hard for him to resist. He is getting a thousand rupees and probably he has never seen a lakh of rupees in his life. Easy money easily available. Now, who is to blame? I tell you, according to my opinion, the man who offers the lakh of rupees deserves horse-whipping and seven years and the man who takes that lakh of rupees may also get seven years. The Biblical prayer is, "Lead us not into temptation". The man who leads to temptation is a very wicked man. We are not talking here of the police. Somebody there painted a bad picture of the Delhi Station. Take this very case. The second-class compartment is fully occupied. I want to go to Allahabad. When I go there, the man says, "There is no room". I say:

बाबू साहब कुछ तो कर दो।

and then take out Rs. ten. He takes it. Now whose guilt is that? If the Babu Saheb has got any authority, I will not go and tell him that.

I can understand the case of a police officer who goes into a village. Somebody has been murdered and then the policeman sends a message: "Oh, tell that Thakur to take care of himself. Witnesses are implicating him" or "a

woman has been killed". She was a widow. The suggestion is that the father-in-law gave poison. Unless he pays Rs. 10,000, he will be implicated. And the man for the dread of his life pays. Please remember one thing.—I may tell you from experience again—wherever a bribe is paid by way of extortion, the method of getting hold of that corrupt bribe-taker is very easy, because the man who pays gets angry and comes and gives evidence. But where a bribe is paid for the purpose of making profits not only on one occasion, but continuously year after year, then evidence is not forthcoming. Because the bribe-taker will not give evidence and the bribe-giver wants the profits and he wants to keep in service every single officer in charge of the police station, every officer in charge of the Supplies department, every officer in charge of the licensing department. That is the condition.

Now, this was a very—I am afraid I am tired of saying it so many times and the House may say 'always that is the word'—simple affair. It is an innocuous thing, and in my support I have got the recommendations of a very important Committee and I thought I would be receiving some congratulations. But here it is said that I am showing solicitude on all sides for the bribe-givers. It never struck my mind.

I hope the House will take this Bill into consideration and pass it within ten minutes.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, and to provide for a more speedy trial of certain offences, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 165)

Mr. Deputy-Speaker: Are there any amendments to this clause?

Shri Jhulan Sinha (Saran North): Sir, my amendments to clause 2 are Nos. 1 and 3. Amendment No. 1 reads as follows: In page 1, line 7, after "years" insert "or with fine or with both."

To make myself clear I would invite a reference to section 165 of the Indian Penal Code and to the amendment sought to be carried out in the Bill. The section in the Penal Code says

[**Shri Jhulan Sinha**]

that the offender will be liable to punishment for a term which may extend to two years or with fine or with both, and the amendment in the Bill makes the offender liable to punishment for a term of three years or fine or both. My amendment seeks to make punishment extending up to three years and fine. I do not want to leave the court any discretion to let the offender go away with a fine. It has been aptly said that this is a social offence and any provision made to check that offence must have a psychological effect also. The Bill seeks to enhance the imprisonment from two to three years and obviously the intention is to create terror in the mind of the offender and to have a deterrent effect upon those who intend to commit the offence in the future. My experience is that those who commit such offences are not very much afraid of paying fines and if the court is left with the discretion to impose fines only I think the main purpose underlying the Bill may not be served. I have therefore suggested that the discretion to impose fines in lieu of imprisonment should be taken away and the offence should be punishable with imprisonment and fine. I need hardly give the ground upon which my amendment is based. Those of us who have to deal with men and things have found that during the last few years the numbers of bribe-givers and bribe-takers have increased enormously. The vice has become very rampant and widespread so that it will be very difficult to find persons absolutely free from corruption in any shape or form. The malady has become so deep-rooted that drastic action has to be taken. I quite agree that law cannot impose things on society, but then law givers cannot afford to sit with folded hands and allow the society to do anything. Therefore, while entirely agreeing with the statement of objects and reasons of the Bill and its provisions. I beg to suggest that the discretion vesting in the courts to impose fines in lieu of punishment should be taken away. The offender on conviction should be made to undergo imprisonment and fine so that he may not have the consolation of believing that in future he may be let off with fine only. This is what I wanted to bring to the notice of the hon. Home Minister. I hope he agrees with my views and I hope that he will accept my amendment.

Mr. Deputy-Speaker: But that is not his amendment?

Shri Jhulan Sinha: If I am allowed to read my amendments Nos. 1 and 3 together my purpose will be clear.

Mr. Deputy-Speaker: Is it an alternative amendment?

An Hon. Member: The wording in the amendment is found in the section itself.

Mr. Deputy-Speaker: Does he want to press his amendment?

Shri Jhulan Sinha: The conviction has been raised from two to three years and instead of "or with fine" I want to make it "and fine".

Mr. Deputy-Speaker: But this amendment does not mention it.

Shri Jhulan Sinha: I may be permitted to read my amendments Nos. 1 and 3 together.

Mr. Deputy-Speaker: No, I will not permit him. Amendment No. 1 is out of order because the wording is already there in the Act.

Shri Jhulan Sinha: I would invite a reference to the original amendment tabled by me. It is quite clear that there is a mistake in print and I am not responsible for that.

Mr. Deputy-Speaker: All right, we will come to No. 3 later on.

Then Pandit Munishwar Upadhyay—he is not present. Shri Sinhasan Singh, amendment No. 16.

Shri Sinhasan Singh (Gorakhpur Distt.—South): Sir, my amendment reads as follows:

In page 1, line 8, for "three" substitute "seven".

The punishment at present laid down under the law for bribe-givers and bribe-takers is not very hard. The result has been that the bribe-givers have been very indifferent to the law itself. Therefore, in changing the very law we must be very hard towards the offenders. The hon. Minister has pointed out that he has enhanced the term of imprisonment from two years to three years. He also wants to make the punishment for givers as well as takers of bribes on a par with each other. I would suggest that the man who takes the bribe should be given seven years imprisonment and the man who offers the bribe should also be given seven years. This will meet those cases of big bribe-givers who corrupt the officials. It is not as if the officials go

and ask for bribes. At least in bigger cases we find the big merchants go and offer bribes and by offering Rs. 1,000 they try to make Rs. 10,000. Such persons should be punished drastically. I have also put in another amendment to a later clause. The scope of my present amendment is to enhance the period of imprisonment so that it may prove to be a deterrent.

Mr. Deputy-Speaker: Is the hon. Minister accepting it?

Dr. Katju: My position is this. I followed in the Bill the recommendation of the Tek Chand Committee. That Committee recommended that in place of two years we should make it three years, and the same punishment should be awarded to the abettor. So far as "or with fine or both" is concerned, speaking as a lawyer I may tell you there are two aspects to be considered. In the first place, we are now providing that all these offences should be tried by Special Judges who will be very senior Judges and they will duly consider the measure of the culpability of each offence. Secondly, if there is a statutory obligation to impose a sentence of imprisonment then all of us know the device of sentencing a man to a day's imprisonment which means that he just walks out of the court. And if a Judge is inclined to hold that the case before him does not really deserve a sentence of imprisonment and yet the statute says it must be "with imprisonment" then he imposes one day's imprisonment and nothing happens. Therefore, my own feeling is that three years is quite all right, but if there is a general feeling in the House that from three years we may raise it to five years, I would have no objection. Let us also have the words "or fine or with both", and let us leave it to the discretion of the Sessions Judge or the Additional Sessions Judge or the Assistant Sessions Judge, because so far as the quantum of punishment is concerned it is left to them. Only the maximum is prescribed by us. A Judge may award one month or three years. If the House thinks that we should raise the maximum to five years, and if that commands a large support, I am willing to accept five years. So far as the obligator^y fine is concerned, I would rather leave it alone. That is my personal opinion.

Shri S. V. Ramaswamy (Salem): There is my amendment with regard to this clause raising the period to five years.

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The Minister of Parliamentary Affairs (Shri Satyanarayan Sinha): Five years seems to be the general sense.

Mr. Deputy-Speaker: If the hon. Minister is accepting it, I shall pass over the rest of the amendments.

Shri N. Somana (Coorg): I have got an objection to the acceptance of this amendment. The main section 161 states that the punishment shall be only three years imprisonment or fine or both. If we now substitute five years here, it would be technically wrong.

Dr. Katju: I am very grateful to my hon. friend. Let it be three. After all, the Committee considered the whole position and came to their conclusion.

Mr. Deputy-Speaker: So, none of the amendments are moved. Mr. Valatharas.

Shri Jhulan Sinha: What about my amendment No. 3? Has it been taken as moved?

Mr. Deputy-Speaker: Is he insisting on moving it? I thought that after the hon. Minister's reply, the hon. Member agreed to allow the position to remain as it is.

Shri Jhulan Sinha: If I move my amendment, the position will become clearer. I beg to move:

In page 1, line 8, after "three years" insert "and fine".

I do not want the position about fine to be left to the courts. I have no suspicion about the intentions of the court. I know that the Judges will be senior officers and they will look to the quantum of offence before awarding the sentence. But seeing the gravity of the situation with regard to corruption and the rate at which it is spreading, I want to give the impression to everybody that along with the imprisonment there will be fine also. If at all a fine is to be imposed, let it be imposed compulsorily and not in an alternative way. I hope the Home Minister will reconsider his position.

Mr. Deputy-Speaker: The fine may be only one rupee.

Shri Jhulan Sinha: Let us have the fine and let us leave it to the court to consider what fine each case deserves.

Mr. Deputy-Speaker: I do not like this. The hon. Minister has stated that he is not prepared to accept the amendment and after he has concluded the hon. Member gives further arguments.

Shri Jhulan Sinha: Sir, I beg leave to withdraw my amendment.

Mr. Deputy-Speaker: Why should he move his amendment after the hon. Minister has replied and then immediately, almost the next minute, withdraw it? Is the time of the House to be wasted like this? I will not allow him to withdraw it. I will place it before the House and let it be defeated.

Some Hon. Members: Let him go this time.

Mr. Deputy-Speaker: Very well. Has the hon. Member the leave of the House to withdraw his amendment? The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Hereafter hon. Members will take care before moving their amendments. Now, I shall put clause 2 to the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

The House then adjourned till a Quarter Past Eight of the Clock on Tuesday, the 15th July, 1952.