



Friday
7th May, 1954

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

VOLUME I, 1954

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1954

PARLIAMENT SECRETARIAT
NEW DELHI

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Friday, 7th May, 1954.

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

FILMS DIVISION

*2298. **Sardar Hukam Singh:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether any students were trained under the scheme for imparting practical training in the production of documentary films at the Films Division in Sound Recording, Photography or Direction during the last twelve months;

(b) if so, what was the number; and

(c) whether any such trained technicians have been employed in the Films Division?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Yes, Sir. Three candidates were trained; one other is still receiving training.

(c) The three candidates who have completed the training have applied for posts of Assistant Cameraman in the Films Division and will be considered for appointment along with other applicants.

Sardar Hukam Singh: May I know whether fresh students would be admitted to this training and this is

to be continued, or whether only two or three batches are to be trained?

Dr. Keskar: The idea of giving training is not simply to train up people for our own use, but as we have a very well equipped establishment it was thought that it might be useful for the trade in general if we train a certain number of technical men and more people will be taken though the number will have to be limited.

Sardar Hukam Singh: May I know whether only the people already employed are trained, or whether fresh students from outside are also admitted?

Dr. Keskar: The number of students to be trained is limited, but we take people from outside every year depending on the seats available.

Shri K. P. Tripathi: May I know if there is any arrangement for training students in documentary films to be produced for history and geography; if not, whether it is proposed to send some students outside India for the purpose of special training in the production of films for history and geography?

Dr. Keskar: I have not understood the first part of the question.

Mr. Speaker: Whether there is any scheme for training students outside India in the production of documentary films? I think that is a different question.

Dr. Keskar: Training under any technical education is not the work of this Ministry. We have got our

own specialists in documentaries one or two of whom have been sent out to get further training.

OFFICERS SENT ABROAD

***2299. Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Officers who were sent on duty to foreign countries by the Ministry in 1953;

(b) the purposes for which they were sent; and

(c) the total amount of expenditure incurred on this account?

The Minister of Commerce (Shri Karmarkar): (a) 16.

(b) A statement is laid on the Table of the House. [See Appendix IX, annexure No. 46]

(c) About Rs. 91,500.

Shri S. N. Das: May I know in how many of these cases when officers were sent on duty, they stayed in foreign countries beyond the period for which they were required to stay there?

Shri Karmarkar: I do not think they stayed in foreign countries for any time longer than it was necessary.

Shri S. N. Das: May I know whether the officers who were sent abroad were asked to submit reports and in how many cases these have been received?

Shri Karmarkar: Sometimes as in the case of G.A.T.T. a report is submitted and in other cases they report to the Ministry.

Shri Bansal: From the statement I find that officers went to attend the sessions of G.A.T.T. thrice during the course of last year. May I know, in view of this, whether Government is thinking of inviting at least one of the sessions of G.A.T.T. to be held in India?

Shri Karmarkar: That is a very good suggestion, but we shall have to consider it.

Dr. Ram Subhag Singh: May I know whether any officer went abroad in 1953 on the invitation of any foreign Government or on the invitation of any foreign agency and not on duty of the Government of India?

Shri Karmarkar: So far as I can see, the Commonwealth Finance Ministers' Conference was a Commonwealth Conference, but otherwise the officers were sent on our own errand.

HANDLOOM CESS FUND

***2300. Pandit D. N. Tiwary:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that there is ~~dis~~-satisfaction among the handloom-workers of Bihar over the allocation of amount as share to Bihar out of the cess fund;

(b) whether the attention of Government has been drawn to the resolution of the executive committee of the Bihar State Handloom-workers Conference in December, 1953 in this respect; and

(c) the basis of allotment?

The Minister of Commerce (Shri Karmarkar): (a) and (b). No, Sir. Government of India deal with the Bihar Government and have not heard anything specific from them.

(c) This is explained in paragraphs 24 and 25 of the First Annual Report of the All-India Handloom Board, copies of which are available in the Library of the House.

Pandit D. N. Tiwary: May I know whether any representation was made to Government by the handloom weavers in Bihar for fixing the allotment on handloom basis and not on the basis of yarn lifted?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Such representations are often received, but I cannot recollect if there has been any authoritative representation, nor is Government considering changing the basis of allotment.

Pandit D. N. Tiwary: What is the harm, or what is the difficulty in Government acceding to the request for allotting quota on handloom basis?

Shri T. T. Krishnamachari: The harm really is that we have no real idea of the exact number of handlooms that do exist. Investigations which have been made from time to time by Government reveal that there is a lot of ghost looms and we cannot really proceed allotting funds on the basis of data which is avowedly unreal.

Pandit D. N. Tiwary: Are Government aware that due to the paucity of yarn in Bihar, the Bihar handloom weavers could not be given more yarn and therefore the difficulty arises due to this in allotment of grants.

Shri T. T. Krishnamachari: That is a different matter altogether. If representations are made we can communicate with the Government of Bihar with regard to this and see if we can remedy the defect that has been pointed out.

Shri Bhagwat Jha Azad: May I know if the Government are aware that out of this quota allotted, the various backward areas, especially the tribal people for example in the district of Santal Parganas, they are not at all given anything out of this and have Government received any complaint from the people of backward areas or from their representatives in the House of the People?

Shri T. T. Krishnamachari: The position really is that we would like to help the backward areas apart from

any allotments that we make. The hon. Member knows that representations have been made and I have promised to look into this matter provided some more data is given to us.

UNEMPLOYMENT AT FARIDABAD

***2301. Shri D. C. Sharma:** Will the Minister of Rehabilitation be pleased to state the efforts that are being made to relieve unemployment at Faridabad?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): Government has decided to give certain facilities to Industrialists at Faridabad. A copy of the Press Note issued in this connection is placed on the Table of the House. [See Appendix, IX, annexure No. 47.] Schemes for the setting up of 6 industries have already been finalised and between them they are expected to provide employment to about 1,000 persons. Schemes for other industries are also under examination. Efforts are also being made to shift some Government Offices to Faridabad. Meanwhile, employment has been provided for about 1,500 persons in the construction works of Rehabilitation Colonies in Delhi and Relief-Cum-Employment works at Faridabad.

Shri D. C. Sharma: May I know how many persons have taken advantage of the Press Note which has been issued by the Ministry; and how many persons have applied for grants and all those facilities which the Ministry is going to provide to industrialists?

Shri J. K. Bhonsle: I have not got the list of persons who applied for grants. Quite a number of industrialists have applied for it and we are negotiating with about six firms. If these six go through, we should be in a position to employ about 1000 persons.

Shri D. C. Sharma: May I know which are the industries that are going to receive top priority in this matter?

Shri J. K. Bhonsle: Artificial silk factory, diesel engine factory, hinges and hardware goods, electrical goods etc.

Dr. Ram Subhag Singh: Is it true that land prices and electricity and water rates in Faridabad are higher than in any other industrial centres, and if so, what steps do Government contemplate to reduce the rates with a view to giving a fillip to industry, so that more people may be employed?

Shri J. K. Bhonsle: It is very difficult to answer that question straightaway. But as far as I know, all possible facilities are being given to Industrialists at Faridabad in the matter of water and electricity rates.

Shri Gidwani: Do Government pay for the transport charges of these fifteen hundred displaced persons who are being sent there on construction work? What are the wages that they earn every day?

Shri J. K. Bhonsle: They get the usual wage, and Government do pay for their transport.

TRADE WITH RUSSIA

***2302. Shri Wodeyar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total value of goods imported from and exported to Russia after the signing of the Indo-Russian Trade Agreement;

(b) whether Government have imported any capital goods from Soviet Russia under the Agreement; and

(c) what goods have been exported from India to Russia under this agreement?

The Minister of Commerce (Shri Karmarkar): (a) to (c). A statement is laid on the Table of the House. [See Appendix IX, annexure No. 48.]

Shri Wodeyar: May I know the rates on which the goods are imported, and how they compare with the goods imported from other countries?

Shri Karmarkar: I am not in a position to state that.

Shri Wodeyar: May I know whether this trade with Russia has any significant repercussions on the American trade?

Shri Karmarkar: No, the trade of one country should have no repercussion on that of another.

Shri Viswanatha Reddy: In the statement I find only very few items mentioned as exports from India to the Soviet Union. May I know whether the list given is an exhaustive one, or there are other items also which are to be exported to Russia?

Shri Karmarkar: This is the correct list.

Mr. Speaker: Is it an exhaustive list?

Shri Karmarkar: Yes.

Shri Viswanatha Reddy: From the statement, I find that no capital goods have been imported from the Soviet Union. May I know whether Government have not thought it fit to import any capital goods? Or, what are the reasons for not importing any capital goods from Russia?

Shri Karmarkar: We leave our importers to import from wherever they like. I understand that Soviet Russia has recently offered India hydraulic turbines, and the offer was communicated to the trade and to the Federation of Indian Chambers of Commerce and Industry. Besides I find that they have also offered 12 H.P. wheel type tractors with benzine engines at a price of Rs. 4385 c.i.f. I understand that the Ministry of Food and Agriculture propose to buy four of these tractors to find out whether they will be suitable for small farmers.

Shri K. Subrahmanyam: According to the statement, during the last three months, Rs. 22 lakhs worth of goods have been imported from Russia into India. What are the goods that have been imported?

Shri Karmarkar: I should like to have notice.

"SHATI" FOOD INDUSTRY

***2303. Shri Dasaratha Deb:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any step has been taken to develop "Shati" food industry in Tripura;

(b) whether any representation has been received in this regard; and

(c) if so, what action has been taken thereon?

The Minister of Commerce (Shri Karmarkar): (a) to (c) Yes, Sir. A scheme for the development of "Shati" food industry was submitted by a private firm to the Planning Commission. After consulting the Government of Tripura it has been decided that the manufacture of Shati food should be tried on an experimental basis. Government of India have accordingly sanctioned a grant of Rs. 6,000 towards implementation of this scheme to the Tripura Government.

For the information of the House, I might add that 'Shati' is variously known as 'Shati food', 'Shatir Palu', and in Calcutta, it is known as 'Tikhur'. This is manufactured from a plant abundantly grown in Tripura, Assam and West Bengal. 'Shatir Palu' is manufactured from the roots of a plant which is a medicinal plant, and dies out in the winter season.

N. E. F. A.

***2304. Shri Dhusiya:** Will the Prime Minister be pleased to state:

(a) what is the strength of the gazetted posts of the engineering personnel of the North-East Frontier Agency; and

(b) how they are recruited?

The Parliamentary Secretary to the Prime Minister (Shri J. N. Hazarika):

(a) The number of sanctioned posts

is twenty-eight; of these twenty-three have been filed.

(b) Officers of the rank of Assistant Engineer and above are drawn from the Central Public Works Department. Recruitment to posts of the rank of Sub-Divisional Officer and below is made locally through a Board constituted for the purpose by the Governor of Assam, after the posts have been widely advertised.

Shri Dhusiya: May I know the number recruited by the Central and State Governments respectively?

Shri J. N. Hazarika: The majority of the officers—three out of four executive engineers, and thirteen out of fourteen assistant engineers—are from the C.P.W.D. The superintending engineer himself, who is a displaced government servant, was appointed direct by the Ministry of External Affairs with the concurrence of the Union Public Service Commission, and the Ministries of Home Affairs and Works, Housing and Supply. One executive engineer, and one assistant engineer are from the Assam P.W.D., while two S.D.O's and the mechanical engineer and the movement officer have been recruited direct by the local administration.

Shri Dhusiya: May I know the existing number of engineering divisions in that Agency?

Shri J. N. Hazarika: There are only five divisions and twenty sub-divisions, including one planning sub-division.

POWER SUPPLY SCHEMES IN BIHAR

***2305. Shri Anirudha Sinha:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Planning Commission have agreed to enlarge the Five Year Plan in respect of power supply schemes in the State of Bihar;

(b) whether it is also a fact that a loan of Rs. 326 lakhs has been granted for this purpose; and

(c) if so, to which areas electric supply is proposed to be extended?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) No, Sir.

(c) The schemes will be spread over the entire Bihar State.

श्री अनिरुद्ध सिंह : क्या यह बात सही है कि उत्तर बिहार में अपेक्षाकृत बिजली की सप्लाई में बड़ी कमी है, यदि हां, तो क्या राज्य सरकार को उत्तर बिहार में बिजली की सप्लाई बढ़ाने के लिये कोई आदेश जारी किये गये हैं ?

Shri Hathi: Yes, it is a fact that Bihar is short of power. For that purpose, the Planning Commission have considered the electricity schemes that have been submitted by Government at a cost of Rs. 265 lakhs. Out of that, Rs. 250 lakhs have been allotted to Bihar, for the year 1954-55.

श्री अनिरुद्ध सिंह : बिजली की उपलब्धि में वृद्धि होने के मुख्यतः किन २ कामों में लगाये जाने की योजना बनाई गयी है ?

Shri Hathi: According to the schemes submitted, as I said earlier, it will cover the entire State. The important places would be Gaya and Patna areas, the townships of.....

Shri Anirudha Sinha: That is not my question. My question is, after the increased supply of electricity has become available, to what use it will be put.

Shri Hathi: That will be for domestic, industrial and agricultural purposes.

Shri L. N. Mishra: May I know whether this power is to be generated from river valley schemes or from thermal plants, and if from river valley schemes, from which rivers?

Shri Hathi: Some of the power will be from the DVC, and some will be thermal power.

Shri L. N. Mishra: What about the supply to North Bihar?

Shri Hathi: Thermal power.

MYSORE TIMBER (EXPORT)

***2306. Shri N. Rachiah:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of Mysore timber exported during 1952 and 1953; and

(b) the total value of such timber?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Presumably the hon. Member is referring to the timber grown in the Mysore State and exported from that State. Statistics relating to the export trade in different commodities are not recorded separately according to the origin of the commodity.

Shri Muniswamy: May I know whether timber is exported to Pakistan, and if so, the average annual quantity thereof?

Mr. Speaker: The question refers to Mysore.

Shri Muniswamy: It refers to export of timber. I want to know whether timber is exported to Pakistan.

Shri Karmarkar: I should like to have notice.

N. E. F. A.

***2307. Shri L. Jageswar Singh:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Kameng Frontier Division in North East Frontier Agency has been brought under the administered Area; and

(b) if so, the extent of the area?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) The major portion of the Kameng Frontier Division has been brought under Administration.

(b) Approximately 4000 sq. miles.

Shri L. Jogeswar Singh: How many unadministered areas are yet to be brought under the administered areas?

Shri Anil K. Chanda: So far as this sub-division is concerned, our administration practically covers the whole of the area.

Shri L. Jogeswar Singh: How many years will Government take to complete the centralisation of administration in the yet unadministered areas?

Shri Anil K. Chanda: It is very difficult to set a time-limit, but we are doing our best to push our administration right up to the frontier as far as possible.

DISPLACED TEACHERS

*2310. **Shri Gidwani:** Will the Minister of Rehabilitation be pleased to state:

(a) whether Government have received representations from displaced teachers of aided schools from West Pakistan requesting interim payment against the securities of their Provident Fund and deposits in Postal accounts in West Pakistan;

(b) whether Government have considered their request; and

(c) if so, what is the decision?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) and (c). Yes. A scheme for giving relief to such teachers as are in indigent circumstances, is under consideration.

Shri Gidwani: May I know when the scheme will be implemented as so many years have passed?

Shri A. P. Jain: It is difficult for me to fix a date. But we are taking it up in the Ministry of Finance and as soon as an agreement is reached, it will be implemented.

Shri Gidwani: What will be the percentage of the dues paid to them under the scheme?

Shri A. P. Jain: It would not be proper for me to disclose the details of the scheme when it is under consideration. Of course, the final scheme will be published.

INDIAN MISSIONS ABROAD

*2312. **Shri Sanganna:** Will the Prime Minister be pleased to state:

(a) whether steps on the lines suggested by the Public Accounts Committee in para. 16 of their Seventh report Vol. I for 1952-53, have been taken for the strengthening of the budgetary and financial control of Indian Embassies and Missions abroad; and

(b) if so, what are they?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes; preliminary steps have been taken and further action is in progress.

(b) The inadequacy of financial control arose out of initial difficulties attendant on the opening of a large number of new offices with the assistance of untrained staff and want of general instructions or precedents to guide their steps. Trained staff have replaced untrained ones in several places, and this process of replacement is in progress. Detailed instructions have been issued regarding the preparation of budget estimates, adherence to financial rules of the Government, maintenance of proper departmental accounts and control over expenditure and avoidance of particular irregularities which came to notice from time to time through administrative inspections and audit reports.

Recently a Foreign Service Inspectorate has been formed. A senior Finance Officer will be associated with the inspecting team when it goes out on its first inspection which will be mainly of an exploratory character. The Inspectors assisted by the Finance Officer will examine the matter and suggest methods of better financial checks, over expenditure incurred by

the Missions. In due course, the Inspectorate may be expanded or regional offices may be set up to enable periodical internal audit and financial check of the activities of our Missions abroad to be carried out.

Shri Sanganna: May I know whether the functions of the Financial Adviser attached to the High Commissioner in U.K. have been defined, and if so, by whom?

Shri Anil K. Chanda: The Audit Officer attached to the High Commissioner in London is directly under the control of the Auditor-General, and the rules have been made by the Auditor-General.

Shri Sanganna: It has been suggested by the Public Accounts Committee that Financial Adviser attached to the High Commissioner in U.K. must be made subordinate to the Finance Ministry and not to the High Commissioner. What action has been taken on it?

Shri Anil K. Chanda: The whole question is being examined in detail in the Ministry.

Dr. Suresh Chandra: Have certain irregularities come to the notice of the Government in regard to the purchase of the Indian Embassy building in Paris, news about which appeared in the Press?

Shri Anil K. Chanda: I would like to have notice.

Dr. Ram Subhag Singh: How soon do Government expect to replace the untrained staff which the hon. Deputy Minister referred to, by trained staff, and what is the procedure for training that staff?

Shri Anil K. Chanda: The process is already going on. As I said, a number of these untrained officers have been replaced by trained ones. It is a continuous process.

SALT

*2313. **Shri Muniswamy:** (a) Will the Minister of Production be pleased to state whether it is a fact that representations have been received

by Government from the salt manufacturers of Marakkanam, South Arcot District regarding the difficulties in the manufacture and marketing of salt?

(b) If so, what action was taken on the representations?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) One representation has been received from certain salt producers of the Marakkanam Salt Factory.

(b) The points raised in the representation are under the consideration of the Government.

Shri Muniswamy: May I know whether Government are aware that manufacturers of salt are manufacturing salt in unlicensed land, thereby causing innumerable difficulties to those who pay licence fees?

The Minister of Production (Shri K. C. Reddy): Yes. This question has already been considered and the House is aware that we have taken adequate steps in the matter.

Shri Ramachandra Reddi: May I know whether there is any marketing organisation for salt?

Shri R. G. Dubey: There is no marketing organisation.

Shri Muniswamy: May I know whether any specific instructions will be given to the officers concerned to examine the sodium chloride percentage correctly?

Shri R. G. Dubey: I think there is some confusion about this matter. There is a certain Standard laid down by the Indian Standards Institution, and according to those specifications salt is taken to the laboratory at Madras and the analysis is actually done by the Institution. The Officer has nothing to do with it.

Shri Ramachandra Reddi: May I know whether the possibility of entrusting the marketing business to State organisation authorities has been examined?

Shri R. G. Dubey: This question does not arise, because Government have certain factories in Sambhar, Kharagoda etc. They have got their own organisation. But otherwise, it is a private industry entirely and we have nothing to do with it except a general sort of supervision regarding distribution etc.

MAITHON DAM

*2314. **Shri H. N. Mukerjee:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that the Maithon Dam was scheduled to be completed by the end of 1954-55; and

(b) what progress has been made so far and whether the project is likely to be completed by the target date?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) 60 per cent. of the work on Earth Dam has been completed while work on the Concrete Dam has also commenced. The Dam is expected to be completed by the target date. The gates will take 3 months more.

Shri H. N. Mukerjee: May I know if it is a fact that 50 per cent. of the work on the concrete dam was scheduled to be completed by 1953-54, but that actual work has not begun and a full working season has been lost already?

Shri Hathi: The original schedule for the work was that the completion of the dam would be by September 1954? But because of late deliveries of the plant, the work could not begin according to that schedule. But as the hon. Member has mentioned, the latest target is 1954-55, and work is going according to that schedule.

Dr. Ram Subhag Singh: May I know whether the original plans for the Maithon and Panchet dams are likely to be changed slightly?

Shri Hathi: I do not think so. It may be about Panchet, but I am not quite sure.

Pandit Munishwar Datt Upadhyay: By what time power will be available from this dam?

Shri Hathi: The original tentative schedule was—end of 1954. But it is likely that it may be late by a few months. It depends upon the arrival of the turbines and generators.

Pandit Munishwar Datt Upadhyay: May I know whether the construction of the power house has been started?

Shri Hathi: Not yet constructed.

HOUSE RENT CHARGED FROM DISPLACED PERSONS

*2315. **Shri Shobha Ram:** Will the Minister of **Rehabilitation** be pleased to state what principles are adopted in determining the house rent to be charged from the displaced persons in urban areas?

The Minister of Rehabilitation (Shri A. P. Jain): A statement giving the required information is laid on the Table of the House. [See Appendix IX, annexure No. 49.]

Shri Shobha Ram: May I know whether this amount is charged from D.Ps. in all the towns or whether there is any discrimination made on the basis of population?

Shri A. P. Jain: No discrimination is being made. The principles on which rent is charged are laid down.

Shri Shobha Ram: May I know whether the D.Ps. settled on agricultural land have to pay the house-rent?

Shri A. P. Jain: In fact, this question does not relate to agricultural land. It relates only to urban areas. Nonetheless, I am prepared to answer it. No rent is being charged on houses allotted to agriculturists.

Shri Shobha Ram: My question is this. Where D. Ps. are settled on land in the vicinity of towns, but reside in the towns, have they to pay house-rent or not?

Shri A. P. Jain: So far as urban areas are concerned, rent is being charged from the allottees.

FRENCH INDIA

***2316. Shri Raghuramalah:** Will the **Prime Minister** be pleased to state:

(a) whether Government have received any proposals from the Government of France suggesting condominium status for French India; and

(b) if so, what reply Government have given?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) No.

(b) Does not arise.

Shri Raghuramalah: May I know whether there is any other specific proposal received from the Government of France which is going to form the basis of discussions on the 14th of this month in Paris?

Shri Anil K. Chanda: No specific proposals have been made. A delegation will go from here to Paris and hold discussions there.

Shri Raghuramalah: May I know whether there is any truth in one of the newspaper reports flashed from Paris that in a note delivered to our Prime Minister at Colombo, the French Government wanted a clear outline of the concessions India would grant in case of French withdrawal?

Shri Anil K. Chanda: I am not aware of it.

The Prime Minister (Shri Jawaharlal Nehru): May I say I have not received any letter at Colombo as alleged by the hon. Member?

WAR REPARATIONS MACHINERY

***2317. Sardar Hukam Singh:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Inspection Team set up to carry out the necessary examination of the items of machinery

of war reparations received from Germany and to suggest possible uses of these machines, have completed the examination now; and

(b) whether all the machines would be usable by I and II priorities of Defence and Railways?

The Minister of Works, Housing and Supply (Sardar Swaran Singh):

(a) Yes, Sir.

(b) No, Sir.

Sardar Hukam Singh: May I know what was the number and book-value of the stores that are still lying there, and have not been given to any Government organization?

Sardar Swaran Singh: Actually, it is not a case of giving to any Government organization. In fact Government organization is not requiring any one of them. The total number of machines was 743. I have not got the figures relating to the book-value.

Sardar Hukam Singh: May I know whether, if they are not required by Government, they are now to be sold in auction, or, what use is going to be made of those machines?

Sardar Swaran Singh: Tenders have been invited with regard to the remaining machines.

COAL PRODUCTION FUND

***2318. Shri S. N. Das:** Will the Minister of **Production** be pleased to state:

(a) whether the account of the Coal Production Fund which has ceased to function, have since been finalised;

(b) if so, the amount outstanding thereof; and

(c) how this amount is proposed to be spent?

The Minister of Production (Shri K. C. Reddy): (a) No; the accounts relating to certain items have yet to be finalised.

(b) The final position of the accounts is not yet available.

(c) Does not arise at present.

Shri S. N. Das: In view of the reply to my question put on 7th September, 1951, it was stated by the then Finance Minister, Mr. Tyagi, that the accounts have not been finalized, and in view of the present reply—after three years—that the accounts have not still been finalized, may I know the reasons why accounts have not been finalized so far?

Shri K. C. Reddy: They relate to several programmes and several schemes adopted under this Fund. Most of the items have been finalized, but a few of them are still outstanding. Till the finalization of the accounts of the particular schemes which are still outstanding is completed, it will not be possible to strike a final account. Every effort is being made to finalize the accounts and it is hoped we will be able to do it very shortly.

Shri S. N. Das: May I know the provisional accounts of debit and credit?

Shri K. C. Reddy: No provisional accounts have been struck. With regard to several schemes and items, the accounts have been finalized. With regard to a few of them, the final accounts have not been drawn up. The final accounts covering the whole scheme will be available only a little later.

COMMUNITY PROJECT IN ORISSA

*2319. **Shri Sanganna:** Will the Minister of Planning be pleased to refer to page 12 of *Kurukshetra* for April 1954 in respect of "progress in Orissa" and state:

(a) whether it is a fact that the Community Projects in Orissa are working under various handicaps; and

(b) if so, what steps have been taken by Government to improve the situation?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, the

Projects were somewhat handicapped for lack of equipment.

(b) The position has now materially changed. 6 tractors, 6 microscopes, 9 refrigerators, 36 pumping sets, 1 station wagon, 7 jeep trailers, 23 jeeps and 4 cinema units have already been supplied, and for the rest indents have been placed on the Director-General, Supplies and Disposals India Supply Mission, Washington.

Shri Sanganna: May I know whether the handicaps enumerated in *Kurukshetra* have retarded the progress of work behind the Scheduled time?

Shri Hathi: No. That had not handicapped it. In fact, what is meant here is—if the hon. Member goes through the article carefully—in the preliminary stages, there were difficulties. But the tempo of public co-operation was so much that we have been able to achieve the targets.

Shri Sanganna: May I know whether the Government of India have issued instructions to all the State Governments to maintain all the literature of the community projects in the State language so that people can understand the implications of the project?

Shri Hathi: We have issued instructions that literature about the community project in the regional languages should be published.

Dr. Rama Rao: The Deputy Minister said that six microscopes have been supplied. May I know if these microscopes have been manufactured by the Ordnance Depot, or, are they imported?

Shri Hathi: They are imported.

Shri Sarangadhar Das: May I know if it is fact that the location of offices and officers' quarters in the subdivisional headquarters in Balasore District, in respect of the Community project, is also considered to be a handicap?

Shri Hathi: I have no information on that point.

'HINDUSTAN' CARS

***2320. Shri Shobha Ram:** Will the Minister of Commerce and Industry be pleased to state the number of the 'Hindustan' motor cars manufactured in 1953?

The Minister of Commerce (Shri Karmarkar): Under the Collection of Statistics Act Government are required not to disclose such information relating to individual firms.

Shri Shobha Ram: May I know whether the Government are aware of the fact that the durability of these cars is comparatively much less?

Shri Karmarkar: I am not aware of the comparative merits. But I have a Hindustan 14, and it is giving satisfactory service.

सेठ गोविन्द दास : इन मोटरकारों के कितने प्रतिशत हिस्से बाहर से आते हैं और कितन भारतवर्ष में बनते हैं ?

श्री करमरकर : यह इन्फार्मेशन मेरे पास मौजूद नहीं है ।

Shri A. M. Thomas: May I know whether all the parts which constitute the assembly of this car are manufactured in India, and if not, what will be the percentage and value of the parts imported?

Mr. Speaker: Order, order. Seth Govind Das's question is yet to be answered.

Shri Karmarkar: I did not follow that question. I thought he asked how many cars were imported.

Mr. Speaker: He wanted to know how many parts were imported.

Shri Karmarkar: About 65 per cent. of the parts are manufactured here at the moment. The rest are imported. This reply will serve both the questions.

HOUSING LOANS TO TO DISPLACED PERSONS IN TRIPURA

***2321. Shri Dasaratha Deb:** Will the Minister of Rehabilitation be pleased to state :

(a) whether it is a fact that the Government of Tripura have stopped advancing Housing Loans to displaced persons in Tripura; and

(b) if so, what are the reasons?

The Minister of Rehabilitation (Shri A. P. Jain): (a) No.

(b) Does not arise.

Shri Dasaratha Deb: Is it a fact that in Tripura, a large number of refugees have already started construction in the colonies, but the work remains undone now, because the Government were not able to, or willing to, give them any help? Would the Government enquire into the matter?

Mr. Speaker: What is it that the Government is not doing?

Shri Dasaratha Deb: The Tripura Government have now stopped advancing loans which were assured to the people when they commenced house-building work.

Mr. Speaker: On the assurance that people will get loans, the work of house-building was started, but now Government are not giving loans.

Shri A. P. Jain: Government is giving loans as against the allocation of Rs. 5 lakhs for the year 1953-54. The allocation for the current year is Rs. 10 lakhs. So, there is no question of stopping the loan. What probably my friend has in mind is that at the end of the last financial year, the funds allocated for the year 1953-54 were exhausted, and when the new budget allocations were made, we were requested to make further allocations. We have made the allocations and the work seems to have started now.

INDO-PAKISTAN AGREEMENT ON GENERAL PROVIDENT FUND BALANCES

***2322. Shri Gidwani:** (a) Will the Minister of Rehabilitation be pleased to state whether an agreement was reached in 1950 regarding the refund of General Provident Fund Balances left by displaced Government servants in Pakistan?

(b) What is the total number of accounts and the amount of General Provident Fund Balances left in Pakistan by the Displaced Government Servants?

(c) What is the number and amount of claims received so far and verified from Pakistan Government?

(d) Is it a fact that both the Pakistan and Indian Governments had agreed in 1953 to complete the verification of all pending claims by June 1954?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) 5,019 claims involving a sum of Rs. 61.86 lakhs have so far been preferred by the displaced Government Servants in India.

(c) Out of 5,019 claims referred to Pakistan, 1,642 claims of the aggregate value of Rs. 18.45 lakhs have so far been returned duly verified.

(d) The representatives of the two Governments who met in October 1953, to consider ways and means to speed up verification work, felt that it should be possible to complete the work by the end of June, 1954.

Shri Gidwani: May I know whether liaison officers for verification and transfer of postal accounts have been appointed according to the recent agreement?

Shri A. P. Jain: Some officers have been appointed. I do not know whether any particular officer has been appointed for this type of work.

Shri Gidwani: May I know whether the present rate of progress of the verification of claims under the

General Provident Fund balances justifies the expectation that the remaining claims could be verified by June, 1954?

Shri A. P. Jain: I am very doubtful.

Shri Gidwani: What do the Government propose to do to expedite the same?

Shri A. P. Jain: We send the claims to Pakistan. We are pressing them, but if they do not verify them, we could not still press them to do it.

INDIANS IN CEYLON

***2323. Shri Raghuramaiah:** Will the Prime Minister be pleased to state:

(a) whether any representation has been made to the Government of Ceylon in respect of the recent decision of the Ceylon Government to stop renewal of temporary residence permits and identity certificates to people of Indian origin; and

(b) if so, what reply has been received from the Ceylon Government?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes, orally by the High Commission for India in Colombo.

(b) The High Commission was told that the renewal of temporary residence permits and issue of identity certificates had not been stopped, but were only temporarily suspended pending the recommendations of the Cabinet Sub-Committee of the Government of Ceylon, at present working out ways of implementation of the Indo-Ceylon Agreement.

Shri Raghuramaiah: May I know what conditions are imposed on persons, before the Government of India grants a visa under the new policy of granting visas?

Shri Anil K. Chanda: I would like to have notice of that question.

Shri M. D. Ramasami: May I know whether any special arrangements have been agreed to in regard to the residence of the business community which has been carrying on trade in Ceylon for long?

Shri Anil K. Chanda: There was no special agreement as regards the business community as such.

Shri Punnoose: Is there a growing feeling among the Indian Community in Ceylon that our negotiations with the Ceylon Government have not improved their situation? Can the Prime Minister enlighten us on that?

The Prime Minister (Shri Jawaharlal Nehru): There is some such feeling as evidenced by certain resolutions which the meeting of their Congress passed some few days back.

Shri Raghuramaiah: May I know whether our Prime Minister had an opportunity of discussing this matter with the Prime Minister of Ceylon and whether this aspect has been impressed on him and whether there is any possibility of Ceylon Government modifying their policy?

Shri Jawaharlal Nehru: The High Commissioner is in touch with the Ceylon Government. I had some brief talks with him too generally on this position. The question is not so much of any exact new step having been taken but rather of something not having been done and our belief that some steps might be taken. The matter is under the examination of the Ceylon Government by a Committee they have appointed.

CLASSICAL MUSIC ARTISTES

***2323-A. Shri D. C. Sharma:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the All India Radio maintains a list of classical music artistes who can broadcast;

(b) whether it is a fact that a number of artistes have been taken off the list and if so, why; and

(c) whether efforts are being made to get as many talented artistes as possible to broadcast on the All India Radio?

The Minister of Information and Broadcasting (Dr. Keskar): May I have your permission, Sir, to read the answer? It is slightly long.

Mr. Speaker: Let it be as short as possible.

Dr. Keskar: (a) A list is maintained, the main purpose of which is to help the various Stations in deciding the amount of fees to be paid to artistes. However, to have the name of an artiste on the list, which is a very large one, does not automatically entitle him to get programmes.

(b) By and large, most artistes of some talent in classical music are on the list of A.I.R. There are, however, one or two categories of artistes whose names might not be there.

The first is of those who were found below standard and were therefore not considered fit for broadcasting. There were persistent complaints from the listeners about artistes who were poor in quality or were half-baked. The work of screening these artistes was done by auditions and some artistes who were found below standard were put on the waiting list until they improved themselves.

The second category consists of some artistes who themselves resigned from the A.I.R. list as a protest. Last year, an agitation was started by some people in Bombay against auditioning artistes and at that time some artistes boycotted and resigned from A.I.R. and some amongst them refused to carry out contracts signed by them. They had perforce to be taken off the list at their own demand. After some time the representatives of these artistes saw me and after discussion they realised that what was being done was in their own interests and for encouraging deserving artistes. The agitation then was withdrawn and now there is complete co-operation between them and A.I.R. Such artistes as had resigned from the list were again put back in the list. They are now working in thorough co-ordination. It is, however, obvious that though they were again put back in the list programmes could not be offered to them at once as programme schedules are

prepared two to three months in advance, but many amongst them have already been booked for programmes and the others will no doubt get them as soon as possible.

There is a third category of two or three top-class artistes. They want to be paid much higher fees than the other top-class artistes. After careful consideration, we have come to the conclusion that making such an invidious discrimination between top-class artistes will lead to endless quarrels and we had to stop them with great regret.

(c) Every effort is made to get the largest possible number of talented artistes. In fact, there are very few who are not on that list. On the other hand, there might be here and there persons who cannot be persuaded to broadcast because a contract has to be signed regarding the fee to be paid and certain other conditions have to be settled. It has happened that an artiste might not feel satisfied with the payment or the conditions and might refuse to broadcast. But such cases are rare.

Shri D. C. Sharma: May I know what is the specific demand of the top-class artistes mentioned by the hon. Minister in his statement?

Dr. Keskar: There are only three top-class artistes, two from North India and one from South India. One is the eminent artiste Kesari Bai. She wants to be paid the fee she ordinarily gets for concerts which is practically four to five times what we pay to top-class artistes. The other eminent one is Onkar Nath Thakur. He wants to be paid Rs. 50 more than what other top-class artistes get. There is the South Indian artiste, Shri Ariyakudi Ramanuja Ayyangar. He wants to be paid only one rupee more than what other top-class artistes get.

I may, however, add that we have no quarrel with these artistes. Our relations with them are friendly.

And, in fact, Shri Ramanuja Ayyangar had, as a gesture, even agreed to broadcast without any fees in our national programme.

Shri D. C. Sharma: Is the hon. Minister aware of the fact that a statement was made on the floor of the House that the programme of a music festival in Delhi was not relayed because some of the artistes were off the list and the programme was, more or less, cancelled? May I know what he has to say about that statement?

Dr. Keskar: Yes, Sir, I am aware of the statement made on the floor of the House. The statement is incorrect. The reasons for the non-relay are more prosaic than we imagine. The Education Ministry had requested us to organise a wide relay of the festival that was going to be organised here. But we received the request about eight to ten days in advance. Relaying on a wide scale can be done only by two or three transmitters that we have and we had to transmit from late in the afternoon till probably the morning of the next day. Our transmitters are engaged in broadcasting the External Service programmes and it requires at least four to six weeks' notice in order that we may adjust our External Service Programmes in such a way that some time might be left to broadcast this programme. Therefore, we regretfully could not arrange that relay as was desired.

Shri D. C. Sharma: May I know if on the list prepared by the All India Radio, the representatives of the various schools of Indian music are adequately and justly represented?

Dr. Keskar: Sir, as I said, except probably half a dozen artistes, there is hardly any artiste of name who is not on the list of classical musicians of A.I.R.

Shri Sadhan Gupta: May I know if certain artistes who are admittedly of excellent quality are excluded or their programmes restricted because

they have political sympathies of a certain kind?

Dr. Keskar: As far as I know, classical music artistes have hardly any politics. I am afraid the hon. Member is referring to the case of an eminent Calcutta artiste who is not a classical music artiste. I am prepared to answer the question if a question is regularly put.

DISPLACED EDUCATIONAL INSTITUTIONS

***2324. Sardar Hukam Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the total grant sanctioned by the Central Government for displaced educational institutions in Punjab till now;

(b) the amount actually distributed so far; and

(c) whether any cases were brought to the notice of the authorities that old institutions functioning in India before Partition have also received grants under this scheme?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Rs. 19,66,000.

(b) Rs. 19,66,000.

(c) Yes, grants-in-aid have been given to some old institutions which were functioning in India prior to partition and whose resources were stretched beyond their capacity on account of the influx of displaced students. But no old institution has received grant by representing that it was a disrupted institution.

Sardar Hukam Singh: What was the highest amount given to any one institution under (a) or (c)?

Shri J. K. Bhonsle: One lakh of rupees.

Sardar Hukam Singh: What was the highest total grant to any institution?

Shri J. K. Bhonsle: Whether in the disrupted or the non-disrupted category?

Sardar Hukam Singh: May be any.

Shri J. K. Bhonsle: Four lakhs of rupees.

Sardar Hukam Singh: May I know whether it is proposed to continue this grant for this year also?

Shri J. K. Bhonsle: We have not discontinued it.

Shri Gidwani: A number of old institutions have also been given grants. May I know, in which State such kind of students exist and what amounts have been given to those institutions?

Shri J. K. Bhonsle: It is a long list; there are twelve on the list that have been given such amounts and the highest amount given is Rs. 11,33,000.

CEMENT ALLOCATIONS

***2325. Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the allocations of cement to various States for the first two quarters of 1954 have been made; and

(b) if so, whether Government will lay on the Table of the House a statement showing the allocations so made?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [See Appendix IX, annexure No. 50.]

Shri S. N. Das: The statement gives information in respect of the last two quarters of 1954, but my question refers to the first two quarters. May I know whether it is a mistake in the statement or it is a deliberate statement?

Shri Karmarkar: Obviously, it must have been a mistake. The hon. Member asked for the information in respect of the first two quarters of 1954 and I have replied for the last two quarters of 1954. My esteemed

colleague, Shri Kidwai, is suggesting to me that it refers to the first two quarters of 1954 that have passed, but I am not sure of the position.

Shri S. N. Das: With regard to the allocations made here, may I know which of these cases differ substantially from the allocations made for the previous two quarters?

Shri Karmarkar: It is likely that normally they are about the same. Our monthly production of cement is 360,000 tons, while the demand is for 550,000 tons from consumers consisting of multi-purpose projects, then Ministries like Defence, Railways and C.P.W.D. and then the States. It is all a question of availability to meet the demands.

Shri S. N. Das: What is the basis of these allocations? May I know whether any demands from the various States were invited, and if so, what were the demands and to what extent they were met?

Shri Karmarkar: Demands are made by the States and we allocate roughly on an average about 50 per cent. of the demands from the States, 70 to 80 per cent. of the demands from Ministries and almost the whole of the demands in respect of multi-purpose projects.

सेठ अचल सिंह : क्या मन्त्री महोदय बतलायेंगे कि देश में जो दो हजार टन सीमेंट माहवार की कमी बताई गई, उसकी पूरा करने के वास्ते गवर्नमेंट क्या उपाय करने को सोच रही हैं ?

श्री करमरकर : देश में नई २ फ़ैक्ट-रीज़ बन रही हैं ।

Mr. Speaker: I am going to the next question.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): May I offer an explanation for the mistake? It is a typographical error. We have not yet allotted for the last

two quarters of 1954 and it is really for the first two quarters that the allotment has been made. I am very sorry for the error, which is only a typographical error.

CHAMBAL PROJECT

***2311. Shri C. R. Chowdary:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Rajasthan and Madhya Bharat Governments have sent reports of surveys and investigation of the dams and main canals of the Chambal Project to the Central Water and Power Commission for the purposes of submission of a unified scheme to the Planning Commission;

(b) if so, at what stage the matter stands; and

(c) whether the commanded area under this Project has been surveyed in detail and maps prepared?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Some estimates and plans have been submitted by Rajasthan and Madhya Bharat for this purpose.

(b) The Chief Engineers of Rajasthan and Madhya Bharat are preparing the combined project report and have promised to submit it by the end of May, 1954.

(c) Yes, Sir. The commanded area has been surveyed in detail. Maps for the major portion of the area have been prepared and for the remaining portion are under preparation.

Shri C. R. Chowdary: May I know the estimated cost of project and the return that is expected of the project?

Shri Hathi: The estimated cost has been put at Rs. 52 crores. The financial returns are being worked out.

Shri C. R. Chowdary: May I know if the Centre is granting any financial assistance to this project?

Shri Hathi: That depends after the full estimates of the project are ready

Shri C. R. Chowdary: May I know whether any agency is to be created for the execution of this project, because it is an inter-State project?

Shri Hathi: It is proposed to have a Control Board.

Shri Radhelal Vyas: May I know whether the revised estimates of Rs. 52 crores are for the first stage which originally cost Rs. 33 crores, or for the whole of the project which cost Rs. 49 crores originally?

Shri Hathi: I think it is for the first stage estimated.

WRITTEN ANSWERS TO QUESTIONS

DISPLACED PERSONS IN PEPSU

***2309. Shri Ajit Singh:** Will the Minister of **Rehabilitation** be pleased to refer to starred question No. 1113 asked on the 18th December, 1953 and state:

(a) the number of displaced persons who have been settled in PEPSU, and

(b) the number of claims from the displaced persons in the State?

The Minister of Rehabilitation (Shri A. P. Jain): (a) 3.56 lakhs according to the Census of 1951.

(b) About 21,000.

BATTERY SEPARATORS

***2308. Shrimati Sucheta Kripalani:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the policy of Government with regard to the encouragement to be given to Battery Separators Industry in India;

(b) the steps taken by the Union Government to see that their policy is implemented by the State Governments;

(c) whether any complaints have been received by the Union Government from the manufacturers of Battery Separators regarding the non-availability of suitable raw materials; and

(d) if so, what action Government have taken thereon?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) Government's policy in this regard has been declared in their Resolution No. 5(2)T.B./52, dated 2nd August 1952, on the continuance of Protection to the Motor Vehicle Battery Industry in which Government have declared their policy to assist the manufacturers of separators by making available to them the timber required for the manufacture of battery separators.

(b) The State Governments concerned were requested to render the necessary facilities to the firms.

(c) Yes, Sir. Such a complaint has been received from one of the manufacturers.

(d) The matter is being pursued with the State Government concerned.

NUGU AND BHADRA PROJECTS

488. Shri N. Rachiah: Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that financial assistance was granted for the execution of Nugu and Bhadra Projects in Mysore State during 1953;

(b) if so, whether the entire amount was spent during that period;

(c) whether any further assistance is proposed to be given for these Projects; and

(d) when these Projects are to be completed?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). The loan sanctioned by the Central Government for 1953-54 is Rs. 75 lakhs, i.e., Rs. 40 lakhs for Bhadra and Rs. 35 lakhs for Nugu.

The outlay during 1953-54 was:

Bhadra Project, Rs. 56.93 lakhs.

Nugu Project, Rs. 39.25 lakhs.

The entire amount of the loan was spent during 1953-54.

(c) The total loan assistance earmarked during the last three years of the Plan, under the programme of permanent improvements of scarcity areas, is Rs. 3 crores for Bhadra (1st Stage) and Rs. 50 lakhs for Nugu. After taking into account the loan sanctioned during 1953-54, the amount available during the last two years of the Plan will be—

Rs. 2.60 crores for Bhadra and Rs. 15 lakhs for Nugu.

(d) The Bhadra Project (1st Stage) and the Nugu Project are expected to be completed by June 1956.

JIRANIA COMMUNITY PROJECT AREA

489. Shri Dasaratha Deb: Will the Minister of Planning be pleased to state:

(a) whether it is a fact that three weirs, including control gate and diversion channel have been planned to be undertaken in Jirania Community Project Area;

(b) if so, what has been the progress of these schemes so far; and

(c) what is the final estimated expenditure for such weirs if they are to be undertaken?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). The information has been called for from the State Governments and will be laid on the Table of the House when available.

INDIA SUPPLY MISSION, WASHINGTON

490. Th. Lakshman Singh Charak: Will the Minister of Works, Housing and Supply be pleased to state the number or value of contracts entered into during 1951-52 and 1952-53 by the India Supply Mission, Washington?

The Minister of Works, Housing and Supply (Sardar Swaran Singh):

Year	No. of contracts placed	Value of contracts placed
1951-52	1540	Rs. 164 crores
1952-53	1376	Rs. 54 crores

INDO-PAKISTAN BOUNDARY LINES

491. Shri Katham: Will the Prime Minister be pleased to state:

(a) the mileage of the riverine boundary lines as between the States of Assam, West Bengal and Tripura on the Indian side and East Pakistan on the other;

(b) the mileage of boundary lines between those States and East Pakistan which run on the Pakistan banks of the rivers leaving the beds of such rivers to Indian side as last agreed upon, if any, and also the mileage of such lines that go on the Indian banks of the rivers leaving the beds to Pakistan; and

(c) how many times disputes on these boundary lines have arisen till now since the Bagge Award and how many of them have so far been settled?

The Prime Minister (Shri Jawaharlal Nehru): (a) The mileage of the riverine boundary between the States of Assam, West Bengal and Tripura on the one side and East Pakistan on the other, based on the latest available survey reports, is roughly as follows:

Assam-East Bengal: 30 Miles.

West Bengal-East Bengal: 64 miles.

Tripura-East Bengal: 186 Miles.

Total: 280 Miles.

(b) The mileage of the boundary lines between these Indian States and East Pakistan which run along the Pakistan banks of the rivers and those which run along the Indian banks of the rivers, based on the latest available survey reports, is approximately as below:

	Boundary running on Pakistan banks	Boundary running on Indian banks
Assam-East Bengal	15 miles	6 miles
Tripura-East Bengal	2 miles	32 miles

Information in respect of West Bengal-East Bengal boundary is not available. It will be placed on the

Table of the House as soon as received from the Government of West Bengal.

(c) Since the Bagge Award the Government of Pakistan have raised a dispute over the boundary which runs along the Pakistan bank of the river Surma on the Assam-East Bengal border.

This dispute was discussed at the Indo-Pakistan Eastern Zone Conference held in Calcutta in September-October 1953. No agreement was however reached and the matter is under correspondence between the two Governments.

IMPORT OF STORES FOR TRACTORS

492. Shri Sarangadhar Das: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a ban on the import of certain parts and stores required for heavy tractors, bulldozers and earth-moving machinery such as (i) Caterpillar Ball Bearings, 5F 2715, 8B 4455, 8B 4454, (ii) Seals, (iii) Bolts and nuts and (iv) Cap-screws; and

(b) whether these essential stores are manufactured in India in sufficient quantities and of the required quality?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) No, Sir.

(b) Excepting Ball Bearings of the sizes specified in Appendix 'C' of the Import Trade Control Policy Book for January-June, 1954, there is no organised production of these items in the country.

INDIANS IN INDO-CHINA

493. Shri Sanganna: Will the Prime Minister be pleased to state:

(a) the Indian population in Indo-China just before and after the outbreak of Indo-China War;

(b) what is the estimated value of their assets at present; and

(c) what concessions and facilities are enjoyed by them regarding their assets?

The Prime Minister (Shri Jawaharlal Nehru): (a) On 19th December 1946, just before the outbreak of hostilities in Indo-China, the Indian population was estimated at about a thousand (1000). The present figure is estimated to be about 2,500.

(b) About Rs. five hundred million. (Rs. 500,000,000). This is a very rough estimate owing to the uncertain value of the piastre.

(c) Apart from facilities for small remittances to cover maintenance of dependents in India, education of children, travel expenses etc., the following facilities are enjoyed by Indians:

(i) Non-resident Indians are allowed to transfer their entire profits.

(ii) Resident Indians can remit up to 50 per cent. of their profits when they visit India.

(iii) On leaving Indo-China permanently, Indians can transfer equivalent of three million French Francs or roughly Rs. 40,816.

COAL SUPPLY TO PAKISTAN

494. Shri Gidwani: Will the Minister of Production be pleased to state:

(a) the quantity of coal and coke sent to Pakistan from the 1st January to the 31st March, 1954;

(b) whether its price was received in cash or in any other form; and

(c) what was the price charged per ton?

The Minister of Production (Shri K. C. Reddy): (a) The quantity of coal/coke sent to Pakistan during January-March 1954 was as follows:

January 1954	52,312 tons.
February 1954	60,888 tons.
March 1954	71,831 tons.

(b) The price was received in cash.

(c) The price charged was the controlled pithead price of the coke or the particular grade of coal that was dispatched.

प्रकाशन विभाग (पब्लिकेशन्स डिवीजन)

४९५. श्री जी० एल० चौधरी : क्या सूचना तथा प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) प्रकाशन विभाग कौन कौन सी दैनिक, मासिक या त्रैमासिक पत्रिकाएं और पुस्तिकाएं आदि प्रकाशित करता है;

(ख) पिछले तीन वर्षों में उन की बिक्री से कितना धन प्राप्त हुआ; और

(ग) इनके प्रकाशन का क्या खर्च है ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The Publications Division is publishing the following magazines:

Name	Periodicity
1. The March of India (English)	Bimonthly
2. Kashmir (English)	Monthly
3. Kurukshetra „	Monthly
4. Ajkal (Hindi)	Monthly
5. Bal Bharati (Hindi)	Monthly
6. Ajkal (Urdu)	Monthly
7. A.I.R. Selection (English)	No fixed periodicity but published every quarter.
8. Prasatika (Hindi)	do.
9. Social Welfare (English)	Monthly (Published on behalf of the Central Social Welfare Board).

There is no fixed periodicity for pamphlets and books; they are produced on an ad hoc basis.

(b) Amounts realised from the sale of magazines, pamphlets and books produced by the Publications Division during the last three years are as under:

1951-52	Rs. 2,98,870	
1952-53	Rs. 2,45,846	
1953-54	Rs. 4,51,400	(provisional)

(c) The cost of production of magazines, pamphlets and books produced by the Publications Division is given below:

1951-52, Rs. 5,78,506.

1952-53 Rs. 4,21,647

1953-54 Not yet available.

PRODUCTION COST OF JUTE GOODS

496. Shri L. N. Mishra: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any effort has been made to find out the cost of production of manufactured jute articles; and

(b) if so, the percentage of labour, raw materials, depreciation and profit in the total cost of the manufactured articles of each variety?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Yes, the Jute Enquiry Commission has examined the question and its report is under examination. A copy of the report has been placed on the Table of the House.

औद्योगिक मकान योजना

४९७. डा० सत्यवादी : क्या निर्माण, आवास तथा संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) औद्योगिक मकान योजना चालू होने के समय से पंजाब की कितनी वित्तीय सहायता दी गई और किन शर्तों पर ;

(ख) इस योजना के अधीन कितने मकान बनाए गए और कहाँ कहाँ ;

(ग) इन मकानों के निर्माण पर कितना खर्च हुआ ;

(घ) १९५४-५५ के लिये जो सहायता दी गई है उस से कितने मकान बनाए जायेंगे ; और

(क) क्या इस योजना के लिये रखे गये धन में से मजदूरों की सहकारी समितियों को भी कोई सहायता दी जाती है; यदि हाँ, तो किन शर्तों पर ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh):

(a) Rs. 2.02 lakhs and Rs. 3.26 lakhs as subsidy and loan respectively have been paid to the Punjab Government. so far out of the sanctioned subsidy of Rs. 4.82 lakhs and an equal amount as loan under the Subsidised Housing Scheme for Industrial Workers. The conditions are given in the pamphlet 'Government of India Subsidised Housing Scheme for Industrial Workers', a copy of which is available in the Library of the House.

(b) 200 houses have been built at Amritsar under this scheme. 124 houses are under construction at

Ludhiana and the construction of 58 houses at Batala is yet to start.

(c) An amount of Rs. 5.35 lakhs has been spent on their construction.

(d) No aid has so far been given during 1954-55. A scheme for the construction of 300 houses (100 each at Jamnanagar, Jullundur and Amritsar) is, however, under consideration.

(e) Yes Sir. The terms on which the aid is given to workers' co-operative societies are contained in the Subsidised Housing Scheme for Industrial Workers and, in particular, in paras. 4 and 5 thereof. A copy of the draft agreement that such societies have to execute in favour of State Governments is also placed on the Table of the House. [Placed in the Library. See Nos. S-168/54.]

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HOUSE OF THE PEOPLE

Friday, 7th May, 1954.

The House met at a Quarter Past Eight of the Clock

[Mr. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

9-05 A.M.

DEATH OF SHRI B. L. TUDU

Mr. Speaker: I regret to inform the House of the passing away of Shri Bharat Lal Tudu, who was a sitting Member of the House. His age was 57. He passed away last night and I understand that the funeral service will take place at the church near Parliament House at twelve o'clock and the funeral will start at about 12-30 p.m. We mourn the loss of Shri Bharat Lal Tudu, and I am sure the House will join me in conveying our condolences to his family. The House may stand in silence for a minute.

I understand that it has been agreed that the House will rise at 11 a.m. today to enable Members to attend the funeral in case they wish to do so.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

"In accordance with the provisions of rule 97 of the Rules of

160 PSD

6780

Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy of the Children Bill, 1954, which has been passed as amended by the Council of States at its sitting held on the 28th April, 1954."

CHILDREN BILL

Secretary: Sir, I lay the Children Bill, 1954, as passed by the Council of States, on the Table of the House.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

SITE FOR LOCATION OF NEW STEEL PLANT

Shri Anirudha Sinha (Darbhanga East): Under rule 215, I beg to call the attention of the Minister of Production to the following matter of urgent public importance and I request that he may make a statement thereon:—

"(i) The Minister of Production in his reply to the debates on the Demands for Grants stated in the House that the memorandum of the German experts for the location of the new Steel Plant were sent to all the four claimants, namely, the Governments of Bihar, Uttar Pradesh, Madhya Pradesh and Orissa, to elicit their opinion and views.

(ii) That the Government of Bihar did not forward their views and as such the representative of that Government was not invited

[Shri Anirudha Sinha]

at the conference for final selection of site for the location of the new Steel Plant.

(iii) The Industry Minister of Bihar, on the other hand, has reiterated the statement of the Union Minister of Production and has asserted in a statement before the State Assembly on 14th April, 1954, in reply to the Union Minister's remark that the Government of India had not invited the views of the Bihar Government on the German experts' memorandum nor the State Government was ever invited to join any discussion relating to this even at earlier stages."

The Minister of Production (Shri K. C. Reddy): The House might recollect that I referred in the course of my speech during the debate on the Demands for Grants of the Production Ministry to the circumstances under which the Bihar Government were not invited to join in the discussions leading to the decision to site the new steel plant at Rourkela. A Press report of the statement made by the Minister for Industries, Bihar, in this connection in the local Legislature has been brought to my notice. It seems to me that unfortunately there is some misunderstanding. I welcome, therefore, this opportunity to clarify the position.

In the course of the statement of the Minister of Industries, Bihar, it is pointed out that what I stated in this House must create the impression that the case of Bihar went by default due to the neglect on the part of the State Government.

I do not see why what I had said should lead to such an impression. I desire to make it clear that Bihar presented its case and pressed its claims vigorously on several occasions.

Under the Technical Consultants' Agreement signed at Delhi on the 21st December, 1953, the German firms of

Messrs. Krupp and Demag were required to recommend to the Government of India the most suitable site for the location of the new Steel Plant. After studies conducted on the basis of scientific data and the material submitted by the States Governments and after a visit to the various possible locations including Sindri in Bihar, the firms submitted a memorandum to the Government of India recommending the site of Rourkela in the State of Orissa. The Ministry of Production sent copies of that memorandum to the Governments of Orissa, Madhya Pradesh, West Bengal and Bihar.

No comments on the document were specifically asked for from any of the State Governments. The Governments of West Bengal and Madhya Pradesh, however, sent in memoranda contesting the validity of some of the data on which the selection of Rourkela had been recommended by the German experts. In view of this it was considered desirable to discuss and clarify at Cabinet level the points raised by those State Governments. The discussions were held on the 14th of February after which the decision on the location of the Steel Plant was finally taken as recommended by the German experts.

In conclusion, I would like to point out that the Bihar Government did press its claims and that the views and the memoranda of the concerned State Governments including that of Bihar were fully considered before a final decision was taken.

PAPER LAID ON THE TABLE

STATEMENT RE NEGOTIATIONS WITH
PAKISTAN ON PROBLEM OF EVACUEE
PROPERTY

The Minister of Rehabilitation (Shri A. P. Jain): I beg to lay on the Table a copy of the statement regarding recent negotiations with Pakistan in regard to the problem of evacuee property. [Placed in Library. See No. S-156/54.]

Mr. Speaker: I have to inform the members that copies of the statement regarding recent negotiations with Pakistan in regard to the problem of evacuee property, which the Minister of Rehabilitation has laid on the Table just now, are available from the Publications counter. Members may, after reading the statement, table short notice questions in case they wish to have further information or clarification on any points arising from the statement. This is with reference to the observation which I made the other day in connection with Question No. 2202.

The short notice question, I may say, will not be rejected on the ground of want of urgency in this case and the hon. Minister has agreed to answer those questions. Hon. Members may, therefore, table questions so far as this is concerned.

Shri D. C. Sharma (Hoshiarpur): By what time should the short notice question be sent by today?

Mr. Speaker: As early as possible. They can give notice of questions immediately, or by tomorrow at the most, and the hon. Minister will reply to them as early as he can.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—Contd.

Mr. Speaker: The House will proceed with the further consideration of the motion for reference to the Joint Committee of the Code of Criminal Procedure (Amendment) Bill, moved by Dr. Katju.

There is also the further consideration of the motion by Shri S. V. Ramaswamy, along with the amendments for circulation, etc.

Now the debate, so far as Members are concerned, will conclude today by 10.45, and the hon. Minister will reply tomorrow.

Shri K. R. Sharma (Meerut Distt.—West): I had given notice of an amendment.

Mr. Speaker: That was disallowed, I understand.

श्री नन्ब लाल शर्मा (सीकर) : माननीय अध्यक्ष महोदय, कल के प्रसंग में मैं स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स में जो हमारे गृह मंत्री महोदय ने यह कहा कि जनता को न्यायालय को अपना न्यायालय समझना चाहिये, उसके सम्बन्ध में दो शब्द कहना चाहता हूँ। जब तक हम लोग इस सारी पद्धति में ऐसा परिवर्तन नहीं कर देते कि जनता उसको यमराज का घर न समझे, तब तक जनता उसको अपना घर नहीं समझ सकती। इसके लिये यह परमावश्यक है, जैसा कि मैंने पहले कहा था कि, झुट्टाचार को रोका जाय। मजिस्ट्रेट की आंखों के नीचे पेशकार प्रजा से घन लेता रहता है यह बात किसी से छिपी नहीं है। लोअर कोर्ट्स में चाहे हमारे माननीय गृह मंत्री ने कार्य न किया हो लेकिन यह बात जनता के लिये प्रत्यक्ष है। मैं इस सम्बन्ध में और विशेष ध्यान न देते हुये, जैसा मैंने कल निवेदन किया, फिर यह निवेदन करूंगा कि इसमें संशोधन करने के लिये आपको इस सारी पद्धति में आमूलचूल परिवर्तन करना होगा केवल क्रिमिनल प्रोसीड्योर कोड के संशोधन मात्र से कार्य न चलेगा। एक बात।

अब सिलेक्ट कमेटी के सामने यह विषय आने वाला है। इसलिये दो चार शब्द अपने सुझाव के रूप से निवेदन कर देता हूँ। आन प्रारम्भ में उद्देश्य और तर्क के वक्तव्य में कहते हैं कि इस बिल का दो प्रकार का उद्देश्य है। एक तो यह कि अभियुक्त को अपनी सुरक्षा के लिये पूरा पूरा अवसर दिया जाय और दूसरा यह कि इन अभियोगों में होने वाले विलम्ब को रोक लिया जाय। इसके लिये आपने प्रयत्न किया है और अपनी दंड प्रयोग पद्धति के अनुसार तीन प्रकार के विभागों में अभियोगों को विभक्त किया है, समरी

[श्री नन्द लाल शर्मा]

ट्राइल, वारंट ट्राइल और सेशन ट्राइल । समरी ट्राइल्स का हमको अनुभव है और हम देखते हैं कि अभियुक्त को अपनी सफाई का पूरा अवसर नहीं मिलता ।

[MR. DEPUTY-SPEAKER in the Chair.]

जब कोई मजिस्ट्रेट किसी अभियुक्त पर समरी ट्राइल में फाइन कर देता है और वह अभियुक्त कहता है कि साहब मैं बिल्कुल बेकसूर हूँ, तो हमने मजिस्ट्रेट को यह कहते सुना है कि “मैं समझता हूँ कि तुम बेकसूर हो, लेकिन फिर तुम पूरे केस को लड़ो” अगर एक टेक्सी ड्राइवर पूरा केस लड़ता है तो उसको काफी समय लगता है और उसको मोटर ड्राइवर के लाइसेंस से भी हाथ धोना पड़ता है। और वकील को रुपया देना पड़ता है। इसके बदले में अगर वह ५० रुपया फाइन का दे देता है तो उसकी छुट्टी हो जाती है। वह समझता है कि यह सरकार का काम है। और कुछ कहने से ठीक नहीं होगा और वह रुपया दे देता है। तो मेरा निवेदन है कि समरी ट्राइल्स में इस ओर विशेष ध्यान दिया जाय। वारंट केसेज में और सेशन केसेज में विशेषकर आपने कमिटल प्रोसीडिंस् को उड़ा देने का निश्चय किया। कुछ अंश में आपके उद्देश्य बड़े पवित्र हैं और बड़ी अच्छी भावना से प्रेरित हैं कि केस बहुत लम्बा न हो। माननीय श्री दातार ने कल यह शब्द कहा कि विरोधी पक्ष के लोग अभियुक्त के हितों का तो ध्यान रखते हैं पर जनता के हितों का ध्यान नहीं रखते। मैं उन से जूरिसप्रूडेंस के उस मौलिक सिद्धान्त के नाम पर अपील करता हूँ कि अभियुक्त होने का अर्थ निश्चित रूप से अपराधी होना नहीं है। किसी को एक्यूज्ड मात्र कह देने से यह सिद्ध नहीं हो जाता, कि उसने कत्ल कर डाला है। आपने स्वयं अपने उद्देश्य और तर्क के विधान में यह लिखा है कि कमिटमेंट प्रोसी-

डिंस् की आवश्यकता क्यों थी। इसलिये कि अभियुक्त को अपने विरुद्ध केस को जानने का और उसके विरुद्ध कौन कौन साक्षी आ रहे हैं यह जानने का पूरा अवसर मिले। इस व्यवस्था को चाहे आप और केसेज में से हटा लें लेकिन कत्ल के केसेज में से इसको हटाना अनुचित होगा। मैं इससे भी आगे बढ़ूंगा। आपके मेडीकल जूरिसप्रूडेंस और साइकालाजीकल जूरिसप्रूडेंस के अनुसार यह सिद्धान्त तय हो चका है कि जब कोई अपराध करता है तो विशेष मानसिक स्थिति के कारण करता है। आप देखते हैं कि किसी अपराध को करने के लिये एक व्यक्ति को अपराधी माना जाता है। मेडीकल जूरिसप्रूडेंस के अनुसार तो एक व्यक्ति एक प्रकार के रोग, मैनिया, के कारण प्रेरित हो कर एक अपराध कर बैठता है और साइकिकल जूरिसप्रूडेंस के अनुसार जब एक व्यक्ति कार्य करता है तो उसके ऊपर बहुत सारी मनोवैज्ञानिक धारारें आ कर कार्य करती हैं। अगर हम सबकी मानसिक भावनाओं को जान सकते तो हम उस समय कितने ही और व्यक्तियों को दंड दे पाते। परन्तु इसके बदले में एक ही व्यक्ति को पकड़ते हैं। इस पर भी जो बुद्धिमान जूरिस्ट हैं उन्होंने न्याय का यह मौलिक सिद्धान्त बनाया है कि सन्देह का लाभ अवश्य ही अभियुक्त को देना चाहिये। अब आप सन्देह का लाभ अभियुक्त को न देकर यह निश्चय कर रहे हैं कि एक्यूज्ड ने निश्चित रूप से ही यह कार्य कर डाला है। इस कमिटमेंट प्रोसीडिंस् के उड़ा जाने से उसकी कितनी बड़ी दुर्दशा होगी। जैसा कि आपने कल कहा था अगर अद्वैत को फांसी पर लटका दिया जाता है तो उसका जीवन लौटने वाला नहीं है। उसका दोष शासन पर जो पड़ेगा उससे कमी भी छटकारा नहीं हो सकता है। इसलिये कमिटमेंट प्रोसीडिंस् को कम से कम मर्डर ट्राइल में तो

न हटाया जाय। मैं आगे इस विषय में और विस्तार से नहीं जाऊंगा। यह जो उद्देश्य आपने स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स में रखे हैं कि अभियुक्त को अपने पक्ष के सिद्ध करने का और अपने ऊपर आने वाले अभियोग का निराकरण करने का पूरा अवसर मिले यह आपके इस वर्तमान बिल से सिद्ध नहीं हो रहा है। और जो आपने कहा है कि कार्य शीघ्रता से सम्पन्न हो और विलम्ब को रोक लिया जाय, इसके लिये हमारे माननीय श्री राधाचार्ज ने कल कहा था कि इसका फल यह होगा कि बहुत से अपराधी इस कारण छूट जायेंगे। हां, कुछ केसेज ऐसे अवश्य होते हैं जिनमें पुलिस के कारण या मजिस्ट्रेट की काम न करने की इच्छा के कारण विलम्ब होता है।

कृषि मंत्री (डा० पी० एस० देशमुख) : ढिलाई है।

श्री नन्द लाल शर्मा : हम यह प्रत्यक्ष देख चुके हैं, स्वर्गीय डा० श्यामा प्रसाद मुखर्जी के केस में, मेरे और श्री चटर्जी के केस में। जो कागज पुलिस इंस्पेक्टर मजिस्ट्रेट के सामने रख देते हैं वह उस पर दस्तखत कर देते हैं। एक्ज्यूज्ड हाज़िर है मगर उसे पता भी नहीं। अन्ततोगत्वा मजिस्ट्रेट, जब सुप्रीम कोर्ट में साक्षी देने का समय आता है, तो बगलें झांकते हैं। इंस्पेक्टर पुलिस को डिसेंटरी हो जाती है और वह नहीं जा सकते। इस वजह से केस सिद्ध नहीं हो सका।

Mr. Deputy-Speaker: He must resume his seat now. He took ten minutes the other day; he has already taken fifteen minutes today. I cannot expand the time which we have got. In the last day when the House is to close at 10.45, I must allow no more.

Shri Nand Lal Sharma: Two minutes more, Sir, with your indulgence.

Mr. Deputy-Speaker: Two minutes each will break the camel's back. I have not given chance to Mr. Ramaswamy and one or two other Members. I want to give them a chance particularly because they are not in the Select Committee.

श्री नन्द लाल शर्मा : मैं एक निवेदन और करूंगा और वह है कई अपराधों को कम्पाउन्डबुल बनाने के सम्बन्ध में यहां पर विचार किया जा रहा है। मैं यह निवेदन करूंगा कि दंड विधान में जिनका चरित्र के साथ सम्बन्ध है और जिसके ऊपर सारे समाज की आचार-मिति निर्भर है उसमें कम्पाउन्डबुल समझौता करने का उपाय देना आचार मिति को तोड़ने का मार्ग होगा। मैंने ४९७, ९८ में, अथवा चोरी में ३७९ में अथवा ऐसे और केसेज में कई जगह तो रेप के लिये भी कहा गया और यदि वह आपस में समझौता कर लें तो रेप का भी परित्याग कर देना चाहिये। ऐसी परिस्थिति में राजा का शासक का कर्तव्य है कि आचार से सम्बन्ध रखने वाले जितने भी दोष आयें, अपराध आबें उनको कभी भी कम्पाउन्ड न कर सकें।

एक शब्द डेफ़नेशन के सम्बन्ध में भी कह देना चाहता हूं। यदि कोई समाचार पत्र अथवा और कोई व्यक्ति किसी सरकारी कर्मचारी के विरुद्ध अथवा ऊंचे कर्मचारी वी० आई० पी० के विरुद्ध कोई भावना प्रकाशित करता है तो पुलिस अवश्य ही उस व्यक्ति के अथवा न्यूजपेपर के गले पर चढ़ जायेगी और इसलिये मेरी राय में उसको कागनेज़ेबुल आफेंस बनाना अनुचित है।

अन्त में मैं अपने शब्दों को समाप्त करते हुये कहूंगा कि आज एग्जीक्यूटिव का जुडीशरी पर जो निरंतर प्रभाव है उसको आप तभी हटा सकते हैं जब एक तो आप जुडीशरी को सर्वथा स्वतंत्र बना दें। कल आपने स्वयं

[श्री नन्द लाल शर्मा]

स्वीकार किया कि दिल्ली सरीखे पार्ट सी० राज्यों में अभी ऐसा नहीं हो पाया, डिस्ट्रिक्ट मजिस्ट्रेट का प्रभुत्व अभी पूर्णतः विद्यमान है। मैं आप से और आगे निवेदन करूँ कि उनका क्या प्रभाव पड़ता है परन्तु समय मेरे पास नहीं है। एक समाचार पत्र है, एक डिप्टी कलक्टर ने ३२४ में उसको दंड दिया आज की डेट के हिन्दुस्तान टाइम्स में जिक्र है, जिसको तीन वर्ष का दंड होना चाहिये था, उसे केवल ५१ रुपये फाइन करके छोड़ दिया गया है। मैं पूछता हूँ कि यह प्रभाव एग्जीक्यूटिव का नहीं है तो और क्या है? डिस्ट्रिक्ट मजिस्ट्रेट के घर में जा कर छिपता है, चाकू से दूसरे पर प्रहार करता है। इसलिये मैं भगवान कैलाशनाथ जो इस घर के पुरखे हैं जो भंडारी कहलाते हैं उनका वाहन है वृद्ध बैल, अगर वह खुद विष खा कर प्रजा को अमृत पिलाये तब तो मैं समझता हूँ कि प्रजा का कल्याण होगा और यदि साधारणतः एक पार्टी की भावना से कार्य किया गया तो क्या आनरेरी मजिस्ट्रेट और क्या दूसरे तीसरे वह हमारा कल्याण नहीं कर सकेंगे। इसलिये मैं तो इस भावना का हूँ, हम अपमान नहीं करते, हम तो एक पत्थर की मूर्ति को भी ईश्वर बनाते हैं और प्रणाम करते हैं, हमने उनको अपना गृह मंत्री बनाया है और हम तो उनको साक्षात् भूतनाथ मानते हैं, वह स्वयं विष खान को तैयार हों और प्रजा को अमृत पिलायें।

Mr. Deputy-Speaker: Order, order. I am not going to allow any more time. I am calling Mr. Ramaswamy. He will have only 15 minutes. I have to give a chance to the others.

Shri S. V. Ramaswamy (Salem): There is not one hon. Member in this House who is not deeply inspired by the transparent sincerity of the hon. Home Minister. We want a reform of the judicial administration in

this country; we want that perjury should be put down; we want that justice should be done speedily. His sincerity is really impressive. But, if what the hon. Deputy Home Minister spoke yesterday is a reflection of the mind of the hon. Home Minister, I am sorry I must make a strong protest against certain sections of this amending Bill.

I do not say that all the clauses in this Bill are bad. Some of them are really very good and I welcome them heartily. For instance, the provision under section 497 which says that if the accused cannot be tried and committed within six weeks' time, he shall be released on bail. I am most happy about it. This rule must have come years ago. The way in which ordinary prisoners are kept under trial is something heart-rending and I am glad that at last the hon. Home Minister has come to the rescue of these unfortunate people if the case cannot be completed within six weeks. There are also other provisions, such as extension of summons proceedings, provision for ordering increased maintenance and also compensation to the accused. These are all very good provisions. But, I must protest against certain clauses which are going to affect the fundamental principles on which the criminal administration of this country is based. I am afraid, Sir, they are going to shake and shatter the very fabric of criminal administration in this country. I shall point out to you certain clauses here and certain clauses there, that will clash with each other and the very object with which this amending Bill has been brought will be perfectly defeated. What is more is that even the police will not be able to prosecute the accused.

Mr. Deputy-Speaker: The hon. Member may kindly refer to this Bill and if there is time, speak on other matters.

Shri S. V. Ramaswamy: I am taking up both the Bills together.

Mr. Deputy-Speaker: He may bring out those points which are connected. In any case, I am not going to allow more than 15 minutes.

Shri S. V. Ramaswamy: First, I shall deal with clause 17. I must straightaway say that the proviso made in this clause goes against article 31 of the Constitution. Look at article 31, article 31 says:

"(1) No person shall be deprived of his property save by authority of law."

According to the proviso that has been made in this clause, without even an enquiry a magistrate can attach my property. Supposing there is a *bad-mash* as my neighbour he can create trouble for me. He can induce the police to make a report and the magistrate can attach my property on the information given by the police without even making an enquiry into the matter. The proviso made under this clause in section 145 is:

"Provided that if the magistrate considers the case one of emergency, he may at any time attach the subject of dispute, pending his decision under this section."

Under what right, under what authority of law can any magistrate attach the property of one who is entitled to it without even an enquiry into the matter? This is a most obnoxious measure. This will leave power in the hands of bad people, the undesirable in society, and no law-abiding citizen can be sure of his property. This is a very dangerous provision. The proviso to sub-clause (3) under this section 145, must also be deleted because it is definitely an infringement of article 31.

Now, Sir, I come to certain provisions on which much stress has been laid, namely, the clauses dealing with sections 161, 162, 163, 164 and 173 of Act V of 1898. I am afraid all these provisions have been granted

by persons who do not know the trials and tribulations of persons who conduct the cases in a trial court. It is a most intricate affair; it is a very difficult affair; it is an hourly and minutely struggle with the police and the prosecution. It is not a question of helping the accused merely to get an acquittal, but it is a question of saving the liberty of an individual. To assume that every person who is placed in the dock is a guilty person is something very obnoxious. No person is guilty unless his guilt is proved. This is fundamental. This is the foundation of our criminal jurisprudence. Simply because he is placed in the dock, to assume that he is guilty is an atrocious thing. I should, say, therefore, that these provisions are not welcome. These, I must say will cut at the very root of the principles which ensure the liberty of individuals.

Now, section 162 is said to be deleted. Certain provisions under section 162 are tacked to provisions under section 161. Even the provisos have been removed. Now I will come to section 173. How is it possible to give the necessary material to the accused after section 162 is deleted? There is a very salutary provision under sub-clause (2) of section 162 and that is sought to be taken away. Now, Sir, the proviso under this section says:

"Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872."

If you remove this sub-clause (2), you are not acting according to section 145 of the Indian Evidence Act. I am

[Shri S. V. Ramaswamy]

sure, Sir, that this is a very reactionary and retrograde provision. Somewhere about 6000 judicial decisions have been taken under this section 162 alone, everyone of them seeking to protect the individual against tyranny of authority and tyranny of executive. If you are going to remove this section 162, all those 6000 judicial decisions will be set at naught. This way, Sir, those statements which are given to a policeman can be used to corroborate the evidence against the accused. If you take away this proviso, where is the guarantee that these statements will not be misused for corroboration? Section 157 of the Evidence Act is there no doubt, and the danger lies in the way the 161 statements will be used as corroborative evidence under section 157. Unless you impose a limitation in terms of the proviso there is a very great danger to the liberty of an individual. In this respect I must say that I admire the way, the frank manner in which my hon. friend Mr. Frank Anthony was attacking this provision yesterday. I am entirely in agreement with him. Now, along with section 157 you must also see section 164. The High Court of Madras and, I believe, some of the other High Courts also have repeatedly, time and again, made adverse comments on the use of section 164 to pin down witnesses and make them commit perjury. It has been always a difficult task for those conducting defence in trial courts to get rid of these 164 statements. The accused goes before a magistrate and makes a statement under section 164. All the precautions that are supposed to be taken are recorded as taken and a verbatim report of the statement is recorded. But, as a matter of fact, we practitioners who are practising know the magistrates, do not take the precautions. The policeman sits behind and prompts the witness standing in the dock who is supposed to give statements which are voluntary. Such most atrocious things I have seen. In one case, Sir,

the accused was made to say: "Yes, I did commit the murder". Later when he was apprised that the man will be hanged, he rolled down, rolled and rolled on the floor of the court and wept. Yet, the statement had gone, the man was hanged.

An Hon. Member: Atrocious.

Shri S. V. Ramaswamy: Sir, this section 164 is a curse. It should be used as little as possible. Now, under clause 20 in the present Bill, it has been provided:

"The police officer may, in any cognizable case and shall, in all cases of offences triable by the Court of Session, require the attendance before a Magistrate of all such persons whose evidence, in the opinion of the police officer, will be material at the time of the inquiry or trial, to have their statements recorded under section 164; and such persons shall attend as so required."

This is a very extraordinary clause. The psychological effect of this will be either of these two things; either the witnesses will not come forward, or in order to save the accused there will be wholesale perjury; a wholesale set of cases under section 193 I.P.C. Supposing there are eight eye witnesses who are put in the witness box and examined under section 164, you pin them down to their statements. How can one get out of that? In the face of these statements recorded under section 164, how are we to save the accused who are innocent?

If you assume that all cases that are placed before the magistrate's courts are correct and true, I have no quarrel with you. But I know from my experience and from that of others, that not more than fifteen per cent. of the cases are true, and even in these cases...

Shri Punnoose (Alleppey): Five per cent.

Shri S. V. Ramaswamy: That is my experience.

Shri Dhulekar (Jhansi Distt.—South): No, no.

Shri S. V. Ramaswamy: You may say, no. But how can you question my experience? You may have your own experience. (*Interruptions*).

Mr. Deputy-Speaker: Does it include murder cases also?

Shri S. V. Ramaswamy: I may tell you one thing more. If there are more than three or four accused persons; invariably, one at least is an absolutely innocent person, and the judge acquits all the accused, because he cannot convict the man whom he finds to be innocent, since the evidence is joint. But if he convicts the persons who are charged with the offence he must convict all and he cannot release that person who is innocent, because the evidence is joint. If he splits up the evidence and acquits that man, the matter is then taken up by appeal, and on this ground, the other accused are also acquitted. It is because the investigation is not perfect that you are going to make wholesale use of section 164. I submit that it would mean the death-knell of all criminal investigation. It means that you are going to prevent witnesses from coming to depose evidence. Only those witnesses who will be subservient to the police will come forward to depose under section 164. No decent or respectable man will ever come forward to pin himself down to a statement under section 164. In the face of this, where we take up the defence and when we see the innocence of the accused, what are we to do? Of course, you may say, a lawyer has no conscience, and all that. But there are people who have got their consciences. There are people who are decent, and there are very many of them who stick to truth. I know from my private experience that there have been cases where people have stuck to truth. Supposing the case against the accused is not true, they must necessarily resort to a wholesale turning down of the evidence by section 164, and the result will be that there will be prosecutions under section 193

against all the witnesses, and the entire criminal justice administration in the country will be brought into disrepute and disregard.

I now come to section 173. The information and documents to be supplied to the accused are not complete. He will suffer from lack of information in respect of all the material that is required to be furnished from the case diaries. Should I finish so soon?

Mr. Deputy-Speaker: He can have one more minute. The hon. Member started at 9-35 A.M. or so. It is now nearing 9-50 A.M.

Shri S. V. Ramaswamy: I may be permitted to go on till 10 A.M.

Mr. Deputy-Speaker: If the hon. Member goes on dealing with other matters, he will have no time to deal with his own Bill, and it will be too late to do so.

Shri S. V. Ramaswamy: I shall rush through.

Shri Lakshmayya (Anantapur): The hon. Member being an experienced advocate, his time may be extended by five more minutes. (*Interruptions*).

Mr. Deputy-Speaker: Order, order. I am not going to accept anybody's recommendations.

Shri S. V. Ramaswamy: This is an important Bill, and I may request I may be given five minutes more.

Mr. Deputy-Speaker: What I find is this. Hon. Members are all anxious to make recommendations for increasing the time allotted for other hon. Members. But when the suggestion was made that there may be an evening sitting, hon. Members immediately rose and said, no, no. But how is the discussion to go on? The hon. Member says this is a very important Bill. I agree that it is a very important Bill, and all sections of the House must have full opportunity to speak on it. This measure is not only for the life of this House, the present Home Minister or any of us, but it is for all time

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to come. I am fully aware of the gravity of the situation. But the misfortune is that hon. Members who have come thousands of miles away from their places are not prepared to sit for a second time in the day. At the same time, they recommend that the time must be extended by five minutes or ten minutes more. Am I to extend it to one hundred and fifty minutes? It is a very rare thing that I am perceiving in this House, of late, that Members are not prepared to sit in the House. Even if perchance I am prepared to sit for a second time, in the evening, over the heads of others, I find that there is no quorum, and I shall have to sit all alone and there is not a single Member in the House. (Interruptions).

Since it is the general desire of the House that Shri S. V. Ramaswamy should continue, he may go on till 9-55 a.m.

Shri S. V. Ramaswamy: The proposed sub-section 1-A to section 173 reads:

"The report forwarded under sub-section (1) shall be accompanied by copies of the first information report recorded under section 154 and of all other documents on which the prosecution proposes to rely, including statements of witnesses recorded under sub-section (3) of section 161 and statements and confessions recorded under section 164."

Is that all? I beg to differ from you. There are very many other records on which, we know, the prosecution proposes to rely. Unless we have committal proceedings, we will not be in a position to get all those things. The statement recorded at the time of the inquest is the most important document for the defence, and it is on this document that the prosecution will rely for their case. But under the new provision, these important documents can be withheld from the accused. The statements recorded out, the inquest report are all treated as

section 162 statements recorded by the police. I have never conducted a murder case in all my life, without getting at those documents. These documents, the inquest report as well as the statements recorded at the time of the inquest, are the most valuable documents from the point of view of the accused next in importance only to the F.I.R. Grave mistakes often committed at the inquest are discovered and in section 162 statements recorded by the inspector, he fills up the gaps. Thereafter, the circle inspector comes in and he detects some more gaps, with his superior intelligence, and he tries to fill up other gaps. Then, if it is a very sensational case, or a very important case, the deputy superintendent of police comes on the spot, and he goes into the records, and fills up the further gaps. Unless you are careful and vigilant, and unless you are wary, by their usual tricks, you will miss certain important statements. I know that the police as a rule do these things. I have been dealing with these cases for over a quarter of a century, and I know their usual tricks. They will give you only the section 162 statements recorded by the sub-inspector or the circle inspector. They will not supply the copy of the statements recorded at the time of inquest. That is the most valuable document that you can ever have for the defence of the accused. But no mention of that document is made in this section. You talk only of the first information report and other statements recorded under section 161. But what is the inquest report worth containing only the opinion of the *panchayatdars* and some minor particulars stating this was the height of the man, this was the breadth of the man, these were the injuries caused to him, he was lying with his head north or south, and so on. What about these inquest statements. These may not be supplied to the accused now, but only statements recorded under section 161. What is the report alone worth? If the proposed provision is passed into law, you will see that every man who

is put in the dock will be hanged by the neck till he is dead. That will be the result of section 173 as proposed to be amended now. Then, there are post mortem examination certificates, mahazars etc. There is no provision to be given to the accused. Supposing, again, there are statements recorded under section 27 of the Indian Evidence Act, are they to be supplied or not? If they are to be given, when are they to be given? As you know, the statements recorded under section 27 of the Indian Evidence Act contain all sorts of things by way of confession including statements like, I committed murder, etc. If you are going to furnish all those documents which are recorded in the case diary to avoid the committal proceeding, I can tell you quite honestly and sincerely that the prosecution will not be able to conduct a single case. If you place all these documents in the hands of the accused,—the documents which I am mentioning must also be supplied, if the spirit of the new clause is taken—I tell you the police will not be able to conduct one single case, and it will not result in one single committal. The trouble here is that you have got section 164, and I have told you already that no person will come forward to depose. No decent man will come forward to pin himself down to section 164 statements. Coupled with that provision, you have this wonderful section also in section 173. There is the other section, the result of which will be that if the magistrate thinks that a person is guilty of having given false evidence, he can immediately finish him then and there, adopting a summary procedure. In the face of this, who will come forward to give evidence? By means of this amendment to section 485 you are further terrorising the witnesses. No honest citizen who wants to do justice by the society and the country will ever come forward to give evidence in criminal cases, with these conditions and restrictions.

You must understand the psychology of the people also. Just as capital is shy in the money market, people are

hesitant to come forward and give evidence before a criminal court. Why? Because there are so many harassments by the police. You must understand the psychology of the people, how things are going on and how people feel about it, instead of sitting under a fan and imagining things. You must understand the practical difficulties.

An Hon. Member: Very nice.

Shri S. V. Ramaswamy: It is a battle of wits beginning with the time that the charge is filed before the magistrate, in fact, it starts earlier, from the very time that a crime is committed. It is a regular battle of wits. It is like a game of chess, where pawns are moved from one side to the other side. The police move a pawn and then the defence moves one. That is the game that is going on. I tell you the investigation is not perfect. There is no certainty that the accused put before the court are the real accused and there are no more. Unless you guarantee, unless you infuse a feeling of confidence in the minds of the people that the people placed before the court are the only accused, guilty and none but the guilty, you will never be able to persuade people to come forward and give evidence.

I know of one instance in my State. I will tell you how wholesale perjury goes on. This is in respect of illicit distillation. Now, what do they do? They do the illicit distillation on mountain tops, on river beds and in jungles. Now, the police get some information that illicit distillation is going on in such and such a place. They raid the place. Now, before they raid, the people concerned get information. Illicit distillation is done in batches of 100 or 150 pots and so on. Then the whole party disappears leaving the pots and the wash. The police come and they do not know who is the owner of which pot. What do they do? I won't say they use third degree methods, but they use fourth-degree methods. They catch hold of one man. They treat him so

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nically that he makes a confession as to which pot is whose. He says such and such pot belongs to such and such person. This is what is done. Yet, what is the record? I know it, because I have conducted cases. I know what it is, what horrors they have been through. They say 'such and such person, a Ramaswamy or a Krishnaswamy. I found this pot was in his house No. such and such'. This is attested to by the V. M. and the Kanam. Time and again I have spoken to these witnesses, official witnesses: 'Can you swear by what is stated there?'—this is outside, not in the witness-box, because there it is quite different. I have asked them whether they believed that what is contained in the *mahazars* is right. But the village official is afraid that his job will be gone, if he did not speak those false statements. So he has got to speak those statements even though he never saw Krishnaswamy or Muni-swamy—in his house. This is how perjury is committed on the prosecution side.

Shri N. P. Nathwani (Sorath): The period of 15 minutes is already over and there are other Members who are anxious to speak.

Shri S. V. Ramaswamy: I will finish now.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Can there be a clause by clause analysis like this.

Shri S. V. Ramaswamy: I am for the purity of criminal administration, and I am for improving it. But I am telling you that this is not the way to improve it.

Shri Dhulekar: Who are we? Are we not also for improving justice? You are not the only man who wants that. So why are you saying that?

Shri S. V. Ramaswamy: I am going to show how it should be done. Now, you do away with committal proceedings. Reading the Statement of

Objects and Reasons, I find that committal proceedings are sought to be taken away because...

Mr. Deputy-Speaker: All this is very interesting. But we are not in eternity. There is some time-limit. I thought the hon. Member would impose a time-limit upon himself. Now, he must give up his Bill. He has not made a reference to his own Bill.

Shri S. V. Ramaswamy: I am glad that my Bill has been tacked on to this.

Mr. Deputy-Speaker: He need not start again.

Shri S. V. Ramaswamy: No, Sir. I must tell the House that in 1946 there was a conference of provincial Bar Federation at Madura, of which Mr. R. Venkataraman, was Secretary. We passed a resolution at that conference and I am glad that after all, that resolution is coming to fruition in 1954. The resolution said:

"This conference is of opinion that the system of trial by jury and with assessors is unsatisfactory and urges the Government to take early steps to suitably amend the Code of Criminal Procedure for abolishing the same."

10 A.M.

It is a matter of immense satisfaction to us, to me and to Mr. Venkataraman, that the resolution which we passed as early as 1946 at the Madura conference is now coming to fruition. The hon. Minister, in August last when he was speaking on my Bill, seemed to have absolute faith in the jury system. Now, he is making it permissive. What is the change that has come about in the meantime? In the meantime, opinions have been gathered. More than 85 per cent. of the opinion is against the jury system. That is why from absolute faith in the jury system in 1953, he has now come to this position that it should be made permissive. Even so, I submit that this Bill should be

circulated for eliciting public opinion, in order to see how the fabric of criminal procedure which has existed for the last 50 years should be amended to realise our objectives. Mere tinkering with a clause here or a clause there will not, I submit, help. I earnestly submit that the proper thing would be to appoint a law commission. This is not the only Code that needs to be revised. The Civil Procedure Code, the Penal Code, the Evidence Act—all these Acts have got to be revised and modernised. I earnestly request the hon. Minister to appoint a law commission. It does not matter if it takes one year more. The hon. Deputy Minister said that we have waited long. Why should we not wait for one more year? Let a law commission consisting of a Justice of the Supreme Court, a Chief Justice of a High Court and an eminent jurist sit and go through the whole thing, examine and revise not merely this but the Civil Procedure Code, the Penal Code, the Evidence Act, and the Limitation Act in the light of our objectives. All these Acts need modernisation.

I hope the hon. Home Minister will forgive me for saying what I have said. I have got the greatest respect for him. He is an eminent lawyer, but still I must express my opinion, and I feel and do hope that the hon. Minister will find his way to withdraw this Bill and appoint a law commission at an early date.

Mr. Deputy-Speaker: Mr. Sinhasan Singh. He will speak on his amendment. Then I will call Mr. R. D. Misra to speak on his amendment. Then I will call upon Mr. Mulchand Dube to speak on his amendment.

Shri Debeswar Sarmah (Golghat-Jorhat): Mr. Dube has already spoken

Mr. Deputy-Speaker: All right.

Shri Debeswar Sarmah: May we have a chance, Sir? If others take all the time...

Mr. Deputy-Speaker: What can I do? I cannot do anything. Hon. Members may pass a Resolution saying that we may sit for ten hours. I have no objection.

Shri Debeswar Sarmah: If the Chair says that he cannot do anything...

Mr. Deputy-Speaker: How can I extend the time?

Mr. Sinhasan Singh.

Shri Sinhasan Singh (Gorakhpur Dist.—South): This Bill has come after a long time since everybody in the country expected that there would be a change in the Criminal Procedure Code so that the procedure of trial and the system of administration may be changed. This amendment that has been brought before the House is a very big amendment covering the whole Criminal Procedure Code. But there are some things which are still left untouched. So I have moved an amendment saying that this House may instruct the Select Committee to suggest and recommend amendments to any other sections of the Code not covered by the Bill, if in the opinion of the Committee such amendments are necessary.

When we were not in the Government, we were saying all through that the system of judiciary should be changed, that the judiciary should be separated from the executive, so that the prosecutor may not remain himself the judge also. In our Constitution we have provided in article 50 that "The State shall take steps to separate the judiciary from the executive in the public services of the State". Now, this Directive Principle of the Constitution has been given a slight reference in this Bill. But it says, the State "shall" take steps to separate the judiciary from the executive. My amendment refers to that aspect of the matter so that the Select Committee may also go into the question whether the time has come or not to separate the executive from the judiciary. I believe the time has come. This has been our cry for a

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long time. When we were not in the Government, our main plank of agitation was that the executive should be separated from the judiciary and only the judiciary should be entrusted with the trial. I remember the time in our State of U.P. when Dr. Katju was the Home and Law Minister. He introduced there the partial separation of Judiciary from the Executive and put the Judicial Magistrate not under the control of the District Magistrate but under separate Additional District Magistrates. But, instead of putting them under a separate Additional District Magistrate, if they had been put under the control of the District Judges, probably the separation would have gone to a greater extent.

Attention may be drawn to a provision in this Bill and it is this: appeals from the second and third class magistrates which were going to the District Magistrate will hereafter, under the enactment of this new Bill, be filed with the sessions judges. At page 30 of the Bill, it is stated as follows:

"Under section 407 appeals against convictions by Magistrates of the 2nd and 3rd Class lie to the District Magistrate who may direct that any appeal or class of appeals shall be heard by a 1st class magistrate empowered by the State Government to hear such appeals. As a step towards effecting separation of the Judiciary from the Executive it is proposed to suitably amend section 407 providing that such appeals shall lie to the Court of Session."

Thus, there is indication that the Government is also feeling the necessity of separating the executive from the judiciary. But I do not know what reasons have weighed with the Government not to come forward, after such a long time, with a Bill to separate the judiciary from the executive.

In section 28 of the Criminal Procedure Code, there is a class of judges who are to try criminal cases. If my amendment is accepted, probably the scope will be extended and separation of the judiciary from the executive may be effected.

Section 28 of the Criminal Procedure Code says:

"Subject to the other provisions of this Code any offence under the Indian Penal Code may be tried—

- (a) by the High Court, or
- (b) by the Court of Session, or
- (c) by any other Court by which such offence is shown in the eighth column of the second schedule to be triable."

If clause (c) is suitably amended, separation could be effected. The Government may say that difficulties may arise in this way, namely, of getting suitable personnel. I might point out that many of the Judicial Magistrates are LL.Bs. They can all be put under the supervision of the High Court and taken away from the direct control of the District Magistrate. Separation will be greatly effected if they suitably amend section 28 of the Criminal Procedure Code. If they accept my amendment, I think it will go a long way, and much of the stigma that is now being attached to our Government for not separating the judiciary from the executive will be removed.

I now go into the Bill itself. The Bill has been almost greatly condemned by many, but I do not go along with them. My hon. friend Shri Ramaswamy was saying that only 15 per cent. of the cases that go to the courts are correct, and the other 85 per cent. are incorrect. Probably he meant that. My experience has been otherwise that the police hardly challan a case which is not correct. There may be one or two persons in the group of the accused who may

not have actually participated in the crime. What happens is, the police gets hold of those persons who, in some way or other, have been connected with the crime or with the agents of the crime. When the complainant goes to lodge a police report, he mentions certain names, and then the police comes forward and tries to implicate them. But it is wrong to say that the police challan false cases. My experience has been that the police challan those persons who are in one way or the other connected with the crime or in the process of increasing the number of crimes

There are some very good provisions in the Bill. Firstly, for the first time, the accused are going to get from the court, without paying anything, all papers that are produced by the police to incriminate them. What has been the practice so far? We have been trying to get the first information report and all the statements of the police taken under section 161 of the Criminal Procedure Code through back-door, because no lawyer proceeds to frame a defence unless he knows what the prosecution says. Here is a provision which I welcome and which goes a great way to help the accused in getting the right defence. It would also help them by enabling them not to give money to the police for purposes of securing copies of such papers.

Another good provision in the Bill is that an appeal has been provided, from the second and third class magistrates, to the civil judges, or, rather, the sessions judges.

Another good provision is the granting of bail after six weeks. Now, in non-bailable cases, the accused have been kept in jail without getting bail, because the police have been getting remands in the hope of getting further evidence. According to the present provision, namely, the time of six weeks, either the court will have to finish the case or the man will get the bail. A great relief is being given to the accused by this provision.

I next refer to the commitment proceedings. There were some opinions expressed here, that the commitment proceedings in cognizable cases need not have been abolished. But I say I quite agree with the amendment. It is a right procedure that has been formulated. In the present circumstances, during the commitment proceedings, practically all the money that the accused possesses is taken away and he has very little left to defend himself in the Sessions Court. Under the new provisions, the accused is given all the papers concerned and is put up by the magistrate directly for trial before a court of session. It is wrong to say that in all cases of such a nature, the man gets acquitted. The man gets acquitted in the court of session, not by mere contradictory statements here and there, but through major faults in evidence that he gets out of the witnesses in the sessions court. This is also a provision which will greatly relieve the accused from the harassments from which he is unnecessarily made to suffer.

I proceed to warrant cases. Warrant cases have also been simplified. What happens now is that we keep munn so long as the examination under section 252 is proceeded with. After charge-sheet, all the witnesses are brought forth for cross-examination. Then, other witnesses are produced and examined. So, it prolongs the case indefinitely. Then, section 257 comes in. Then also, the case is prolonged. But now, under the new provision, if I want any witness to be retained for further cross-examination, that would be done, and he could be examined after the cross-examination of all the witnesses whom the accused wants to examine first. I feel that this provision is a good one and that it should be maintained.

There is also a clause for providing appeals to the complainant. So far, private complaints meet with a bad fate. When private complaints come up in the criminal courts, the criminal courts take them up later, as they

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are mostly desirous of taking up the case of police prosecutions. Mostly, police prosecutions end in conviction, but private complaints end in acquittal. So, the private complainant, whose case falls through, has no remedy. He has no appeal provided for him, in the case of acquittal, but only the Government has the right of appeal. Provision has now been made in the Bill for an appeal to the High Court. But here I would make a suggestion. Instead of making him go and appeal to the High Court, the Bill should be so amended that after the accused is first convicted by the Sessions Judge in appeal against his order of acquittal by the Magistrate he should have the right to appeal to the High Court. This will meet the difficulty that was raised by some hon. Members.

I have taken hardly ten minutes.

Mr. Deputy-Speaker: The hon. Member has taken nearly 15 minutes.

Shri Sinhasan Singh: I shall take only two minutes more. I now come to the bad points. Sections 145 and 146 have been tacked together. This will give rise to unscrupulous persons to come forward and say that the rightful ownership belongs to them. The magistrate will say there are witnesses on both sides and the rightful owner will be deprived of his property and will have to go to the civil court because there is no provision by which the rightful person can be given his property by the magistrate. Unless he goes to the civil court he loses his property. It is also a bad provision.

Similar difficulty will arise out of proposed amendment to section 147. A man may not have been tying his bullock in the house or land of another but the moment he puts a claim that he had been so using the said lawn or the land will be attached. The man who is the owner of that house or land will be deprived and he will have to go to the civil court. It would have been better if section

147 would have been deleted; it would have been better had the matter been left to the civil court for decision. That is a very bad provision

Similarly I say about clause 107 that the provision that is being made may be used in a good way as well as in a bad way. A man may come to a police officer and say, 'Take Rs. 100 and have so and so arrested under section 107. Kindly put him in jail and he will give you more money'. So, it will be giving a handle to the police and men of criminal mind. I think Dr. Katju and the Select Committee will consider this point.

Shri Nambiar (Mayuram): What about the omission of section 162?

Mr. Deputy-Speaker: Let him go on.

Shri Sinhasan Singh: I have to state that from the opinions that have been circulated to us, we find that all of them are against the deletion of section 162. It was good for the accused because that was being used to contradict any witness who was saying something which was not said on the earliest occasion. In the case, likely to go to the sessions court, the examination of all witnesses before a magistrate is also something which I think is not desirable because all the witnesses are giving their statements in the absence of the accused and they are on oath and if the witnesses have been forced to make some statement by the police and if they want to speak the truth before the court, they will be confronted with their statements, which were recorded when the accused had no right to cross-examine them. That provision should not also have found a place. I do not think there is any difficulty in this because no guilty person should escape but, all the same, no innocent person should be convicted. For this purpose, we shall have suitably to amend it.

I will request the hon. Minister to take steps to separate the judiciary from the executive. So long as these

remain together, our whole difficulty will also remain and the time has come when Dr. Katju should take the step. While introducing the Bill he said it was memorable time for him that he had introduced this Bill, but I say he will make history by separating the judiciary from the executive. I know he is a bold and experienced lawyer and he will take bold steps (Interruption). He can separate the judiciary from the executive only by changing section 28 of the Criminal Procedure Code. As the time is short I will end with this.

श्री आर० डी० मिश्र (जिला बुलन्द-शहर) : उपाध्यक्ष महोदय, मैं आपका बहुत शुक्रिया अदा करता हूँ कि आपने मुझे बोलने का मौका दिया। मैं अपने मंत्री महोदय को भी मुबारकबाद देता हूँ कि वह ज़ाबता फ़ौज-दारी क़ानून में तरमीम करने के खातिर यह बिल लाये हैं और जैसा उन्होंने इस तरमीमी बिल के स्टेटमेंट आफ़ आबजेक्ट्स में बतलाया है, मैं उनसे पूरी हमदर्दी रखता हूँ और मैं उसमें उनके साथ हूँ। जैसा कि हमारे होम मिनिस्टर ने बतलाया कि ७० फ़ीसदी केस तो नीचे की अदालतों से छूट जाते हैं, तेरह फ़ीसदी केस ऊपर की अदालतों में छट जाते हैं, यानी ८३ फ़ीसदी केस छूट जाते हैं, १७ फ़ीसदी केस रह जाते हैं, उनमें भी जब वह सुप्रीम कोर्ट पहुँचते हैं तो कुछ वहाँ से और छट जाते हैं। आज हालत यही हो रही है और मैं पूछता हूँ कि जिस देश के अन्दर इतनी बड़ी तादाद में मुलजिमान छूटते हों, उस देश में न्यायालयों पर जनता का कैसे भरोसा क़ायम रह सकता है? और आज हकीकत यह है कि जनता को न्यायालयों पर कोई विश्वास नहीं रह गया है और तमाम जगहों पर झूठ का बोलबाला है। जहाँ तक इस बिल का ताल्लुक है, मैं अपने होम मिनिस्टर को इसको हाउस के सामने लाने के लिये बधाई देना चाहता हूँ लेकिन मुझ साफ़ करें अगर मैं कहूँ कि इस

बिल को देख कर मुझे ताज़्जुब हुआ कि आया जो कुछ हमारे होम मिनिस्टर साहब चाहते हैं वह बात इससे पूरी तरह से हासिल हो भी सकेगी या नहीं। हमें यह नहीं बतलाया गया कि किस तरह से यह अन्याय दूर हो सकता है और कैसे इंसान दुनिया में वापिस लाया जा सकता है। यह देश हमारा जो कभी सत्य और न्यायवादिता के लिये मशहूर था, आज उसकी क्या दशा है? लोग यह अक्सर कहते सुने जाते हैं कि अदालत में जाकर सच बोलना तो गुनाह है और, “अरे भाई यहाँ कोई अदालत थोड़े ही है कि झूठ बोलो, यहाँ तो सच बोलो।” आज हमारी अदालतों में सिवाय झूठ के और कुछ नहीं दिखाई पड़ता और मेरा अपना तो यह अक़ीदा रहा है और पिछले २८ वर्ष से मैं इस वकीली का पेशा करता आया हूँ मेरा तो यह अक़ीदा रहा है कि जहाँ पर यह अदालतें होती हैं उसके बीस गज के फ़ासले तक चारों तरफ़ झूठ का प्रचार होता है। मुझे इस सिलसिले में एक बात याद आ गयी। सन् १९३७ में जब मैं लखनऊ गया, तो पंत जी ने मेरी मुलाकात भल्ला साहब से कराई और बतलाया कि इनको हमने करप्शन रोकने के लिये आफ़िसर मुक़र्रर किया है। उसके बाद भल्ला साहब मेरे पास आये और कहा कि हमें कुछ मुक़दमात दीजिये। मैंने उनसे कहा जनाब, मैं कोई पुलिस आफ़सर नहीं हूँ कि मैं आप को मुक़दमे पकड़वाऊँ, क्या आपने हम कांग्रेस मेंनों को पुलिस का दलाल समझा है कि हम आप को कैसे पकड़वाते रहें। आपको पंत जी ने इसीलिये नौकर रक्खा है, आप खुद तहक़ीकात कीजिये और पता लगाइये मैं क्या बताऊँ? आप मुझ से पूछते हैं कि करप्शन का केस बतलाओ, मैं कहता हूँ कि आप जिस बिल्डिंग में खड़े हैं, इसके किसी कोने के अन्दर कोई आदमी ऐसा नहीं जिसको मैं यह बता सकूँ कि यह करप्ट नहीं है।

[श्री आर० डी० मिश्र]

किस किस को मैं बतलाऊँ ? हर कोने का थानेदार, तहसीलदार, सिपाही, चपरासी हाकिम अदालत सारे का सारा अमला इस मर्ज में मूब्तला है, आवे का आवा ही खराब है, पर मैं कलंक क्या, इसकी ज़िम्मेदारी किस पर है ? मैं तो इस बारे में निवेदन करने के लिये मौका तलाश कर रहा था और आज मुझे सौभाग्य से इस ज़ाबता फ़ौजदारी क़ानून को तरसीम करने के सिलसिले में अपने होम मिनिस्टर से अर्ज करने का मौका मिला । मैं तो मानता हूँ कि अकेला यह ज़ाबता फ़ौजदारी का क़ानून देश की मौजूदा हालत के लिये ज़िम्मेदार है । आज जो करप्शन और झूठ चल रहा है, जो एडल्टरी हो रही है, और यह जो सरकारी दफ़्तरों में रिश्वत-सतानी बढ़ रही है और चल रही है उसकी ज़िम्मेदारी इस मौजूदा ज़ाबता फ़ौजदारी क़ानून पर है । इन सब बुराइयों की ज़िम्मेदारी क्रिमिनल प्रोसीज्योर कोड पर है । इसका वह मतलब न समझ लीजियेगा कि ताजीरात हिन्द के क़ानून में कोई अच्छी चीज़ नहीं है । उसमें बड़ी अच्छी अच्छी दफ़ायें हैं, लेकिन जो उनका असर होना चाहिये, मुल्-जिमान को सज़ा मिलनी चाहिये उसके लिये क़ानून है, लेकिन इंसफ़ दिलाने के लिये नहीं जो ज़ाबता बनाया गया है वह इतना निकम्मा बनाया है कि उसने सत्यानाश कर दिया तमाम न्याय का । आप पूछेंगे कि कैसे कर दिया तो सुनिये मैं आपको बतलाता हूँ । ज़ाबता फ़ौजदारी में जुर्मों को दो भागों में बांटा गया है कागनेज़ेबुल और नान कागनेज़ेबुल । कागनेज़ेबुल और नान कागनेज़ेबुल किस क्या है ? इसका मतलब है कि कागनेज़ेबुल मुक़दमा वह है जिसमें पुलिस बिना वारंट गिरफ्तार कर ले और दूसरा मुक़दमा नानकागनेज़ेबुल ऐसा कि जिसमें पुलिस मजिस्ट्रेट से वारंट हासिल करके गिरफ्तारी करे । आज यह है कि

अगर कोई सरकारी अफ़सर रिश्वत लेंगे तो उन पर मुक़दमा चलाने के लिये सरकारी संक्शन की ज़रूरत पड़ेगी, अगर अदालत में कोई झूठ बोलेगा तो अदालत मुक़दमा चलायेगी और अगर कोई शख्स डिफ़ेन्डरी एलिंगेशन करेगा तो खुद जिसको गाली दी होगी वह मुक़दमा दायर करेगा, अगर किसी की घर वाली को कोई भगा कर ले गया है तो उसका पति मुक़दमा दायर करेगा और अगर किसी की औरत के साथ कोई व्यभिचार करता है तो पहले तो उसमें यह तहक़ीकात होनी चाहिये कि औरत की उसमें रज़ामन्दी तो नहीं थी और जब यह साबित हो जाय कि उसकी रज़ामन्दी नहीं थी और उसके संग ज़बर्दस्ती व्यभिचार किया गया तो उस औरत का पति जा कर फ़रियाद करे कि मेरी बीवी के साथ फ़लाने ने ज़िनाह किया । मैं कहता हूँ कि यह जो ज़ाबता फ़ौजदारी क़ानून में १९५, १९६, १९७ और १९८ दफ़ायें बना दी हैं, इन दफ़ायों ने आपकी तमाम दण्ड पद्धति का सत्यानाश करके रख दिया है । इनके रहते उन सरकारी अफ़सरों के ऊपर जोकि रिश्वत लेते हैं, पुलिस मुक़दमा नहीं चला सकती और पुलिस अफ़सर बिला वारंट के गिरफ्तारी नहीं कर सकता है । सरीहन थानेदार बैठा रहे और उसके सामने पेशकार रिश्वत लेता रहे लेकिन वह क्या करें वह इसमें कुछ नहीं कर सकते । क्योंकि यह नान कागनेज़ेबुल आफ़ेन्स है । वह कहते हैं कि मुझे कोई अस्त्रियार नहीं है तुम मजिस्ट्रेट के यहां चले जाओ और इसके खिलाफ़ शिकायत करो और उस पर मुक़दमा चलाओ । थानेदार सामने बैठा रहता है और उसके नीचे जो मुंशी रहता है वह रपट लिखाई चार रुपये ले लेता है और जब थानेदार से कहो तो वह जवाब देता है कि वह तो सरकारी अफ़सर हैं, हम

कैसे अपने आप उस को गिरफ्तार कर सकते हैं, वह तो नान कागनेजेबुल आफ्रेंस है। यह भी खूब है कि सब-इंस्पेक्टर के नीचे कांस्टेबल काम करता रहे और वह रिश्तत लेता रहे, लेकिन कुछ नहीं किया जा सकता क्योंकि वह नान कागनेजेबुल आफ्रेंस में आता है। लेकिन इसके यह मानी नहीं कि वह नान कागनेजेबुल जर्म में कुछ कर नहीं सकते अगर पुलिस के जी में आ जाय तो नान कागनेजेबुल आफ्रेंस में भी केस को चला देती है। इस सिलसिले में मैं आपको अपना तजुर्बा बतलाऊँ कि सन् १९३० में मेरे ऊपर ५०६ में केस चला दिया। जब मेरे ऊपर मुकदमा चलाया गया तो मैंने मुकदमें में बहस की। मैं न कहा कि जनाब हम कांग्रेसी तो ये अंग्रेजी कानून आपके नहीं मानते, लेकिन आप तो सरकारी नौकर हैं। उस समय के० प्रसाद डिस्ट्रिक्ट मजिस्ट्रेट थे, मैंने उनसे और लक्ष्मी शंकर मजिस्ट्रेट अदालत से कहा कि जनाब आप तो सरकारी नौकर हैं और आप तो सरकार के कानूनों को मानते हैं, यह नान कागनेजेबुल आफ्रेंस हैं, मुझ पर पुलिस की रिपोर्ट पर केस नहीं चल सकता, यह आप पुलिस की रिपोर्ट पर कैसे मेरे खिलाफ़ केस ले आये? और मैंने ज़ुर्म क्या किया था, कोई एक इतिहास हमारे कांग्रेस दफ्तर से जारी हुआ बहसियत प्रेसीडेंट मेरे उस पर हस्ताक्षर थे उसमें लिखा था कि लोग अपनी विदेशी कपड़े की दुकान सील कर दें नहीं तो उनकी दुकानों पर पिकेटिंग होगी, मैंने कहा कि जिस दुकानदार की बाबत आपको मालूम हुआ कि हमने उससे कहा कि दुकान के विदेशी कपड़े को मुहर बन्द करे उसको मुकदमा चलाना चाहिये लेकिन मेरी एक नहीं सुनी गई और दो साल की सज़ा ठोक दी। इसी तरह मैं आपको बतलाऊँ कि सन् १९२१ में मेरे ऊपर ५०४ का मुकदमा चलाया गया और आप जानते

हैं कि मैंने क्या ज़ुर्म किया था? कांग्रेस दफ्तर की तलाशी लेने के लिये पुलिस वाले आये और दफ्तर की तलाशी ली शाम को जलसा हुआ उसमें कुछ क़साई बैठे थे जब तलाशी के गवाह का जिक्र हुआ शायद उनमें से किसी के मुँह से निकल गया "लानत" हमने कहा भी नहीं लेकिन हम से कहा गया कि तुमने यह लफ़्ज़ कहा और ५०४ हमारे ऊपर लगाया गया। मैंने पूछा कि ५०४ में पुलिस को चालान करने का अस्त्रियार किसने दे दिया, वह तो नान कागनेजेबुल आफ्रेंस था, उसके बाद सन् ३० में १०८ में के० प्रसाद साहब की अदालत में मेरे ऊपर मुक़दमा चलाया गया

गृह-कार्य तथा राज्य मंत्री (डा० फाटजू):
यह तो आप सन् ३० की चर्चा कर रहे हैं।

श्री आर० डी० मिश्र : यह एक वकील की चर्चा है कि अदालतों में कैसे काम होता है, सन् २१ से लेकर आज तक क्या हो रहा है, यह मैं आपको बतला रहा था। दफ़ा १०८ में लिखा है कि :

"any person who either orally or in writing or in any other manner disseminates or attempts to disseminate, or in anywise abets the dissemination of,—

- (a) any seditious matter, that is to say, any matter the publication of which is punishable under section 124-A of the Indian Penal Code, or
- (b) any matter the publication of which is punishable under section 153-A of the Indian Penal Code shall be required to show cause why he should not be ordered to execute bond with or without sureties for his good behaviour not exceeding one year."

अब इस में यह है कि अगर कोई सामग्री जसका पबलिकेशन १२४-क ज़ुर्म हो तो

[श्री आर० डी० मिश्र]

१०८ में सजा हो सकती है। हमने कहा कि जनाब इसमें यह जो पबलिकेशन लिखा है तो हमने तो कोई पबलिकेशन नहीं किया है, यह हम पर किस बात का मुकदमा चला रहे हैं। आप १२४ पढ़ लीजिये १५३ पढ़ लीजिये।

153-A. "Whoever by words, either spoken or written, or by signs or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of the citizens of India shall be punished with imprisonment which may extend to two years or with fine or with both.....

मैंने कहा कि मैंने तो कोई गुनाह नहीं किया है और मुझ पर यह मुकदमा क्यों चलाया जा रहा है। लेकिन मेरी बात नहीं सुनी गई और एक साल की सजा ठोक दी। यह मैं सन् ३० की बात बतला रहा हूँ जबकि के० प्रसाद डिस्ट्रिक्ट मजिस्ट्रेट थे, वह रिटायर भी हो चुके। मैंने उनसे कहा और मैंने लिख दिया कि मैं इसे अदालत तसलीम नहीं करता लेकिन आप तो तसलीम करते हैं, आप को तो अपनी गवर्नमेंट के बनाये कानूनों को मानना चाहिये। मैं उस समय सोचता था कि जब कभी स्वराज्य होगा तो इस जाब्ता फौजदारी की घज्जियां उड़वा कर रख देंगे, मैं इसे कायम रहते नहीं देख सकता। मैं इसे बरदाश्त नहीं कर सकता। इसीलिये मैंने अपनी तरमीम दी है कि इस किताब का नाम बदल दिया जाय। और इसका नाम बदलने के बाद जो आप यहां के नागरिकों की मदद के लिये जाब्ता कानून बनायें उसका नाम क्रिमिनल प्रोसीजर कोड १९५४ रखें और जो वाकई आजादी के बाद का कानून मालूम पड़े। आप पूछेंगे कि यह हिन्दुस्तान में कौन फाजरी कहाँ से शुरू हुई? इसकी शुरुआत यहां पर अंग्रेजों की हुकूमत के वक्त

से शुरू होती है, होता यह था कि विदेशी हुकूमत के इशारे पर पुलिस वाले और थानेदार अपने विदेशी मालिकों को खुश करने के लिये झूठे बयानात लिख कर मुकदमे बनाते थे लोगों को दबाते थे और उन पर मुकदमे चलाते थे, झूठे बयानात अपनी डायरी में दर्ज करते थे और लोगों पर मुकदमा चलाते और उन पर तरह तरह के जुल्म करते थे क्योंकि उनको अपने अफसरों को खुश करना होता था, लेकिन अब तो यहां पर विदेशी हुकूमत नहीं रही है और इसलिये जनता को बेजा दबाना नहीं चाहिये। सन् १८८२ का जो फौजदारी कानून था उसमें यह लिखा था कि थानेदार के सवालों के जवाब हर व्यक्ति सच्चे देगा—दफ्ता में "ट्रली" बंद लिखा हुआ था। लेकिन अब दफ्ता १९१ के सब-क्लाज २ में यह है :

"Such person shall be bound to answer all questions relating to such case put to him by such officer..."

ट्रली का शब्द सन् १८८२ के कानून में था, लेकिन १८९८ वाले कानून से अंग्रेजों ने उस ट्रली लप को उड़ा दिया। अब क्या बन गया केस ला जिस वक्त हमारे एक दोस्त ने अदालतों के वकिंग के बारे में कुछ कहा तो हमारे कुछ वकील लोग नाराज हो गये और कहने लगे कि हम तो झूठे मुकदमे नहीं चलाते, और आप ऐसा कह करके वकीलों के पेशे को बदनाम करते हैं, लेकिन मैं उन साहबान से जो यह अकड़ कर कह रहे हैं बतलाना चाहता हूँ कि मुझे भी क़रीब अट्ठाईस वर्ष लोअर कोर्ट्स में काम करने का तजुर्बा हासिल है और मैं जानता हूँ कि वहां पर किस तरह से गवाहियां मनुफेक्चर की जाती हैं और झूठे मुकदमे चलाए जाते हैं, हो सकते

है कि वह चूँकि बड़े दिग्गज वकील हैं और सुप्रीम कोर्ट में ही बहस करते हैं जहाँ मोटी मोटी किताबें पेश की जाती हैं और दुनिया भर की रूलिंग्स का हवाला दिया जाता है और जहाँ पर २५०० रुपये तक का तगड़ा मेहनताना लिया जाता है, वहाँ पर काम करने वालों को इसका तजुर्बा न हो लेकिन मैं उनकी खिदमत में अर्ज करता हूँ कि आज न्याय या इंसॉफ क्या बन गया है। वह यह है :

What is justice today? Justice is nothing but the influence of Advocacy. And what is advocacy? Advocacy is nothing but befooling the judge.

आज के न्याय का अर्थ है "बिफूलिग दी जज" मोटी मोटी किताबों को पेश करके और तर्क दे करके जिसने जज को अपनी ओर घुमा लिया, उसका काम बन गया। अरे साहब वाक्य यह है कि कोई कत्ल हो और मुकदमा चले तो निगरानी में कोई नहीं पूछता कि कोई कत्ल हुआ या नहीं, पूछते क्या हैं, इसके लीगल ऐस्पेक्ट पर बहस करो, कानून पर बहस करो कि यह कांस्टीट्यूशनल है कि नहीं, भला पूछो इनसे कि कत्ल हुआ है, उसके बारे में फ़ैसला करो, इसमें कांस्टीट्यूशन या कानून क्या करेगा वहाँ पर बहस होती है कि मजिस्ट्रेट ने सम्मन बाद में जारी किया या पहले जारी किया और कभी कहते हैं कि इस केस में कागनीजेन्स कानून के मुताबिक नहीं लिया गया। मेरे पास रूलिंग है और वह रूलिंग आर० आर० चारी कानपुर के केस की है उसमें बहस थी

What does this word 'cognizance' mean?

लेकिन जब्ता फ़ौजदारी में कहीं कागनीजेन्स की डेफीनेशन का पता ही नहीं है। उस आर० आर० चारी की रूलिंग में लिखा हुआ है कि जब्ता फ़ौजदारी कानून में कागनीजेन्स की कहीं तारीफ़ नहीं है। हमारे संविधान में एक आर्टिकल बना हुआ है

कि तमाम देश में कानून की निगाह में हर आदमी बराबर रहेगा लेकिन हकीकत क्या है। बम्बई हाईकोर्ट कहता है कि हमारी रूलिंग मानो, मद्रास कहता है कि हमारी रूलिंग मानो, कलकत्ता कहता है कि हमारी मानो, पटना कहता है कि हमारी मानो और इलाहबाद हाई कोर्ट कहता है कि नहीं हमारी रूलिंग मानो और सब अपना अपना फ़ैसला अलग अलग देते हैं। आज होता यह है कि एक मर्तबा हाईकोर्ट फ़ैसला देता है कि यदि हाईकोर्ट में सिंगल जज का जो फ़ैसला हो उस फ़ैसले के खिलाफ़ मत जाओ, अगर जज को एखतलाफ़ हो तो मुद्दई और मुद्दालेह पर छोड़ दो, वह अपने आप अगर चाहेंगे तो अपील कर लेंगे और ऊँची अदालत से फ़ैसला करा लेंगे और उस अदालत पर रूलिंग के लिये छोड़ दो। फिर उसी हाईकोर्ट में यह राय बनती है कि अगर कोई जज फ़ैसले से एखतलाफ़ करे तो बेंच को रेफ़र कर दे, बेंच अगर डिफ़र करती है तो फुल बेंच को रेफ़र कर दिया जाय और उसके बाद मुद्दई और मुद्दालेह पर छोड़ दिया कि वह चाहें तो सुप्रीम कोर्ट में अपील करें।

मैं चाहता हूँ कि आज जब आप इस फ़ौजदारी कानून में संशोधन करने जा रहे हैं तो सब से पहले तो आप को यह कानून बनाना पड़ेगा कि हाई कोर्ट के अन्दर अगर एक सिंगल जज दूसरे जज के पहले फ़ैसले से डिफ़र करे तो उसे उस केस को बगैर फ़ैसला किये हुए डिवायन बेंच को रेफ़र कर देना चाहिये और डिवायन बेंच उस मामले में जो फ़ैसला देगी उसको माना जायेगा; और अगर डिवायन बेंच डिफ़र करती है तो उसे फुल बेंच को रेफ़र करा जाये और अगर एक हाई कोर्ट दूसरे हाई कोर्ट से डिफ़र करे तो उस केस पर रूलिंग देने के लिये सुप्रीम कोर्ट के पास भेजना चाहिये। सुप्रीम कोर्ट का फ़ैसला

[श्री आर० डी० मिश्र]

आखिरी होगा। और सारे मुल्क को उसे मानना होगा, नहीं तो आप किस की मानेंगे और किस की नहीं मानेंगे, मद्रास का हाईकोर्ट एक रूलिंग देता है, बम्बई का हाईकोर्ट दूसरी रूलिंग देता है और आप देखते हैं कि एक कागनीजैन्स शब्द के ऊपर चार वर्ष तक मुकदमा चला

Mr. Deputy-Speaker: The hon. Member wanted only two minutes and I have already given him two more minutes.

श्री आर० डी० मिश्र : मैं चाहता हूँ कि इस तरह कानून में लूपहोल न हो जिस से बेकार की बहस में समय और हथिया बर्बाद जाये और सालों मुकदमें चलते रहें। मैं अपने होम मिनिस्टर साहिब को बतलाना चाहता हूँ कि सन् १९४७ में कांग्रेस ने हुक्मत की बाग-डोर सम्माली, देश में बड़ी रिश्वतसतानी बढ़ रही थी और अखबार वालों ने भी इस बात को कहा कि देश में रिश्वत का बाजार गर्म है, कांग्रेस वाले रिश्वत और करप्शन को बन्द करने के लिये जवान दे चुके हैं, हमने भी अपने मंत्रियों का इधर ध्यान दिलाया और उन्होंने ने अपने सेक्रेटेरियों से कहा कि रिश्वत अब बन्द होनी चाहिये, तमाम सेक्रेटेरियों ने कहा कि हां हुजूर बंद होनी चाहिये। लेकिन रिश्वत नहीं बन्द हुई। तमाम पार्लियामेंट के मेम्बर जोर लगाते हैं लेकिन रिश्वत बंद नहीं होती। तब पुलिस के आई० जी० को कानफरेंस हुई होगी यह जानने के लिये। रिश्वत क्यों नहीं बन्द होती। मालूम पड़ता है कि पुलिस वालों ने मशिवरा दिया कि जाव्ता फौजदारी में लिखा है कि पुलिस वाला बगैर वारंट के गिरफ्तारी नहीं कर सकता। इसलिये अगर रिश्वत लेने का जुर्म कागनिजैबिल आफेंस हो तो रिश्वत बन्द हो जाय। यह चीज होम मिनिस्टर साहिब के सामने रखी गई होगी। चुनांचे सन् १९४७ में रिश्व को रोकने का एक कानून पास किया गया

"An Act for the more effective prevention of bribery and corruption."

मिनिस्टर साहिब ने कहा होगा कि इसको कागनिजैबिल बना दिया जाय चुनांचे और दफा ३ में लिखा है :

"(3) An offence punishable under Section 161 or Section 165 of the Indian Penal Code shall be deemed to be a cognizable offence for the purpose of the Criminal Procedure Code, 1898, notwithstanding anything to the contrary contained therein;"

"Provided that a police officer below the rank of a Deputy Superintendent of Police shall not investigate any such offence without the order of a magistrate of the first class or make any arrest without a warrant."

क्या मतलब हुआ ? कागनिजैबल आफेंस के लिये लिखा है कि पुलिस वाला बगैर वारंट के गिरफ्तारी कर सकता है। ऊपर तो यह लिख दिया लेकिन नीचे लिख दिया कि "कैन नाट अरेस्ट बिदाऊट वारण्ट" और हाउस से यह कानून पास करा लिया। किसी ने कोई गौर नहीं किया कि ऊपर क्या लिखा है और नीचे क्या लिखा है। यहां कानून १५ मिंट में पास हो जाता है। अदालतों में चाहे जितनी रिश्वत चल रही हो, बेईमानी चल रही हो लेकिन पार्लियामेंट के बिजनेस रूल्स के मुताबिक यहां कानून १५ मिनट में पास हो जाता है। हमने डिमांडेन्सी वाली बात भी पढ़ी है कि कानून बनाने के पहले बहस मुबाहिसा किया जाय जब सब लोग अपनी राय सामने रखते हैं तो कानून अच्छा बनता है क्योंकि बिल आफ दी पबलिक मालूम होती है। लेकिन यहां पर बिल आफ दी पबलिक से कोई मतलब ही नहीं है। हम यहां बैठ बैठे गुराते रहते हैं हमारी

कोई नहीं सुनता, जनसंघ वाले और कम्युनिस्ट आते हैं और अपनी बात कहते चले जाते हैं। वह पार्लियामेंट की लाइब्रेरी से बाहर देशों की मोटी मोटी किताबें पढ़ते हैं और उनमें देखते हैं कि कौनसी गाली अंग्रेजी में पार्लियामेंटरी ढंग से दी जाती है उनको लिखकर लाते हैं और जूनी बातों को यहां कहते हैं। हमारे होम मिनिस्टर साहब भी बहुत खुश होते हैं कि बहुत अच्छी तकरीर की क्योंकि वह ब्रिटिश पार्लियामेंट के हाउस आफ कामन्स की लैंग्वेज है। तो यह सन् १९४७ का कानून है और इसी के मातहत एक अफसर पर मुकदमा चला। मेरा मतलब कानपुर के स्टील कंट्रोलर आर० आर० चारी के केस से है। उन्होंने ने बड़ी रिश्तत ली होगी। इसलिए उन पर मुकदमा चला। मिनिस्टर साहिब ने या किसी बड़े अफसर ने यह मामला तहकीकात के लिए पुलिस के सुपुर्द कर दिया। २७ अक्टूबर सन् १९४७ को गिरफ्तारी हुई। लेकिन जमानत हो गई। इसके बाद पहली दिसम्बर १९४७ को गवर्नमेंट ने उनके ड्राइल के लिए एक स्पेशल मजिस्ट्रेट की कोर्ट मुकर्रर की। यह भी सन् १९४८ के बाद। इतने असें तक यह केस पड़ा रहा। कहां पड़ा रहा क्यों पड़ा रहा। मैंने सुप्रीम कोर्ट की रूलिंग १९५१ एस० सी० आर० ३१२ देखी, पता नहीं लगा कि मुकदमा बीच में कहां पड़ा रहा। विचार करने से अन्दाज लगा कि यह तो मिनिस्ट्री में घुसा रहा। सुप्रीम कोर्ट ने फैसले में लिखा है कि पुलिस तहकीकात करती रही। किस बात की तहकीकात करती रही? सन् ४९ में गवर्नमेंट आफ इंडिया से सैंक्शन हुई कि इन पर केस चलाया जाय। गिरफ्तारी सन् ४७ में हुई और सैंक्शन सन् ४९ में हुई सवा वर्ष के बाद। बात यह है कि विभाग वाले मिनिस्टर के आगे पीछे लगे रहते हैं और मिनिस्टर उनकी बात को ही सुनते हैं, हमारी बात नहीं सुनते। हम लोग पीछे पड़ते हैं तो

हमसे तो अकड़ जाते हैं लेकिन उन लोगों से दबते हैं। वोट हमारी है लेकिन रक्षा उनकी करते हैं। अब देखिये कि पबलिक सरवेंट्स का डेफिनेशन से बचाव किया गया है लेकिन इसमें हमारे लिये कोई गुंजाइश नहीं है। पार्लियामेंट के मेम्बर की कोई रक्षा नहीं है। अगर हम अपनी कांस्टीट्यूंसी में पिट गये तो मिनिस्टर साहब कहीं के भी नहीं रह जायेंगे हम राजप्रमुखों को खत्म करना चाहते हैं लेकिन वह उनकी रक्षा करने को तैयार बैठे हैं। हमारी रक्षा कोई नहीं करता। आज आप पबलिक सरवेंट की रक्षा करते हैं। एक विलेज पंचायत का मेम्बर पबलिक सरवेंट है, एक म्युनिसिपल बोर्ड का मेम्बर पबलिक सरवेंट है, डिस्ट्रिक्ट बोर्ड का मेम्बर पबलिक सरवेंट है, चौकीदार से लेकर राष्ट्रपति तक सब पबलिक सरवेंट है और हम जो एस० एल० ए० और एम० पी० हैं वह कहीं भी नहीं हैं। हमारी इस कानून में कहीं रक्षा नहीं। हम दिन भर हाउस में बैठते हैं, अपना घर बार छोड़कर यहां पड़े रहते हैं लेकिन हम पबलिक सरवेंट नहीं हैं। और हमारी कोई रक्षा करने वाला नहीं है।

श्री अलगूराय शास्त्री : हम पबलिक हैं।

श्री आर० डी० मिश्र : तो जब आर० आर० चारी पर मुकदमा चला तो उन्होंने मजिस्ट्रेट साहिब के सामने एतराज किया कि मंजूरी ठीक नहीं है और दरखास्त दे दी। मजिस्ट्रेट ने सोचा होगा कि हम तो मजिस्ट्रेट हैं, हम तो मिनिस्टर का मुकाबला नहीं कर सकते, हम तो दरखास्त रिजेक्ट ही करेंगे। ये आई० सी० एस० और आई० ए० एस० सब एक हैं और मिले हुए हैं। रोज शाम को क्लब में शराब पीते हैं और नाचते हैं। मजा होता है। तो उसके बाद में क्या हुआ। केस चला हाईकोर्ट गया। हाईकोर्ट में जाने के बाद सुप्रीम

[श्री आ० डी० मिश्र]

कोर्ट में गया। बहस यह की गई कि २७ अक्टूबर सन् १९४७ के पहले सैंक्शन होनी चाहिये थी वह नहीं हुई। मैं मिनिस्टर साहिब से कहता हूँ कि जब केस चलाना था तो पहले सैंक्शन क्यों नहीं दी। जब वारंट से गिरफ्तार किया तो सैंक्शन उसके पहले होनी चाहिये थी। यह लूपहोल रखा। आज होम मिनिस्टर साहब के विभाग में लूपहोल है। मैं कहता हूँ कि उनको बन्द कीजिये। मैं पूछता हूँ कि क्यों नहीं मिनिस्ट्री ने वारंट के पहले सैंक्शन दी। और जिस ने सैंक्शन नहीं दी उसको दफ्तर में क्यों नौकर रखा हुआ है। उसकी वजह से चार वर्ष केस लड़ता रहा। उस मुकदमे में लड़ने की वजह यह थी कि कलकत्ता हाईकोर्ट की एक रूलिंग थी और वकील लोग उस किताब को लेकर आये और हाईकोर्ट के सामने पेश की औ कहा कि यह माई लाई की रूलिंग है। अब एक माई लाई दूसरे माई लाई की रूलिंग को कैसे गामंजूर कर सकते हैं। जब माई लाई के सामने पेशी हुई तो उन्होंने ने कहा हमारा सूबा दूसरा है हम तो खारिज किये देते हैं। सुप्रीम कोर्ट में जाओ। सुप्रीम कोर्ट में वह रूलिंग पेश हुई

और हमारे चटर्जी साहब ने पैरवी की। उन्होंने खूब मेहनताना लिया होगा। सुप्रीम कोर्ट ने कहा कि सन् ४७ की २७ अक्टूबर से जो कार्रवाई हुई वह १५६ (३) में आ जाती है। इसलिये मुकदमा चलाया जाय। अब सुप्रीम कोर्ट ने यह तय कर दिया कि कागनिजेविल आफेंस क्या होता है। आपको इस चीज को जाबूता फौजदारी में लिख देना चाहिये नहीं तो छोटी छोटी जगहों में वकील फिर भी अदालतों को उसी कलकत्ता की रूलिंग को दिखला कर बहकाते रहेंगे। जब केस ला डिकलेअर हो जाय तो आपको उसके मुताबिक अमेंडमेंट कर देना चाहिये। मुझे और बहुत सी बातें कहनी थीं लेकिन डिप्टी स्पीकर साहब नाराज हो रहे हैं इसलिये मैं खत्म करता हूँ।

Mr. Deputy-Speaker: The hon. Home Minister will reply tomorrow. I understand from the hon. Minister of Parliamentary Affairs that the House must stand adjourned from now as a mark of respect. So the House will now stand adjourned to meet at 8-15 a.m. tomorrow.

The House then adjourned till a Quarter Past Eight of the Clock on Saturday, the 8th May, 1954.