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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1952

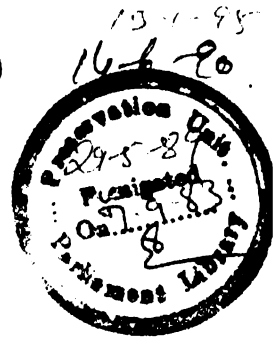
(6th February to 5th March, 1952)

Fifth Session

of

PARLIAMENT OF INDIA

1952



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

25

PARLIAMENT OF INDIA

Friday, 8th February, 1952

The House met at Quarter to Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Shri Jnani Ram: Sir, as regards the questions put down for yesterday, may I request that they may be taken up for answer on Monday next? There are only ten of them.

Mr. Speaker: Under the rules, they automatically go into the list of unstarred questions. That is the difficulty.

Shri Kamath: But cannot the rules be suspended, if that is the will of the House?

Mr. Speaker: But so long as the rules are there, I do not want to encourage the practice of suspending the rules every time.

Shri M. Nalk: There is a precedent last time when a question put down for a certain date was taken up on a subsequent day.

Mr. Speaker: But that is quite a different thing. We might have, with the agreement of the House, taken up a question of a particular date on a subsequent date. That is different from saying that questions which could not come up and which automatically go into the list of unstarred questions should be taken up on a subsequent day.

We will, however, consider the matter.

CIRCUIT COURT

*29. **Shri Raj Kanwar:** Will the Minister of Home Affairs be pleased to state:

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(a) the date from which a Circuit Court of the Punjab High Court is likely to be established in Delhi;

(b) the composition of the Circuit Court;

(c) whether the establishment of the Circuit Court will necessitate an increase in the number of Judges of the Punjab High Court; and

(d) the approximate number of pending cases to be transferred to the Circuit Bench for disposal?

The Minister of Home Affairs and Law (Dr. Katju): (a) No date has yet been fixed. This will be done as soon as complete possession of Udaipur House is taken and necessary repairs therein effected.

(b) The Circuit Court will probably consist of two Judges.

(c) No.

(d) As the Circuit Court will be part of the Punjab High Court, the question of transferring cases does not arise. The total number of Delhi cases pending at present in the Punjab High Court is 769.

Shri Raj Kanwar: Sir, may I know whether this Circuit Court will hear cases only from Delhi State or will it hear cases from the neighbouring districts also like Gurgaon, Rohtak, Hissar and Karnal?

Dr. Katju: I should like to have notice of the question; but it is really a matter for the Chief Justice of the Court to decide. So far as the jurisdiction of this court is concerned, probably I think it is only the Delhi State which will come in.

Shri Raj Kanwar: May I know whether Government have received any representations from the Bar Associations and other people in these districts requesting that their cases may also be heard by this Circuit Court?

Dr. Katju: Not the Central Government, to my knowledge.

DETENTION UNDER PREVENTIVE DETENTION ACT

*30. **Shri Jnani Ram:** Will the Minister of Home Affairs be pleased to state:

(a) the total number of persons detained by the Central Government in the year 1951, under the Preventive Detention Act; and

(b) the number of persons released from detention during that year?

The Minister of Home Affairs and Law (Dr. Katju): No person was detained in the year 1951 by order issued by the Central Government. Action in Centrally administered areas is taken by the Chief Commissioners.

Shri Kamath: As regards the Centrally Administered Areas, has Government got any figures as to the number of detenus detained under the orders of the Chief Commissioners and the number of persons against whom warrants are pending to-day?

Dr. Katju: I have got certain information about figures of detenus in Centrally Administered Areas, but not about the warrants.

Shri Kamath: What is the information about the detenus in the Centrally Administered Areas?

Dr. Katju: Well, the total number in all the Part C States is—76 persons detained in 1951, and 78 persons released in 1951. The number of releases includes the persons who were detained in 1950.

Shri Kamath: How many of these detenus wanted to file nominations for election to the House of the People or to the various State Assemblies and in how many cases were they not allowed facilities for filing their nominations or for the subsequent proceedings?

Dr. Katju: I would like the Speaker to decide whether this question arises from the main question.

Mr. Speaker: Yes, so far as the Centrally Administered Areas are concerned.

Dr. Katju: I have not got the information. I should like to have notice.

Shri R. Velayudhan: Is any one who has been elected to a State Assembly or to Parliament still under detention?

Mr. Speaker: What State Assembly does the hon. Member mean? Does he mean a Part C State?

Shri R. Velayudhan: Yes, Sir.

Dr. Katju: I have no information.

Shri A. C. Guha: What is the number of detenus now in the Manipur and Tripura States?

Dr. Katju: In Manipur the number detained was 1 and the releases were 2, and that includes the detentions in 1950. In Tripura the number of detenus in 1951 was 12 and releases 3, including those detained in 1950.

Shri A. C. Guha: May I know the nature of the allegations against these detenus? Were there any acts of violence or simple political propaganda or things like that?

Dr. Katju: I should like to have notice. Presumably there were allegations of violence.

Shri A. C. Guha: Is it true that in these two States continued acts of violence have been going on for some time and have these detentions anything to do with these acts of violence?

Dr. Katju: The hon. Member knows as much as I do.

Shri Kamath: Has any report reached the hon. Minister regarding detenus in the Centrally Administered Areas desiring or wishing to forward their nominations for election through the Jail superintendent and about the superintendent refusing to forward the same to the Government?

Dr. Katju: Really the hon. Member must give me notice of these questions. I do not have all this information with me now.

Shri M. Naik: Am I to understand that the figures of detenus in the Part A and Part B States are not with the Government?

Mr. Speaker: The Central Government has nothing to do with it.

Shri M. Naik: They have not even the figures with them?

Mr. Speaker: The hon. Member may put down a question and I will see whether it is admissible.

RURAL INDEBTEDNESS

*31. **Shri Jnani Ram:** Will the Minister of Finance be pleased to state:

(a) whether any sample survey of Rural indebtedness is being made by the Reserve Bank; and

(b) when the report of the rural credit survey undertaken by the Reserve Bank is expected to be published?

The Minister of State for Finance (Shri Tyagi): (a) If the reference is to the All India Rural Credit Survey, I would invite the attention of the hon. Member to the reply given by my senior colleague on the 4th September and 7th September, 1951 to Starred Questions Nos. 767 and 893 respectively. The Survey will also cover enquiry into rural indebtedness.

(b) The field enquiries are expected to be completed by about the end of July, 1952. The report is likely to be submitted a few months thereafter.

Shri Jnani Ram: Sir, what are the terms of reference for this enquiry and is it within the scope of this enquiry to enquire into the quantum of work of the rural population, finding out different avenues of work and the reasons for the rural indebtedness?

Shri Tyagi: The present enquiry is of a size to adequately cover the different strata of the agricultural population in representative parts of the country, with reference to their credit requirements, the agencies existing or needed for fulfilling these requirements. They will also deal with other aspects, such as the pattern of savings and deficits in agricultural economy trends, if any, towards shifts in incomes, and the problem of capital formation in rural areas.

Shri Amolakh Chand: May I know the stage at which this enquiry now is? Has all the necessary material been collected and the witnesses examined?

Shri Tyagi: The preliminary arrangements in connection with the survey have already been completed and the actual field work has been in progress for some time in the 75 districts selected for the purpose. The total number of villages to be surveyed will be 600 as detailed in the statement I have here. I may, if you like, read them out. They are in all the various States of India.

Shri Jnani Ram: May I know how far the villagers co-operated in the Enquiry?

Shri Tyagi: I have not yet been posted with the actual results. The Committee has not yet been able to submit its Report. I hope they are getting on well.

Shri Jnani Ram: May I know whether any progress report has been received?

Shri Tyagi: No.

Shri A. C. Guha: Will that enquiry cover all the States or will they take sample survey only?

Shri Tyagi: In most of the States it will take place. I will give the figures.

In Assam we are taking	24 villages
Bihar	32 ..
Bombay	56 ..
Madhya Pradesh	48 ..
Madras	56 ..
Orissa	24 ..
Punjab	24 ..
U.P.	104 ..
W. Bengal	32 ..
Hyderabad	32 ..
Madhya Bharat	32 ..
Mysore	16 ..
PEPSU	16 ..
Rajasthan	48 ..
Saurashtra	8 ..
Travancore-Cochin	8 ..
Bhopal	8 ..
Himachal Pradesh	8 ..
Tripura	8 ..
Vindhya Pradesh	16 ..
TOTAL	600 villages.

These will go under enquiry.

Shri A. C. Guha: Is it under the terms to devise means for a better rural credit system?

Shri Tyagi: That will also be a part of the enquiry.

Shri B. R. Bhagat: What are the categories of population that are to be enquired into and what are the data that will be collected for the determination of rural indebtedness.

Shri Tyagi: The terms of reference to this Committee are wide enough to cover all credit facilities or difficulties in the rural areas. I hope they will mostly cover the agricultural and rural population in the rural areas.

Shri M. Naik: May I know whether the surveys are conducted exclusively by the Reserve Bank or whether Government have framed rules for it?

Shri Tyagi: Shri A. D. Gorwala has accepted the Chairmanship of the Committee and Prof. D. R. Gadgil has agreed to be one of the members. The Bank's executive Director and Economic Adviser are other members of the Committee. The Enquiry is being conducted under the aegis of the Reserve Bank.

ATOMIC ENERGY

***32. Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) the countries with which India has entered into agreement with regard to atomic energy; and

(b) the special advantages obtained by India by such agreements?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). As the hon. Member himself will doubtless appreciate, it would not be in the public interest to give any information on the subject.

Shri Kamath: What part has India played or is likely to play in the International control of Atomic energy?

Shri Sri Prakasa: That is a matter of opinion.

The Prime Minister (Shri Jawaharlal Nehru): When there is no national control, the question is rather premature.

Shri Kamath: International control?

Shri Jawaharlal Nehru: When there is no International control, the question is really premature.

Shri Kamath: Sir.

Mr. Speaker: Order, order. Next question.

MANAS RIVER PROJECT (ASSAM)

***33. Maulvi Wajed Ali:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state the progress so far made in the Manas River Project in Assam?

(b) What is the amount so far spent by the Centre in this matter?

(c) When is the work of investigation going to be completed and when will the work be finally undertaken?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Air photography of the site of the dam and the reservoir has been completed. Gauge, discharge

and silt observations are being regularly made. Cross sections of Manas, Beki and Bhalukdoba have been taken near the railway bridge. Temporary buildings for housing the staff have been constructed at Mathanguri. Economic statistics in river basin for 43 villages have been collected. Land classification, and soil surveys for 147 villages have been done. A silt Laboratory has been established.

(b) Rs. 1,71,722 up to the end of December 1951.

(c) The site of the proposed dam and the reservoir lies within Bhutan territory. The survey of the reservoir and investigation about location of the site of the dam will be taken up as soon as the Bhutan Government give the necessary approval. The question of undertaking construction work on the project will arise only when investigations have been completed and the project is found to be technically and financially feasible.

Maulvi Wajed Ali: May I know when the reply from the Bhutan Government is expected?

Shri Sri Prakasa: The writing of the letter is in my hands but the reply is in other people's hands. I cannot say when they will reply.

TEA (DUTIES)

***34. Maulvi Wajed Ali:** Will the Minister of Finance be pleased to lay on the Table a statement showing the total Excise and Export Duties from Tea, realized from different Tea growing States of India during 1950-51 and 1951-52 (till December, 1951)?

The Minister of State for Finance (Shri Tyagi): A statement in respect of Excise duty is laid on the Table of the House. Export duty is realised at the port of export and no record is maintained to show the states in which different quantities of tea under export were grown. The statement in respect of export duty accordingly gives only the total yield. [See Appendix I, annexure No. 7]

Shri M. Naik: May I know the amount of excise duty realized from tea which was purely for internal consumption?

Shri Tyagi: It is realized on tea which is produced here and it is refunded on tea which is exported outside. So I can give the hon. Member the total figure realized on account of excise duty from tea in India, if that is required.

Shri M. Naik: I wanted to know the figure for internal consumption.

Shri Tyagi: The excise duty realised in 1950-51 was Rs. 11,70,71,000 and in 1951-52 upto December it is Rs. 10,77,87,000.

Shri Barrow: Do they include the amount of refund on tea which was exported?

Shri Tyagi: It is gross income on excise. About two-thirds of this is refunded on account tea which is exported and therefore the adjustment has not yet taken place. This is the gross income in account of excise on tea.

Maulvi Wajed Ali: What is the average quantity of tea consumed in India and what is the quantity that is exported outside?

Shri Tyagi: I shall need notice for this question.

PETROLEUM (EXCISE DUTIES)

***35. Maulvi Wajed Ali:** Will the Minister of Finance be pleased to lay on the Table a statement showing the Excise Duty realized during 1950-51, and 1951-52 (till December, 1951) from Petroleum, Kerosene and Lubricants produced in the State of Assam?

The Minister of State for Finance (**Shri Tyagi**): A statement showing the amounts of Central Excise duties on Petroleum (Motor Spirit) and Kerosene, collected in the State of Assam during the financial years 1950-51 and 1951-52 (April to December) is laid on the Table of the House.

Lubricants are not subjected to Central Excise Duty.

STATEMENT

The amounts of Central Excise Duty on Petroleum (Motor Spirit) and Kerosene collected in the State of Assam.

(In thousands of rupees)

Commodity	Financial Year	Amount of central excise duty collected in the State of Assam*
Petroleum (Motor Spirit)	1950-51	1,51,48
	1951-52 (April to December)	1,00,75
Kerosene	1950-51	27,72
	1951-52 (April to December)	18,37

*Figures supplied by the Statistics and Intelligence Branch of the Central Board of Revenue.

ELECTION PROPAGANDA

***36. Shri Kshudiram Mahata:** Will the Minister of Home Affairs be pleased to state whether any arrangement was made by the Central Government to detect if any Government servant took part in the election propaganda for any party during the General Elections?

The Minister of Home Affairs and Law (**Dr. Katju**): No, Sir, because the Government Servants' Conduct Rules and the Representation of the People Act are clear on the topic and contain specific instructions as to how public servants should conduct themselves during elections, and Government had no reason to apprehend or believe that the rules would not be rigidly observed.

گھانسی جی - ایس - مسافر : کہا
سرکار کے پاس کسی افسر کے متعلق
کسی پروانسی سے کوئی ایسی شکایت
آئی ہے کہ اس نے الیکشن پروپیگنڈا
میں حصہ لیا ہے -

[**Giani G. S. Musafir:** Have the Government received from any of the States any complaint to the effect that any officer took part in the election propaganda?]

डा० काटजू : जी नहीं मेरे पास तो
कोई शिकायत नहीं आई ।

[**Dr. Katju:** No, Sir, I have received no such complaint.]

Shri Kamath: Is it a fact that during the election tours of the Congress President-cum-Prime Minister in several States Government servants—as apart from the security staff required to protect the person of the Prime Minister—among them being high placed civil and military officials, called upon the Prime Minister and moved about with his entourage and is it a fact that the Prime Minister took no objection to the participation of such Government work?

The Prime Minister (**Shri Jawaharlal Nehru**): It is a fact that wherever I went, or in many places that I went

to I met the local officials, discussed matters with them. That had nothing to do with propagandist work or elections—it had to do with my work as Prime Minister.

Shri Kamath: Is it a fact that copies of the tour programme of the Prime Minister, when he went in his capacity as Congress President, were sent to these officers and were not marked as "Private" or "non-official" but sent officially to the various Government officers?

Shri Jawaharlal Nehru: Yes, Sir. That is always done.

Shri Kamath: Why was that done in this case when the Prime Minister went as Congress President?

Mr. Speaker: Order, order. We are now entering into an argument.

Shri Kamath: What are the reasons?

Mr. Speaker: Next question.

TAXATION OF INCOME INVESTIGATION COMMISSION

*37. **Dr. Tek Chand:** Will the Minister of Finance be pleased to state:

(a) the total number of cases disposed of by the 'Taxation of Income' Investigation Commission up to the 31st December, 1951;

(b) how many of these cases are 'settled cases' and how many 'investigated cases';

(c) the amount of evaded income involved in cases of each category;

(d) the amount of tax payable thereon;

(e) how much of the tax payable in such cases

(i) has actually been realised,

(ii) is recoverable by instalments fixed by the Commission;

(f) the number of cases in which investigation had been commenced but not completed on the 31st of December, 1951;

(g) the number of cases in which investigation has not yet started; and

(h) the total expenditure incurred on the Commission up to 31st December, 1951?

The Minister of State for Finance (Shri Tyagi): (a) 661.

(b) Settlement cases 548 and investigation cases 113.

(c) Rs. 25 crores and 41 lakhs in settlement cases and Rs. 3 crores and 75 lakhs in investigation cases.

(d) Rs. 13.68 crores in settlement cases and Rs. 2.60 crores in investigation cases.

(e) (i) The amount of tax realized is Rs. 2 crores and 53 lakhs in settlement cases and Rs. 87 lakhs in investigation cases.

(ii) Apart from the amount of Rs. 2 crores and 53 lakhs already realised in settlement cases, a further sum of Rs. 11.15 crores is recoverable by instalments fixed by the Commission and, in some cases, fixed or to be fixed by the Government.

(f) Number of cases in which investigation has been commenced but not completed on 31-12-1951 is 619. There are 215 other cases that remain to be dealt with. In these cases returns and information have been called for or received from the assessee but investigation has not proceeded to any considerable extent.

(g) There are no cases in which no investigation has been started yet.

(h) Rs. 27,66,190/7/-.

Dr. Tek Chand: When is the Commission expected to finish its work?

Shri Tyagi: It will be too early for me to forecast the termination of the work of the Commission but I am satisfied that the Commission is going on at a good pace.

Dr. Deshmukh: May I know if the hon. Minister has taken any specific steps to see that the work of this investigation was expedited?

Shri Tyagi: The Ministry is receiving reports from time to time and we have been just negotiating with the Commission to get them to try and finish their work early. As

I have already said the Ministry is satisfied that the Commission is proceeding at a good pace and is doing good work but the difficulty is that in cases where there could not be a settlement they have to investigate and find out all information from all over the country and that may take time.

Shri Jnani Ram: May I know if the Commission have enquired into the smaller cases and have put off the bigger cases?

Shri Tyagi: That is not so.

Shri Jnani Ram: May I know the outcome of each case year by year?

Mr. Speaker: Outcome of each case every year? There will be hundreds of cases.

Shri Tyagi: There will be a large number of cases and it will not be possible for me to narrate the outcome of every case.

Shri Kamath: Has the attention of the Minister been drawn to the report of the Commission published yesterday perhaps, or a few days ago, for the year ended December 31, 1951 wherein a case is cited of a leading businessman and capitalist of influence and distinction who cultivated tax evasion as a fine art, and may I know whether Government proposes to take any action against such capitalists and businessmen of distinction who have evaded tax in this fashion?

Shri Tyagi: These cases were finally sent to the Commission for decision and the Commission have taken their decisions on them and reported on them to Government from time to time. In the case of cases of investigation heavy penalties have been imposed. In settlement cases the condition was that they will not be penalised further and therefore those settlement cases have been decided by way of compromise with them.

Shri Kamath: So they will all go scot-free otherwise? No legal or penal action will be taken against them.

Mr. Speaker: Order, order.

The Prime Minister (Shri Jawaharlal Nehru): May I say a word? In regard to any criminal offence of course nobody can go scot-free, but it is true that some people made disclosures on a certain understanding apart from a criminal offence—that they would have to pay the

penalty etc. and no other step would be taken. That was perhaps what the hon. Member was thinking of. But if there was a criminal offence then undoubtedly something has to be done.

Shri Kamath: Very good.

Shri Amolakh Chand: May I know the difference between settled cases and investigated cases and whether it is not a fact that investigated cases become settled cases after some compromise with the Government?

Shri Tyagi: There have been cases which after investigation was complete became settled cases because the information in the hands of the Government was not enough and the parties came forward with further information in the hope that they will be treated as settled cases. Therefore those cases were deemed as settled cases.

Shri Amolakh Chand: May I know if the disclosure cases were altogether different from investigated or settled cases?

Shri Tyagi: They are so.

Shri Jnani Ram: From the report of the Commission it appears that some persons deposed falsely in investigation cases. May I know if those gentlemen have been prosecuted?

Shri Tyagi: I would like to have notice for that question.

EVADED INCOME

✓ ***38. Dr. Tek Chand:** Will the Minister of Finance be pleased to state:

(a) the number of persons who made "voluntary confessions" of their evaded income before the Minister of State for Finance direct, or through Income-tax Officers, up to 31st December, 1951;

(b) the aggregate income involved in such cases;

(c) the tax payable thereon; and

(d) if any of the persons, making such "voluntary confessions" to the Minister of State, were included in the list of 1390 persons, whose cases had been referred by the Government to the Taxation of Income-tax Commission, and if so, how many?

The Minister of State for Finance (Shri Tyagi): (a) 17,418 made volun-

tary disclosures of their evaded incomes.

(b) Rs. 63.13 crores is the aggregate income involved in these cases added to this the incomes found out by the Income-tax Investigation Commission and the total disclosed income comes to Rs. 102.22 crores.

(c) It is difficult to estimate the tax payable on the disclosed income till the assessments of all disclosure cases have been completed. The disclosed income includes some amount on account of intangible additions made in the past assessments on which tax had already been charged in those years.

(d) The information is not readily available and its compilation would involve labour incommensurate with the results to be achieved. The scheme did not cover these persons for the period for which reference had been made to the Commission.

Dr. Tek Chand: Is it intended to continue this practice of voluntary disclosure?

Shri Tyagi: As a trial this scheme was closed, but according to normal law cases are still coming up of disclosures and they are treated according to the normal provisions of the law.

Dr. Tek Chand: Does the Minister propose to continue his activities in this direction?

Shri Tyagi: The campaign was primarily started with a view to bring out concealed incomes for open investments to help the economy of the country and also to obtain for the State their legitimate share of tax. The scheme was launched with a definite time-limit, namely 31st December, 1951. Disclosures up to that date amounted to only Rs. 11 crores. In deference to persistent demand for extending the date it was decided to give just one more opportunity to those who wanted to come forward with disclosures and the 22nd October, 1951 was the date fixed for the purpose. The disclosures on that day alone amounted to Rs. 33 crores and 10 lakhs. The drive has now been closed but such of the assesseees as still want to disclose their evaded incomes according to the normal channels of the law can do so and those others are still received.

Dr. Deshmukh: May I know how many of these 17 thousand disclosures have been finalised and in how many cases payment has been received?

Shri Tyagi: I regret I cannot give the exact figures off-hand.

Shri Naziruddin Ahmad: In view of the statement made by the hon. Prime Minister that the compounding of these cases will not involve any exemption of these people from criminal prosecution, may I ask the hon. Minister whether any attempt is being made to prosecute the offenders in case any offences have been disclosed, remembering that these cases are non-compoundable in nature?

Shri Tyagi: My hon. friend is mixing up these cases with those which were sent to the Income-Tax Investigation Commission for enquiry. These are cases which pertain to the drive for disclosures. That is, they are cases in which voluntary disclosures were made. These assesseees were promised that they will not be penalised for the disclosures that they make. Thus, there is in these cases no criminal action involved. For the income-tax that they have evaded there is a provision in the law and they are either prosecuted or a heavy penalty is levied on them. It was announced before the scheme was launched that such assesseees as would voluntarily come forward without any reserve and make full disclosures will not be penalised or prosecuted. Thus, it is not the intention to prosecute these assesseees.

Shri Naziruddin Ahmad: With regard to these additional cases of persons who were induced by Government or by the Deputy Minister.....

Shri Tyagi: I am Minister of State, not Deputy Minister!

Shri Naziruddin Ahmad: That makes the offence more glaring. Now, with regard to those people who were induced by the Minister of State to disclose their evaded income, I want to know whether they will be prosecuted in case any offence is established.

Shri Tyagi: Whenever any cases are found in the normal course of the assessment, penalty is imposed and prosecution is also provided for. This drive pertains to past offences, but surely it is not the intention of the Government to go on giving the same lenient treatment to those who evade income now. They will be strictly dealt with and in case there is a good ground they will also be prosecuted.

Shri Naziruddin Ahmad: I want to know whether those who have made voluntary confessions before the hon. Minister or on the inducement by the

hon. Minister will be prosecuted in case any serious offence has been disclosed.

Shri Tyagi: They will not be prosecuted because they made the confessions on the understanding that they will not be touched as far as prosecution is concerned. If, of course, as the hon. Prime Minister has said just now, they have committed any offence except the income-tax evasion offence, they will be treated under the normal law.

Shri Sonavane: Is the rate of income-tax on these evaded incomes the same as the normal rate or is it something above the normal rate?

Shri Tyagi: It is always the same as the normal rate, but since these sums pertain to many years of evasion, the rate in respect of them would not be as high as it would be if the whole income had come out of one year.

Shri Sonavane: What would be the penalty on evaded income if the rate of income-tax to be charged on the evaded income is normal rate?

Mr. Speaker: He may refer to the income-tax law on the subject.

Shri Kamath: Do the reports available with the hon. Minister show that the various officers engaged in this work have, in accordance with the Minister's advice, behaved like bees gathering honey or they have adopted some other tactics as well?

Shri Tyagi: I have all praise for these officers who have been engaged in this drive. They have worked day and night and very hard and their work is to the best satisfaction of the Ministry.

Shri Kamath: I mean: have they worked like bees?

Shri Tyagi: They have been non-violent all through.

श्री भट्ट : क्या माननीय मन्त्री जी बतावेंगे कि किस प्रदेश से या प्रान्त से ज्यादा से ज्यादा डिसक्लोजर हुआ है ?

[Shri Bhatt: Will the hon. Minister kindly state the State where the highest amount of hidden income was disclosed?]

श्री त्यागी : वेस्ट बंगाल से १६ करोड़ ७६ लाख और २९ हजार की सब से बड़ी रकम डिसक्लोज हुई है ।

[Shri Tyagi: It was in West Bengal that the figure was the highest, that is, Rs. 16,76,29,000.]

NEWLY ELECTED MEMBERS IN JAILS

*39. **Shri A. Joseph:** Will the Minister of Home Affairs be pleased to state:

(a) the number of the newly elected members who are still in jails in Parts 'A' and 'B' States;

(b) whether any directions have been issued to the State Governments to release such elected Communist State Assembly Members and other party Members;

(c) whether State Governments consulted the Central Government to release elected Communist Assembly Members who are still in jail; and

(d) whether Government have received any representation from the Communist party in this regard?

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

(b) Inasmuch as the State Governments have full and exclusive authority to take action under the Preventive Detention Act and to pass and revoke orders under that Act, the question of issuing any directions does not arise. The Government of India are, however, advising all State Governments to review the case of every detenu and to release those against whom there may be no concrete evidence that they were engaged in violent activities intended or calculated to subvert the Constitution or endanger public security. The Act applies to all citizens alike and there is no immunity in favour of persons elected to Parliament or to State Legislatures.

(c) No.

(d) Government received a telegram purporting to come from the Communist Party, Guntkul, urging release of Shri Nagireddi, elected to the Madras Assembly.

Shri A. Joseph: Some of the persons who are on parole have been elected to the House of the People. There is no power to the State Governments to keep them on parole until they have taken the permission of the President. I want to know whether such permission has been obtained from the President to prolong the parole.

Dr. Katju: I don't think so. No permission has been taken.

Shri Kamath: Arising out of the answer to part (a) of the question, is the hon. Minister going to supply information with regard to persons who have been recently elected but against whom warrants are pending in these Part A and B States?

Dr. Katju: I shall supply that information.

Shri Alexander: How many States have released detenus who have been elected?

Dr. Katju: I cannot give the exact information. We are asking for that information from each State.

Shri Jnani Ram: When is the information likely to be supplied?

Dr. Katju: I shall see that the information is made available before the Parliament adjourns.

PUBLICATIONS DIVISION

*40. **Shri Jagannath Das:** (a) Will the Minister of Information and Broadcasting be pleased to state the number of magazines, pamphlets etc., published by the Publications Division of the Ministry in English, Hindi and Urdu during the year 1951 and the amount spent during this period on each language publications separately?

(b) What are the estimates for the year 1952?

(c) What were the sale proceeds of such magazines, pamphlets etc., in the year 1951?

The Minister of State for Information and Broadcasting (**Shri Diwakar**): (a) to (c). As stated in my reply to the hon. Member's Starred Question No. 2076 on 10th March, 1951, accounts are maintained according to the financial year and not the Calendar year. A statement giving the required information in respect of parts (a) and (c) for the period from 1st April, 1951, to 31st January, 1952 and of part (b) for the period, 1st April, 1952, to 31st March, 1953, is laid on the Table of the House. [See Appendix I, annexure No. 8]

Shri A. C. Guha: May I know if any of these magazines get any advertisement revenue and if so, what is the amount?

Shri Diwakar: Some of them get advertisement revenue, but separate figures are not maintained.

Shri A. C. Guha: These magazines are expected to be run on business lines and how is it possible that the sales proceeds are.....

Mr. Speaker: He can ask for information and not argue.

Shri A. C. Guha: Which of these magazines has the largest circulation?

Shri Diwakar: Which of them?—English, Urdu or Hindi?

Shri A. C. Guha: English and Indian language papers.

Shri Diwakar: So far as Hindi Magazines are concerned, "Bala Bharati" has the highest circulation. So far as English magazines are concerned "The March of India" has the highest circulation.

Shri Deogirikar: May I know whether there is any proposal to restart any of the periodicals the publication of which was suspended in 1949-50 as a measure of economy?

Shri Diwakar: There is one such proposal under consideration.

Shri Gautam: So far as the circulation of "Bala Bharati" is concerned, how many paying subscribers are there; and how many are distributed as complimentary copies?

Shri Diwakar: I would like to have notice of that question.

Shri M. Nalk: In how many other languages besides Hindi, Urdu and English are the magazines published?

Shri Diwakar: In no other languages except Hindi, Urdu and English.

LOAN BY WORLD BANK

*41. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) whether there has been any further discussion with the World Bank authorities for the grant of any loan to India;

(b) if so, for what purpose and how far the discussion has progressed; and

(c) whether there has been any condition imposed by the World Bank for the loan and the rate of interest?

The Minister of State for Finance (**Shri Tyagi**): (a) to (c). An International Bank Mission visited India recently with the object of acquainting themselves with the planning, financing and execution of the whole Indian development programme with a view to enabling the Bank to decide whether and, if so, to what extent and in what form it would be prepared to

assist in the execution of the development programme. The Mission is expected to present its report to the Bank Management shortly. After the report has been considered by the Executive Board of the Bank, India will make a formal application and the amount, rate of interest and other conditions of the loan will form a subject of negotiation with the Bank.

Shri A. C. Guha: May I know the nature of the development programmes which have been under discussion with the Bank authorities?

Shri Tyagi: Mr. Eugene Black, the President of the International Bank is expected to arrive in India on the 10th February with a view to acquainting himself personally with India's problems of economic development in the background of the Five Year Plan. He will visit many of our projects, I believe.

Shri A. C. Guha: Has the hon. Minister of State any idea of the amount which is likely to be received from the Bank?

Shri Tyagi: Not that I want to keep from the House any information; but I am afraid it will be against financial ethics to disclose, so much in advance, details of what is going to form part of our negotiations with the bank authorities. Therefore, I am sorry I am not in a position to divulge the information.

Shri Jnani Ram: May I know the schemes which will be examined by the Bank authorities during their visit?

Shri Tyagi: My request to the hon. member is not to 'tease' me on this issue.

Shri Kamath: In the course of the talks that have taken place so far, or any correspondence that might have taken place so far between the World Bank authorities and the representatives of Government, has any reference been made to possible strings that might be attached to this financial aid?

Shri Tyagi: Nothing whatsoever, Sir.

WRITTEN ANSWERS TO QUESTIONS

CIVIL LIST

3. **Shri Raj Kanwar:** (a) Will the Minister of Home Affairs be pleased to refer to the reply to Starred Question No. 1621 asked on the 21st February, 1951 and say if the first issue of the proposed half-yearly

Civil List of Central Government Servants has since been published?

(b) If not, what is the cause of the delay?

The Minister of State for Home Affairs (Shri Sidhva): (a) and (b). Intimation has been received from the publishers that advance copies of the List, without the Index, are ready and that the final copies, with Index, will be despatched to all concerned by the 10th February. The main reasons for delay in the publication of the first issue are—

- (i) late receipt by the publishers of the material from most of the State Governments and offices;
- (ii) lack of experience of the publishers for this type of work which they undertook for the first time; and
- (iii) other unavoidable circumstances one of which was that the Government of Bombay imposed a 33 1/3 per cent. cut in the use of electricity for all industries.

TELEGRAPH OFFICES

*15. **Shri Raj Kanwar:** Will the Minister of Communications be pleased to state:

(a) the number of Sub-Divisional and Tehsil Headquarters in each State which are at present without Telegraph Offices; and

(b) the anticipated date by which Telegraph Offices are expected to be established in all such places?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) There are 480 Sub-Divisional and Tehsil Headquarters at present without Telegraph Offices. Their distribution, State by State, is enclosed in the statement placed on the Table. [See Appendix I, annexure No. 9.]

(b) (i) 67 places will be provided with a telegraph office during 52-53. (ii) 50 places are under reference with the State Governments. (iii) 254 places—no demand has been made by the State Governments so far.

TELEPHONE CONNECTIONS

*16. **Shri Raj Kanwar:** Will the Minister of Communications be pleased to state:

(a) the number of District, Sub-Divisional and Tehsil Headquarters in each State which are at present without telephone connections; and

(b) the anticipated date by which telephone facilities are expected to be provided in all such places?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) A statement is laid on the Table of the House. [See Appendix I, annexure No. 10.]

(b) No definite date can be given; but every effort is made, subject to available resources, to investigate requirements and provide facilities wherever sufficient demands exist to make the projects remunerative.

FOODGRAINS FROM U.S.A.

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

(a) the quantity of foodgrains received from U.S.A. under the India Emergency Food Aid Act 1951 till the end of December, 1951;

(b) the quantity distributed in different States;

(c) the quantity destroyed in transit; and

(d) the quantity kept in reserve?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 1060, 400 tons.

(b) 10,57,800 tons.

(c) 10,800 tons. Of this quantity, 9,600 tons was due to loss of ship George Walton on the high seas and the balance due to an accident to the ship John Chester Kendall in the Suez Canal.

(d) 2,600 tons.

Kharif Crop

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

(a) whether the figures of the produce of Kharif crop during the current financial year have been received from the States;

(b) the names of the States in which there is food shortage; and

(c) the quantity of food shortage this year in different Part 'A' States?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The final estimates of Kharif production during 1951-52 are not available. These estimates are due—for rice on 20th

February; for Ragi on 15th March; for Bajra and Maize on 21st March, and for Jowar on 21st April. Preliminary estimates were, however, received from the State Governments in November 1951 indicating a total Kharif production of 292.9 lakh tons.

(b) During 1952 all the States in India with the exception of PEPSU, Orissa, Madhya Pradesh, Coorg, Tripura, Manipur and Bilaspur are expected to be deficit in foodgrains.

(c) A statement giving the information is placed on the Table of the House.

STATEMENT

The deficit of foodgrains in Part 'A' States during 1952 as estimated by themselves.

(In '000 tons)

States	Quantity
Assam	... 205
Bihar	... 560
Bombay	... 1,700
Madras	... 951
Punjab	... 81
Uttar Pradesh	... 419
West Bengal	... 855

N.B.—Figures are provisional.

PLANE ACCIDENT

***19. Shri Jnani Ram:** Will the Minister of Communications be pleased to state:

(a) the causes of the plane accident near Dum Dum Air Port resulting in the death of Shri Deshbandhu Gupta and the other passengers of the plane; and

(b) whether any enquiry has been made into the causes of the accident?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). To the deep sorrow of the Ministry, a Dakota aircraft belonging to the Deccan Airways, engaged in the Night Air Service on the Bombay-Nagpur-Calcutta route, crashed near Dum Dum at about 7.52 in the morning of November 21, 1951, in which Shri Deshbandhu Gupta, M.P. and eleven other passengers, and four members of the crew, lost their lives. Only one passenger survived. An Ex-

pert Committee of three members conducted an enquiry into the accident, and their report has already been published, a copy of which is being laid on the Table of the House. The hon. Member will see from it that the cause of the unfortunate accident was that the pilot, after having descended to a dangerously low altitude in an attempt to land under conditions of extremely poor visibility, tried to climb up to a safe height, when the aircraft hit some trees about 1,000 yards to the South south-east of the Dum Dum aerodrome and crashed. [Statement placed in the Library, see No. P-256/52.]

NATIONAL HIGHWAYS (BRIDGES)

*20. **Shri Iyyunni:** Will the Minister of Transport be pleased to refer to the reply to Starred Question No. 408 asked on the 21st August, 1951 and state:

(a) the construction of how many bridges has since been completed on the National Highways; and

(b) what is the amount spent for the purpose since 15th August, 1947?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Three major bridges. 47 other bridges are under construction on the National Highways.

(b) About Rs. 220 lakhs on all the bridge works so far completed.

RAILWAY BRIDGE (MANIHARI GHAT)

*21. **Manvi Wajed Ali:** Will the Minister of Railways be pleased to refer to reply to parts (c) and (d) of Starred Question No. 82-B asked on the 8th August, 1951, and state whether any decision has been reached regarding the construction of a Railway Bridge over the Ganges at Manihari Ghat?

The Minister of State for Transport and Railways (Shri Santhanam): It has been since decided that the location of the site of a bridge across the Ganga should be further examined by an expert or a committee who are qualified to give due weight to engineering as well as economic factors.

RAILWAY BRIDGE (BRAHMAPUTRA)

*22. **Manvi Wajed Ali:** Will the Minister of Railways be pleased to refer to reply to Starred Question No. 510 asked on the 29th November, 1950, and state how the project for the construction of a Railway Bridge over the Brahmaputra in Assam stands at present?

The Minister of State for Transport and Railways (Shri Santhanam): There has been no further development in this case.

FOOD DEFICIT

*23. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to state:

(a) the estimated quantity of food deficit in the year 1952; and

(b) the estimated quantity of foodgrains to be imported in 1952?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The deficits estimated by the States aggregate to 68 lakh tons. The position in each State will be reviewed and their net requirements finalised at a Conference of Food Ministers proposed to be held in the near future.

(b) The quantity of foodgrains to be imported during 1952 is estimated at about 5 million tons.

RICE

*24. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to lay on the Table a statement showing:

(a) the names of States where rice was purchased under the Monopoly Procurement Scheme since November, 1951;

(b) the quantity of rice procured up till now from each of the above States; and

(c) what are the procurement rates of rice State-wise?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). Three statements giving the necessary information are laid on the Table of the House. [See Appendix I, annexure No. 11.]

POST OFFICES IN CHOTANAGPUR

*25. **Shri Kshudiram Mahata:** Will the Minister of Communications be pleased to state:

(a) the number of new Post Offices so far opened in Chotanagpur during the year 1951-52; and

(b) the number of places in India with two thousand or above population and having no post-offices?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Attention is invited to the reply given to Starred Question No. 4262 put by the hon. Member on the 18th May, 1951. Two

more new Post Offices have since been opened.

(b) 2715 approximately according to the 1951 census.

MEDICINES AND INJECTIONS (IMPORT)

***26. Maulvi Wajed Ali:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that there is a scarcity of medicines and injections imported from the U.S.A.; and

(b) whether it is a fact that prices of many such medicines have gone up?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) No reports regarding the non-availability of medicines and injections imported from the United States of America have been received by Government.

(b) It is possible that the prices of certain imported patent or proprietary medicines may have gone up. Government control the maximum retail sale price of only ten categories of drugs which are considered essential. It is not easy or desirable to control the prices of patent or proprietary medicines which are not essential and for which substitutes are available in the country.

IMPORT OF FOODGRAINS

***27. Dr. Tek Chand:** Will the Minister of Food and Agriculture be pleased to state:

(a) the estimated cost of foodgrains to be imported in the year 1952;

(b) the countries, with which orders for such imports have been, or are proposed to be, placed; and

(c) the total quantity of foodgrains imported in the year 1951 and its cost?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 5 million tons are estimated to be imported in 1952. Of these nearly a million tons of wheat and milo would be under the American Loan and about 2.1 lakh tons of wheat would be gifts under the Colombo Plan for Australia and Canada. The balance 3.8 million tons are estimated to cost landed in India approximately 200 crores. The freight on the grains under the American Loan is paid by the Government of India and on 1 million tons freight would be approximately 13.5 crores.

(b) U.S.A., Canada, Australia, China, Thailand and Burma.

(c) 4.7 million tons of foodgrains costing approximate 216 crores of rupees were imported during 1951.

JUTE

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

(a) the total production of jute in the year 1951-52;

(b) the total carry-over from the year 1950-51; and

(c) the total consumption in mills during the year 1950-51?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) About 46.8 lakh bales of 400 lbs. each.

(b) 10.48 lakh bales on 1st July, 1951.

(c) 56.35 lakh bales.

Friday, 8th February, 1952

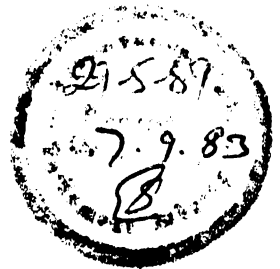


PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1952



(5th February, 1952 to 29th February, 1952)

Fifth Session

of the

PARLIAMENT OF INDIA

1952

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CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), Fifth Session, 1952

In Volume I,—

1. No. 2, dated the 6th February, 1952,—
 - (i) Col. 23, line 33 for "to provide for" read "further to amend", and in line 2 from bottom for "further to amend" read "to provide for".
2. No. 5, dated the 12th February, 1952,—
 - (i) Col. 309, for existing last line read "chancellories or in government, but"
 - (ii) Col. 362, line 31 for "**Kamth**" read "**Kamath**".
3. No. 6, dated the 13th February, 1952,—
 - (i) भाग ३९१, पंक्ति १५ में "एष जुनही" के स्थान पर "जुलम नहीं" पढ़ें ।
 - (ii) भाग ३९२, पंक्ति २५ में "बतक" के स्थान पर "बक्त" पढ़ें ।
 - (iii) Col. 443, line 8 for "ony" read "only".
 - (iv) کالم ۴۷۲ آخری لائن کے شروع میں وہ ملی ہیں ان کے متعلق یہ ہیں —
 - (v) Col. 529, for existing last line read "excess of such moisture as may reasonably be expected, by watering the".
 - (vi) Col. 530, insert "both parties are protected. They pro—" as last line.
4. No. 8, dated the 15th February, 1952,—
 - (i) Col. 648, after line 7, insert "this demand has come before the House today, that".
 - (ii) Col. 658, line 32 for "OUTLAY" read "OUTSIDE".
 - (iii) Col. 659, line 6 from bottom for "**Jagivan Ram**" read "**Jagjivan Ram**".
 - (iv) Col. 676, last line for "liament" read "Parliament".
 - (v) Col. 686, line 16 from bottom for "**Gapalaswami**" read "**Gopalaswami**".
5. No. 9, dated the 18th February, 1952,—
 - (i) भाग ८०३, नीचे से पंक्ति ४ में "जचित राम" के स्थान पर "अचित राम" पढ़ें ।
6. No. 11, dated the 20th February, 1952,—
 - (i) भाग १००७, पंक्ति ९ को "की जरूरत है" पढ़ें ।
7. No. 14, dated the 23rd February, 1952,—
 - (i) Col. 1184, line 8 for "**Jagivan Ram**" read "**Jagjivan Ram**".
 - (ii) Col. 1191, for existing line 4 read "**Clause 6 —Contributions and matters**".
 - (iii) भाग १२२७, पंक्ति १० में "यस्य" के स्थान पर "सत्तम" पढ़ें ।
8. No. 15, dated the 25th February, 1952,—
 - (i) भाग १२५४, पंक्ति २४ में "रती" के स्थान पर "तीर" पढ़ें ।
9. No. 19, dated the 29th February, 1952,—
 - (i) Col. 1564, in the beginning of line 17 from bottom insert "voted".
 - (ii) Col. 1612, line 3 from bottom for "purpose" read "propose".
 - (iii) भाग १६२४, पंक्ति ५ में "सउन" के स्थान पर "उस ने" पढ़ें ।

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

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PARLIAMENT OF INDIA

Friday, 8th February, 1952

The House met at a Quarter to Eleven of the Clock.

[Mr. Speaker in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-28 A.M.

MESSAGE OF CONDOLENCE ON DEATH OF KING GEORGE VI

Mr. Speaker: The House will remember that day before yesterday when we adjourned, the House desired me to send a message of condolence to Her Majesty the Queen of England. I thereupon sent a cable as under:

"On behalf of the Parliament of India and myself, I beg to convey to Your Majesty the grief which Parliament and myself have felt at the sad demise of His Majesty King George VI. Parliament and myself offer our condolences to you, the Princess and the members of the Royal Family. After a reference by the Prime Minister, Parliament adjourned its session today and will not sit tomorrow as a mark of respect."

To that I have received the following reply as from Her Majesty the Queen:

"I am sincerely grateful for your message. Please assure all those for whom you speak that I deeply value their kindness and sympathy—Elizabeth. R."

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PAPERS LAID ON THE TABLE

NOTIFICATION UNDER SECTION 2C OF INSURANCE ACT

The Minister of State for Finance (Shri Tyagi): I beg to lay on the Table a copy of the Ministry of Finance Notification No. Ins.A-58(2)/50, dated the 8th August, 1951, under sub-section (2) of Section 2C of the Insurance Act, 1938. [Placed in Library. See No. P-253/52].

REVIEW OF REHABILITATION FINANCE ADMINISTRATION

Shri Tyagi: I beg to lay on the Table a copy of the Review of the Rehabilitation Finance Administration for the period ended the 31st August, 1951, in accordance with sub-section (2) of section 18 of the Rehabilitation Finance Administration Act, 1948. [Placed in Library. See No. IV.O.4(35)].

NOTIFICATION AMENDING UNION PUBLIC SERVICE COMMISSION (CONSULTATION) REGULATIONS

The Minister of Home Affairs and Law (Dr. Katju): I beg to lay on the Table a copy of Notification making certain further amendment in the Union Public Service Commission (Consultation) Regulations, in accordance with clause (5) of article 320 of the Constitution. [Placed in Library. See No. P-254/52].

ORDER AMENDING PUNJAB PUBLIC SERVICE COMMISSION (LIMITATION OF FUNCTIONS) REGULATIONS

Dr. Katju: I beg to lay on the Table a copy of an order made by the Governor of Punjab under the proviso to clause (3) of article 320 of the Constitution in exercise of the powers delegated to him by the President under clause (c) (1) of the Proclamation issued by the President under article 356 of the Constitution, amending the Punjab Public Service Commission (Limitation of Functions)

[Dr. Katju]

Regulations. [Placed in Library. See No. P-257/52].

AMENDMENTS TO CINEMATOGRAPH
(CENSORSHIP) RULES

The Minister of State for Information and Broadcasting (Shri Diwakar): I beg to lay on the Table certain further amendments to the Cinematograph (Censorship) Rules, 1951, under section 9(5) of the Cinematograph Act, 1918. [Placed in Library. See No. P-255/52].

DELHI AND AJMER RENT
CONTROL BILL

EXTENSION OF TIME FOR PRESENTATION
OF REPORT OF SELECT COMMITTEE

The Minister of Works, Production and Supply (Shri Gadgil): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be further extended upto Wednesday, the 13th February 1952."

Shri Kamath (Madhya Pradesh): May I know, Sir, at what stage the proceedings of the Select Committee stand at present? What are the reasons for the extension asked for now?

Shri Gadgil: The present position is that the matter has been considered by the Select Committee and the draft of the report is ready. It was to have been considered yesterday, but because yesterday was a holiday, it could not be considered. Discussions have been completed and the report has only to be signed. It will be signed either tomorrow or on Monday and will be presented to the House before the date mentioned in this motion.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be further extended upto Wednesday, the 13th February 1952."

The motion was adopted.

INDIAN STANDARDS INSTITUTION
(CERTIFICATION MARKS) BILL

EXTENSION OF TIME FOR PRESENTATION
OF REPORT OF SELECT COMMITTEE

The Minister of Commerce and Industry (Shri Mahtab): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the standardisation and marking of goods, be further extended upto Friday, the 15th February, 1952."

The Select Committee has finished its deliberations and the report is in the stage of drafting. The report will be submitted before the date now proposed.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the standardisation and marking of goods, be further extended upto Friday, the 15th February, 1952."

The motion was adopted.

GO-SAMVARDHAN BILL

EXTENSION OF TIME FOR PRESENTATION
OF REPORT OF SELECT COMMITTEE

The Minister of Food and Agriculture (Shri K. M. Munshi): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to promote 'Go-samvardhana' and for matters connected therewith, be further extended upto Friday, the 15th February, 1952."

Shri Kamath (Madhya Pradesh): How many meetings of the Select Committee have been held so far?

Shri K. M. Munshi: There were three meetings of the Select Committee which were held before Parliament met last time and got the extension. But this Bill looks like poison in Shankar's throat; it cannot be thrown out and cannot be swallowed: there are so many things preventing its progress. I hope to come before the House.....

Shri Kamath: Who is this Shankar here?

Shri K. M. Munshi: You!

Mr. Speaker: Order, order.

The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to promote 'Go-samvardhana' and for matters connected therewith, be further extended upto Friday, the 15th February, 1952."

The motion was adopted.

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS BILL

Dr. S. P. Mookerjee (West Bengal): The Bill that we are considering is not a controversial one and normally speaking it should not take much time to be disposed of. Unfortunately however the structure of the Bill has been made unnecessarily ambiguous and I would earnestly ask the Law Minister to consider whether he cannot devise a simpler procedure for the election of the first two citizens of the State. The pattern which has been laid down in the Bill follows closely the pattern which has already been approved of by Parliament for election of ordinary Members to Parliament or to the Houses of the Legislatures of the States. What I ask is, is this at all necessary?

The electorate is clearly defined in the Constitution itself. Let me take the electorate for the election of the Vice-President. Here the electorate consists of Members of the two Houses of Parliament. And I would draw the attention of the House to article 66 of the Constitution which lays down the procedure for the election of the Vice-President. It says:

"The Vice-President shall be elected by the members of both Houses of Parliament assembled at a joint meeting in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot."

This means, I take it, that a joint meeting of the two Houses will have to be called. This is not a joint sitting of the two Houses as was suggested by Dr. Pattabhi Sitaramayya yesterday: it is really a joint meeting of the Members of both the Houses of Parliament. A formal meeting of either House of Parliament is not possible until and unless the present

Parliament disappears and the new Parliament is actually convened under the orders of the new President. So what is contemplated here under the Constitution is that notice will be issued to Members of both Houses of Parliament and they will be asked to assemble in Delhi on an appointed day.

Now, what difficulty is there in our deciding here and now that, say, the Secretary of the Parliament shall be the Returning Officer and that the Members of both Houses of Parliament will assemble and straight-off the election will take place? The counting of the votes also should be done forthwith. It is not necessary, as has been laid down in the Bill, that a separate date should be fixed for the counting of the votes. It will be more or less an easy affair. Not more than about seven hundred people will attend and you may take one day or two days to complete the election. That I submit should be laid down in the Bill itself instead of leaving this matter vaguely to rules to be framed by the Government at a later stage. Parliament should know here and now that the procedure laid down under article 66(1) is going to be followed, and the manner in which it will be followed should also be specifically mentioned in the Bill itself. That is so far as the Vice-President's election is concerned.

Next comes the election of the President. Here the electorate is divided under article 54 of the Constitution into two parts. One is the elected Members of both Houses of Parliament, which means the same electorate as for the Vice-President's election. So I take it a notice will be issued calling upon the elected Members of both Houses of Parliament to assemble on the day following the completion of the election of the Vice-President, and the election shall take place in accordance with the system of proportional representation by means of the single transferable vote as has been provided under article 55(3) of the Constitution.

Then remains the election by the elected Members of the Legislative Assemblies of the States. Why should not this Bill lay down that such election shall take place in each of the States separately but simultaneously and that the election shall be held in the Legislative Assembly chamber, the Secretary of the Legislative Assembly of the State concerned acting as an Assistant Returning Officer? Notices are to be issued to the elected Members of each Legislative Assembly to

[Dr. S. P. Mookerjee]

assemble on an appointed day and the votes will be recorded in the Legislative Assembly Chamber, the Secretary of the Legislative Assembly concerned acting as an Assistant Returning Officer. Here also the counting of the votes should be done forthwith. I suggest that the hon. Minister might consider the proposal which I am making. The proposal which has been made here in the Bill for the counting of the votes is not a practical one at all. Under clause 11 of the Bill it is stated that "at every election where a poll is taken, votes shall be counted by, or under the supervision of, the Returning Officer", and under clause 12 "when the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election". Now, what does that mean? It means that all these ballot boxes will have to travel from all parts of India to Delhi, then the counting will start somewhere in Delhi and the Returning Officer will under clause 12 of the Bill declare the results as soon as the counting has been completed. The whole matter should be re-examined by the Law Minister. If necessary, he can refer it to a small Select Committee and the matter can be reported back to the House in the course of two or three days. I am not blaming any one, but the pattern which has been followed in the Bill is more or less the same pattern which has been followed with regard to the ordinary elections. We are unnecessarily complicating the election of the President.

The simplest possible procedure which can be followed is: the election to be held in Delhi for the Vice-President on one day, or two days if the voting cannot be completed; notices to be issued to all the elected Members of both the Houses; they are to assemble here and the voting will be recorded and on the day following the same Members will be authorized to record their voting for the President's election. So far as the States are concerned simultaneously on one appointed day throughout India in the Legislative Assembly Chamber of the State the Secretary of the Legislative Assembly acting as the Assistant Returning Officer, the elected Members will come and record their votes. The votes will be counted then and there. The Assistant Returning Officer who will be the Presiding Officer will certify and send the completed list to the Returning Officer in Delhi and the result will be announced on an appointed day. You can have three or four clauses like this and the whole thing

can be defined. You have unnecessarily made the thing complicated and the most important points have been left unsaid. It has been said that they will all be framed under the rules and if the rules are made as complicated as they are indicated in this fat volume, I do not know when exactly the election of the President or the Vice-President will take place.

Then I would draw the attention of the hon. Minister to clause 3; his attention has been drawn to it already. Here the provision is:

"The Central Government shall, in consultation with the Election Commission, appoint an officer of Government to be the Returning Officer for the purposes of each election under this Act and may also appoint one or more Assistant Returning Officers."

With regard to the appointment of Assistant Returning Officers, as the clause is drafted, consultation with the Election Commissioner is not even contemplated. Here under article 324 it is the Election Commissioner who has to appoint the Returning Officers and not the Central Government and in fact, that procedure has already been followed in the Representation of the People Act, where it is laid down that the Election Commissioner shall appoint the Returning Officer in consultation with the Central Government. I submit, that the way in which this clause has been drafted is in direct violation of article 324 of the Constitution. Further, why should the Returning Officers be confined to officers of Government alone? This deliberately excludes the officers of the Parliament Secretariat. Under article 98 the Parliament Secretariat has a separate independent existence directly under Parliament and when the electorate mainly consists of Members of the Legislatures and Members of Parliament, we should not by statute prohibit the appointment of Parliamentary officers from acting as Returning Officers or as Assistant Returning Officers. Not that the Parliamentary officers are anxious to function as such, but this is an unnecessary distinction which has been made perhaps unconsciously, which should be rectified.

The reason why I am suggesting that the hon. Law Minister should look into these matters a little carefully is that all these matters of dispute may go to the Supreme Court. We do not want that a contravention of the provisions of the Constitution should lead to formal petitions being sent to the Supreme Court and the election of the

President or the Vice-President should be unnecessarily delayed.

Then there is one other point that was suggested by Mr. Venkataraman yesterday viz. whether we should have any protection against frivolous nominations for the President or the Vice-President's election. One suggestion has been made that a larger number of persons, say, 50 or 101 should nominate the President—Mr. Alva in his expansive mood suggested 501. I am not suggesting what number it should be, but I do feel that there should be some provision in the Bill so as to prevent frivolous nominations for the President and the Vice-President. My friend, Mr. Kamath pointed out yesterday that there should be no bar put in under the statute against any citizen's name being proposed for the Presidential election. It was suggested that Mahatmaji had proposed that a Harijan woman might become the first President of India. If that is the wish of the majority of the Members, that will be done. It is not a question of any desirable or eligible candidate being debarred from being nominated. It is a question of some Member of the Electorate proposing somebody frivolously and whether that should be avoided or not. I do suggest that that should be avoided by some fair and legitimate means and not to shut out nominations of desirable people artificially. We may have a provision for a deposit of security. That does not find any place in the Bill. It may be a thousand rupees to be paid, which will, of course, be returned to the successful candidate or even the unsuccessful candidate, if he secures a certain percentage of votes. I would suggest to the Law Minister that Government should consider, some desirable formula so as to prevent frivolous nominations.

Lastly, I would very earnestly urge that the Bill as drafted is unnecessarily cumbersome; it can be simplified considerably and all these references to corrupt practices, major and minor, substantial and non-substantial, need not be referred to in the election of the President and the Vice-President. There may be some broad reference but we need not keep in toto all the elaborate provisions that we had incorporated in the Representation of the People Act and also in the rules framed thereunder.

There is one other provision here, namely, that the Central Government may frame rules. I am not sure whether the rules can be framed by the Central Government and that is a

point which the hon. Law Minister should consider. Under article 324 the Election Commissioner should frame the rules. I am not saying this from an obstructionist point of view, but I am just warning that we should be very careful lest we should do something which may contravene the provisions of the Constitution and then encourage people to take these matters of dispute to the Supreme Court. Then everything will be held up. If the Supreme Court says that certain provisions of the Bill that we are now passing are in contravention of the provisions of the Constitution, then the matter will have to come back to Parliament and the whole thing will be delayed. It is much better for us, therefore, to be somewhat conservative and even give powers to the Election Commissioner, where there may be difference of opinion as to whether the same powers can be shared by the Central Government or not. After all the Election Commissioner will act in consultation with the Central Government and he is not going to bring out officers from anywhere outside India. In fact there is one clear provision in the Constitution itself that the Election Commissioner can request anybody including the President of the Indian Republic to make available to him the services of any officer for the purpose of carrying out the elections. This indicates that the Election Commissioner was made an independent institution and every person connected with the Government, beginning from the President to the lowest officer was called upon to give his full and whole-hearted co-operation for the purpose of enabling the Election Commissioner to conduct the election properly and satisfactorily.

I would, therefore, conclude by saying that if the Law Minister agrees a small Select Committee may be appointed, and we can consider the whole matter in detail and bring forward this Bill in the course of two or three days and pass it without much discussion.

Shri T. T. Krishnamachari (Madras): I have been listening to the speech of my hon. friend, Dr. Mookerjee and while I think there is certainly a point to be considered in regard to his objection to the wording of clause 3 as it is today, the objection may not probably go as far as he intends it to go. The wording of article 324 (1) is certainly capable of being construed that way if the construction is strictly on a legal basis. To me what he has imported into it or what it actually seeks is that the whole thing hangs on the construction of the word 'conduct', whether the 'conduct' of the elections

[Shri T. T. Krishnamachari]

must also carry the power to appoint Returning Officers. My own feeling is, if some provision is made explicitly that the Returning Officer will be under the superintendence of the Election Commissioner, the position that my hon. friend has taken may be met. So, it is not a question of the appointment of the Returning Officer, but merely a question of the conduct of election.

Another point that he raised in connection with the rule-making power seems to be a trifling beside the mark for the reason that rule-making power is certainly not excluded. It has been exercised in regard to the Representation of the People Act. Though there is a specific article in that regard, yet, in the matter of the election of the President and Vice-President, it will perhaps be better if Government put in this Bill all that it contemplates to do under the rule-making power. It does not seem to me, as I understand it, that these powers are by any sense barred so far as Government is concerned.

There is one other matter about which my hon. friend Mr. Venkataraman mentioned the other day, namely, whether the whole gamut of the provisions of the Representation of the People Act and the rules made thereunder should be imported in regard to the election of the President and Vice-President, particularly the provision which would enable the Tribunal, which happens in this case to be the Supreme Court, to declare a particular person who has not originally been found to have been elected by obtaining a majority of the votes, as elected. There are two or three possibilities in this connection. It may be that because the method of election is to be the single transferable vote, there is a certain amount of calculation to be done, there may be an error of calculation, and what is to be done in that case. I think it would be right for the Supreme Court, if it finds that there has been an error and the error has been to the disadvantage of the person who has secured the largest number of votes, to declare him elected. Any technical or other defect in the procedure should not make it a matter which would enable the Supreme Court to declare elected a person who is not ordinarily qualified to be declared elected, for the mere reason that the person who has secured the highest number of votes has been disbarred from being declared elected for any particular reason. It is not a

12 Noon.

case of the expense that one has to undergo and the difficulties that Government has to take into account like an ordinary election to the House of the People or to the State Assemblies. Here is a matter which is not quite so cumbersome for one thing. Secondly, it is a very important matter. A person cannot be elected as President simply because by a mere chance, for some technical reason, somebody who has been intended to be elected by a large number of voters, has been debarred from being elected. In a case like this, there must be an election *de novo*. I think that the provisions of clause 20, as it stands today, must undergo a radical change; certainly, sub-clause (b) must go. While sub-clause (a) provides for a person to be declared elected by reason of some kind of mis-calculation, sub-clause (b) makes a different provision altogether. I think in all such cases, except where there has been a miscalculation of votes, there must be an election *de novo*, if the Supreme Court declares that the person who has secured the maximum number of votes is not qualified to be declared elected for some reason or other.

In regard to the suggestion made by my hon. friend Dr. Syama Prasad Mookerjee, it does seem to me that the balance of advantage just lies in some kind of scrutiny and streamlining of the Bill. How the hon. Law Minister proposes to do it, whether by private consultations or whether by means of a Select Committee, it is for him to choose. But, it does seem to me that the House would certainly gain and the people would have a better Bill if a process of pruning and streamlining is undertaken by various people sitting together round the table and discussing the provisions of the Bill with the hon. Law Minister. I would certainly commend that suggestion to him and to the House.

Shri Amolaku Chand (Uttar Pradesh): I had no intention of participating in this debate. On hearing my hon. friend Dr. Syama Prasad Mookerjee, I think that the Bill is very cumbersome. We have to deal only with an electorate of about 5,000 to elect the President and an electorate of about 700 persons to elect the Vice-President. We know that in Parliament and in other State Assemblies, elections are made of the Speaker and the Deputy-Speaker and other committees. I fail to understand why the Supreme Court should come in be-

tween, and we have all these details of corruption, malpractices and all that. When we are making legislation for the election to such responsible positions as President and Vice-President, I think it would not be fair to bring in all this corruption, malpractices and all that. What I feel is this. If there is any dispute, instead of having the Supreme Court, the Election Commission or some other authority might be appointed to look into the matter and decide the whole affair. I do not think there should be any chance to file election petitions and the like.

The Minister of Home Affairs and Law (Dr. Katju): May I interrupt and point out, Sir, that article 71 of the Constitution makes it obligatory to refer any doubt or dispute to the Supreme Court?

Mr. Speaker: That is exactly what I was going to refer to.

Shri B. Das (Orissa): May I just explain, Sir, that at that time, we never thought that such legal provisions would be made. We thought it would be referred to the Judges of the Supreme Court.

Shri Amolakh Chand: I was also thinking on the same lines. Article 71 of the Constitution does refer to the Supreme Court. That is why I was submitting that instead of having the Supreme Court as the Election Tribunal, or election petitions and the rules, we may just have some *via media*.

Dr. Katju: Not possible.

Shri Amolakh Chand: The hon. Law Minister says that it is not possible. So I will not press that point. I tried to find any parallel law on the statute book of any other country; I could not find any. I feel that the procedure here is very cumbersome. I entirely agree with the suggestion of Dr. Syama Prasad Mookerjee that a Select Committee may be appointed which may go into all these details and make this Bill as short as possible.

Dr. Katju: We have had the benefit of a very long and a very instructive discussion on this Bill and if I may say so, my hon. friend Dr. Syama Prasad Mookerjee has rather over-simplified it. The Bill is certainly cumbersome in this way that it occupies several pages and several clauses. I earnestly hope that never in the history of Parliament may it become necessary for anybody to question any election either of the President or the Vice-

President. But, unfortunately, as a law-making body, we have got to provide for all contingencies, for disputes and doubts that may arise. Point was taken, for instance, about corrupt practices. If we had set them out in detail, the nature of the corrupt practices, etc., it would have made the Bill still longer by several pages. We therefore referred to select sections of the Representation of the People Act. Corrupt practices are known: bribery, undue influence, false personation and things of that description. I do hope and trust, and all of us hope, that never in the history of Parliament will any Member of Parliament ever commit any of these acts. But all the same these provisions have got to be made.

Several points have been raised here, as for instance, who should be the Returning Officer, how should the nomination papers be filed, and so on. If I may say so, my learned friend Dr. Syama Prasad Mookerjee has really anticipated much of the matter which we were going to put into the rules. Take for instance the question as to who should be the Returning Officer. When I heard the debate the day before yesterday, I thought over this matter. We have, indeed, been thinking over this matter for a long time. And the suggestion was made Sir, as you may remember, that the Speaker of Parliament should be made the Returning Officer, and you at once pointed out that this would be derogatory to the dignity of the House, to the dignity of the high office of the Speaker and it would be grossly improper that the Speaker should be made subordinate, even in the most indirect fashion, either to the Election Commission or that he should, if any dispute arises, have to appear before the Supreme Court. So that is completely out of the question.

Shri Kamath (Madhya Pradesh): What about an officer of Parliament?

Dr. Katju: I am coming to that; but you did not mention it.

Shri Kamath: I did mention it.

Dr. Katju: Very well. Then I come to the suggestion that an officer of Government may be the Returning Officer. I am rather new to this House, but I was not aware that in the matter of elections there should be such antipathy to officers of Government. I do not know why. I have been brought up in an atmosphere in which I was thinking that officers of Government are expected to be intelligent and men

[Dr. Katju]

of integrity and when they are entrusted with duties they would discharge them faithfully. I do not know that in this phrase "officer of Government" the Secretary to Parliament is excluded. I was all along under the impression that the Secretary to Parliament is included in it for administrative purposes.

Shri Kamath: No, no.

Dr. Katju: I am only discussing the matter. Why do you interrupt me? I note the suggestion of Dr. Mookerjee; but it has been there in our mind. It is only a question of phraseology, whether the most suitable person would be the Secretary of Parliament in Delhi and the Secretaries in the various Legislative Assemblies throughout the land. Of course, in making these appointments we would have to get the concurrence or consent of the Speaker, whether he would let us have the services of the Secretary to Parliament. I am not quite clear even now, but if it is said that under the Constitution the Secretary to Parliament is not an officer of Government, if necessary we will change the Bill accordingly. I have no objection to change the phraseology. But so far as this point is concerned, I may admit that it was all along our intention that the most suitable person for this would be the Secretary to Parliament. He has experience of doing these things. He is acquainted with the rules and procedure and he would see it through.

Some question was raised as to the competence of Parliament to pass a Bill of this description. I am not arguing on a point of law here. I have no desire to do so. But in article 71 (3) it is stated:

"Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President."

And we formed the opinion that the Bill as framed, dealing with the appointment of the Returning Officer and various other things, was within the competence of Parliament. It is not an action of Government. It is an action of Parliament in which we are seeking this permission. Therefore, I respectfully suggest that there is nothing unconstitutional with the Bill, because it is not an action of Government. It would be an action of Government sanctioned by Parliament if this Bill is put through.

Then the next point raised was about nominations. It has been suggested that there should be no frivolous nominations. Day before yesterday when the debate was going on, hon. Members who have just returned from the dust and storm of the elections in the countryside probably were thinking, or at any rate that was the impression that I thought they intended to convey, that there would be some sort of a tussle in the villages. Nobody mentioned then what the total electorate will be. I have got the figures here and the total figure is exactly 4,057 for the election of the President and this 4,057 will be scattered all over India. The number in the Houses of Parliament—both the Houses—is exactly 699 and the rest 3,358 will be all over India and they will all vote in their Assemblies. Therefore, if they go to their capital cities, like Bombay, Lucknow or Calcutta, there will be no difficulty about the matter.

Then somebody suggested a point about the ballot boxes. I do not know whether that opinion was not coloured by the experience that we have had of various symbols. I do not expect that in the election of the President or the Vice-President occasion will arise for different symbols.

Shri Kamath: Bullocks will not be there?

Dr. Katju: I do not know; bullocks may come into operation in a different way. That is a different matter. I am afraid bullocks are in the brains of some hon. Members.

Now, leaving that aside, I very much think that the precedent which would probably apply and with which we are all familiar would be that of the election to the Constituent Assembly in the different Assemblies. There would probably be the ballot paper. The names of the nominated candidates would be printed on the ballot paper and there would just be one ballot box in each State. The Members either here or those in the different State Assemblies would be given nomination papers and they would be asked to go and make their cross mark.....

Shri Bharati (Madras): No, they will enter the number.

Dr. Katju: Yes. I stand corrected. They put down the number. And they put all the ballot papers into one single ballot box which will be examined by the Presiding Officer. Now, my learned friend Dr. Mookerjee said—and it was a very captivating suggestion and I agree with him if

only it could be managed—why not count the votes at once? Supposing the closing hour is five o'clock, as soon as it is five o'clock, just rip open the ballot box and count them all. But the difficulty about that is this. It is not merely a question of counting, it is also a question of counting all the preferences, because it is a transferable vote and we shall have to take into consideration that, and that cannot be done in different places. It can only be done at one place where all the ballot boxes are opened and where all the ballot papers come.

Dr. S. P. Mookerjee: But the same thing was done in regard to the election of Members to the Constituent Assembly.

The Minister of State for Transport and Railways (Shri Santhanam): No, no. In the case of the Constituent Assembly the preferential voting was confined to the Assembly. But here it extends to the whole electorate.

Dr. Katju: As a matter of fact, I might say that one of the amendments which has been tabled is that in this Bill itself, it should be made quite clear that the counting is to be made at Delhi. The words "at Delhi" should be inserted. That was a matter really, of no importance, because in the very nature of the elections, we will have to get all the ballot boxes together. They will be about twenty or thirty.

As I was mentioning, something was said about frivolous nominations. I respectfully suggest that we are all anxious that this election should be conducted in a dignified manner and I do hope that in the newly elected Parliament and all successive Parliaments every single member of the electoral college will, when he is making the nomination, conduct himself with dignity in the election of the highest officer in the State. But leaving that aside, please remember that every member of the electoral college represents a very large number of people. Every Member of the House of the People here is elected by a constituency of nearly 700,000 people. The people who are entitled to vote are nearly 3½ lakhs. It does not matter what is the majority or minority. A Member who comes here speaks on behalf of the whole constituency and very likely the rules will provide that there will be one proposer and the other a seconder. Now between them they would be speaking so far as the House of the People is concerned for nearly 12 million people. In the States they will speak for a constituency which will vary from 40,000 to

a lakh of people. They are not irresponsible individuals. I therefore suggest that it is well worthy of consideration whether we should be carried away too much in this particular election by our experience of the General Elections which we have gone through and see that there is some sort of provision. I do not think there is going to be plenty of frivolous nominations. I do think that nobody will nominate any one unless there is a reasonable chance of success or there is some party organization that wants to put it through. Secondly, there is another aspect which I would like the House to consider. The Constitution makes it abundantly clear that this election is to be by secret ballot. Now if you require that ten persons should be the minimum number to nominate, then so far as those ten persons are concerned, the secrecy of the ballot is nullified.

Shri Venkataraman: They may vote against.

Dr. Katju: My hon. friend may imagine that he may nominate me and vote against me. He nominates me and when they go to ballot, they put all the votes against me and I stand held up and I cannot check him though I thought when he was nominating me I expected his votes. I therefore respectfully suggest that we had better leave the matter as it is. As a President any citizen of India is entitled to be elected and I suggest that if two members of the electoral college have got a right to nominate, that is quite sufficient protection that those two persons will behave with due restraint, due decorum and see to it that they are not wasting the time or holding themselves upto public opprobrium.

Secondly, comes the question of security. Somehow or other speaking for myself, this thing does not appeal to me. It is really a trivial matter. If you do want to have security, then have it as a lakh of rupees. I can understand it because it is consistent with the honour of the high office but putting it down to one thousand or five hundred or two thousand is to make it most ridiculous. I do not know why my hon. friend is so anxious about the security because it is a question of election to this particular high office. I want that nothing should be done to bring it down to the level of an ordinary election by saying that there should be security, there should be this thing or that thing. Please also remember that I should like to have the nomination paper in the most simplified form. Ordinarily nominations are rejected because the name of the proposer is not properly stated

[Dr. Katju] .

or the name of the seconder is not properly stated or that the name of the proposer's constituency is not properly signified, etc. All that will disappear. I should like to have a nomination paper simply stating—because it is the President's election—the name of the proposer—he is a Member of the House of the People or a particular State Assembly—and the name of the seconder bearing the same information. I would not even make it a part of the nomination paper that the candidate should signify as to whom he is going to appoint as his election agent—that may be done afterwards. The validity of the nomination paper should not be made dependent on all these formalities. I, therefore, say that we should put no restriction upon the right of hon. members of the electoral college in case they like to nominate anybody they like. I do hope that in course of time, in the next election itself, things will get adjusted. There may be three or four nominations but I do not concede that there will be a plethora of nominations because the electoral college is so small. I repeat once again that if you insist upon having too many persons to make a valid nomination, you would be circumventing the Constitution and violating the secrecy of the ballot.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

Some hon. Members said that we were following the "go-slow" policy. The rules provide for the minimum period—a nomination and then a scrutiny probably within two days, one or two days for withdrawal and then there will be an election. We will have to give some time for election—ten or fifteen days so that nomination papers may be printed and information may be given to all State Assemblies and they might meet and there would be the question of so many ballot boxes. I do not imagine that there would be much expense relating to this election.

Some hon. Members insisted that there should be an intermediate right of going to Court viz., if a nomination paper is rejected, then you should go to Court. I think it would be very undesirable because please remember that under article 62 you have got to elect a President before the expiration of the term of office of the outgoing President and I would not like to encourage these intermediate proceedings in Court and I do not anticipate that there would ever be any difficulty

in relation to the validity of nomination papers. Let us not ourselves multiply our difficulties or create imaginary difficulties which do not exist. Then there is the point which was raised by my hon. friend here this morning and also two days back viz., that if one election is declared void, then the Supreme Court should have no right to declare the defeated candidate or some other candidate duly elected. Now I suggest that this does not do sufficient justice to the language of the Bill. The provision that we are seeking to make is this:

"and the Supreme Court is of opinion that in fact the petitioner or such other candidate received a majority of valid votes"

What more do you require? There is no fun in going through a process of election once again. The Supreme Court cannot possibly declare a man elected whatever may be the grounds of rejection or whatever may be the grounds of declaring the election of the successful candidate void. The Supreme Court must be satisfied before it declares any other candidate validly elected that he has a majority of the valid votes. And:

"(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes".

I suggest that this is quite sufficient protection because what we want is a majority of votes—he should not come in by a minority vote. And if there are Members who had been guilty of corrupt practices and it is on that ground that their votes have been rejected, then I do suggest that those gentlemen are not entitled to any consideration. They ought merely to be completely eliminated. That is what the Supreme Court would do and the Supreme Court would then consider the valid votes. I do not anticipate that there would be any invalid votes merely on the ground that the entry on one was not properly made or there is a scratch on the other. We are not dealing with an illiterate body but we are dealing with masters of the political craft. Every one of us is supposed to be a great craftsman in the art of politics, electioneering.....

Shri Kamath: Not great.

Dr. Katju: Well, I withdraw the word—let us make it *humble*. So, every voting paper would be properly signed. There may be bribery—about that I do not know. There may be undue influence but there will be no

false personation. However, the invalidity of the ballot paper will not be caused merely by some scratching of it or some tearing of it.

I, therefore, respectfully submit that we had better avoid this complexity and tribulation of re-election. Otherwise, where would you stand? If you say that there must be a re-election, time may be that one election is declared to be bad, the second election declared to be bad and the third election declared to be bad, and you may go on through a continuous process of elections. There must be some end to this delightful process of election. Everywhere this discretion is given to the Election Tribunal and here it is the Supreme Court which will have that discretion and the Supreme Court will have to be satisfied that that election is by complete majority. Therefore, I suggest that there should really be no cause for interference on that ground.

There was one other small suggestion made, I think, by Prof. Shah that we had better impose some further restrictions on the right of persons to stand for election as President. I suggest that that is not possible for us to do. The Constitution itself has laid down the list of qualifications and one big qualification is that he must be an Indian citizen, then that he must be a man of a certain age and he must be qualified to stand for the House of the People.

Shri Naziruddin Ahmad (West Bengal): He must be a gentleman also.

Shri Kamath: What is a gentleman?

Dr. Katju: I have spent forty years in the law courts, I have not been able to get a thermometer for determining who is a gentleman and who is not—it is very difficult.

Shri Kamath: It is very difficult to define a gentleman.

Dr. Katju: If you ask me, I have found a gentleman in a man of tattered clothes and in a well-dressed man I have found the reverse. So do not put that very allusive qualification that he must be a gentleman like my hon. friend opposite. I suggest that we cannot interfere with or extend in any way the restrictions laid down in the Constitution itself. So, we had better leave that alone.

Well, that is practically all that I have to say. This is not a controversial Bill but one lives and learns and many defects have been discovered, imaginary or otherwise, and I entirely agree

that we should make the Bill as simple as possible. Very many amendments have been tabled and my learned friend, Dr. Syama Prasad Mookerjee has made a suggestion—I was myself going to suggest—that instead of taking the time of the House in discussing each one of these amendments one by one we might have a discussion, an informal discussion. But it might have it in a formal way: move for a small Select Committee and ask the Select Committee to go into all those amendments and into any other suggestion that may be made, with instructions to report within three or four days, because we should finish the matter—it cannot stand over, it has got to go through.

So far as the Vice-Presidential election is concerned, it is of course a simple matter because it is going to be a meeting here. Some distinction was rightly drawn between a meeting as contemplated in article 66 and the sitting of the House: it will not be a sitting of the House for transacting ordinary or legislative business. That meeting of the House can be easily presided over by the Returning Officer. But there again nominations will probably have to be made and there will have to be calculations of preferences, but all that matter we can easily go through.

Mr. Chairman: I take it that the motion for Select Committee is going to be moved.

Dr. Katju: I think Dr. Mookerjee will move it.

Dr. S. P. Mookerjee: Yes, Sir, with your permission I will move it.

Shri T. Husain (Bihar): May I ask one question from the hon. Minister? Who has the right to be a proposer and seconder? Is it only a member of the electoral college or has a citizen of India the right to propose and second?

Dr. Katju: I take it that it is only a member of the electoral college who will have that right.

Shri T. Husain: Why? The qualification for candidature for Presidency is that he must be a citizen of India. Then may I know why a citizen of India cannot be a proposer and seconder also?

Dr. Katju: It seems to be a very doubtful proposition. A citizen of India as such is not entitled to vote and therefore he is not entitled to nominate. The two things go together: a man who can vote can also indicate his desire as to whom he is going to vote for.

Shri T. Husain: I agree.

Dr. S. P. Mookerjee: I beg to move:

"That the Bill be referred to a Select Committee consisting of Dr. Bakhshi Tek Chand, Pandit Thakur Das Bhargava, Shri H. V. Kamath, Dr. Panjabrao Shamrao Deshmukh, Shri T. T. Krishnamachari, Shri R. Venkataraman, Shri Gokulbhai Daulatram Bhatt, Shrimati G. Durgabai, Shri Joachim Alva, Shri L. K. Bharati, Shri Satyendra Narayan Sinha, Shri B. Das, Shri Amolakh Chand, Shri Naziruddin Ahmad, Prof. K. T. Shah, Dr. Pattabhi Sitaramayya, the hon. Dr. Kailas Nath Katju, and the Mover, with instructions to report by the 15th February, 1952."

Shri T. T. Krishnamachari: May I suggest that my name be left out, Sir, as I will not be available here for meetings of the Select Committee?

Mr. Chairman: All right.

The question is:

"That the Bill be referred to a Select Committee consisting of Dr. Bakhshi Tek Chand, Pandit Thakur Das Bhargava, Shri H. V. Kamath, Dr. Panjabrao Shamrao Deshmukh, Shri R. Venkataraman, Shri Gokulbhai Daulatram Bhatt, Shrimati G. Durgabai, Shri Joachim Alva, Shri L. K. Bharati, Shri Satyendra Narayan Sinha, Shri B. Das, Shri Amolakh Chand, Shri Naziruddin Ahmad, Prof. K. T. Shah, Dr. Pattabhi Sitaramayya, the hon. Dr. Kailas Nath Katju and the Mover, with instructions to report by the 15th February, 1952."

The motion was adopted.

Mr. Chairman: I may inform the House that the hon. the Speaker has been pleased to appoint Dr. Syama Prasad Mookerjee to be the Chairman of this Select Committee.

The Minister of Home Affairs and Law (Dr. Katju): Sir, on the last occasion the next item regarding the Indian Independence Pakistan Courts (Pending Proceedings) Bill was passed over because there was a desire on the part of some hon. Members to have an informal discussion. Unfortunately we could not meet yesterday because the House had to adjourn. If it suits the convenience of the House, I suggest that we might pass it over now and after having an informal discussion we may take it up again on the next available day.

Mr. Chairman: I think there is no objection to this course. So, this item stands over. The order will be subsequently settled.

Dr. Katju: I may request the hon. Members who are desirous of having an informal discussion to get into touch with me in my room tomorrow.

PART B STATES MARRIAGES VALIDATING BILL

The Minister of States, (Transport and Railways (Shri Gopalaswami): I beg to move:

"That the Bill to validate certain marriages solemnized in certain Part B States between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872, be taken into consideration."

The Bill is a very simple one. The Indian Christian Marriage Act, 1872, provides for the solemnization in India of marriages between persons one or both of whom profess the Christian faith. The Act as it stood on 26th January 1950, that is, the date on which the new Constitution came into force, extended to all the provinces of India and in the case of Indian States to Christian British subjects only in those States. The corresponding laws in the States, providing for the solemnization of such marriages did not apply to Christian British subjects there. Subsequently, by the Adaptation of Laws Order, 1950, a new clause was inserted which modified the extent of the application of the Indian Christian Marriage Act which provided that it extended to the whole of India except Part B States. The Act was subsequently extended to the whole of India excepting Manipur, Travancore-Cochin and Jammu and Kashmir with effect from 1st April 1951 under the Part B States Laws Act 1951, and after that date marriages between Christian British subjects could be solemnized in accordance with the procedure prescribed by the Act. But during the period between the 26th January 1950 and 31st March 1951 there was a gap. Marriages did take place in some of the Part B States during that period but owing to the previous changes in the extent of application of the particular Act, there was no law in force in Part B States under which marriages could be solemnized between parties one or both of whom were Christian British subjects. These marriages which have taken place have to be validated.

Such marriages as took place after 31st March, 1951 are covered by the existing law. Marriages that took place between those two dates are left uncovered and it is necessary to validate them. This Bill provides for such validation.

Mr. Chairman: Motion moved:

"That the Bill to validate certain marriages solemnized in certain Part B States between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872, be taken into consideration."

Shri Naziruddin Ahmad (West Bengal): It is apparent that there was a considerable amount of negligence on the part of the Law Department which had totally ignored this gap. There is a gap of more than 15 months. During this period, naturally people wanted to marry as they would not wait for any Act. They married and naturally many issues have resulted. The real question therefore is not one of marriage validation but issue validation. I want to know why this gap was left. On the 26th January we should have had a full fledged order adapting the existing law; but that was not done and we are getting from time to time scrappy orders relating to individual Acts. I want to know whether any enquiry has been made as to which officer is particularly responsible for this state of affairs. Of course, this Bill should be passed, but the House has a right to know why this gap was allowed to intervene.

Shri Gopalaswami: I do not think it is necessary to answer my hon. friend's criticism with any seriousness. As a lawyer he knows how extensive and all-comprehensive the statute book of India is. The adaptation of the laws contained in that statute book cannot be done overnight. It is being done in large instalments and as soon as adaptations are made in respect of particular laws, the order does issue, and I think this business has been done with an expedition which should extort appreciation from this House rather than criticism. It is true that this gap was left and had it been noticed at the time we would not have had the necessity to come to the House for passing this particular Bill, but in adapting laws of such volume and magnitude these gaps and mistakes do occur and as a House we have got to put them right. I hope the House will not jeopardize the rights of the issue to whom my hon. friend referred by criticising what my hon. friend considers to be

the failings of the Law Ministry of the Government of India.

Mr. Chairman: The question is:

"That the Bill to validate certain marriages solemnized in certain Part B States between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1.—(Short title)

Amendment made:

In clause 1, for "1951" substitute "1952".

—[*Shri Gopalaswami*]

Clause 1, as amended, was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Gopalaswami: I beg to move:

"That the Bill, as amended, be passed".

Mr. Chairman: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

PREVENTION OF CORRUPTION (AMENDMENT) BILL

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

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

Hon. Members would remember that for the purpose of checking corruption an Act was passed in the year 1947. In that Act a new offence was created which was called criminal misconduct on the part of public servants. The ingredients of the offence were that anyone who was a habitual bribe taker or a seeker of bribes was to be held guilty and for the purpose of proving that he was accustomed to take bribes it was permissible to prove that he had pecuniary resources or possessed property far in excess of his ostensible sources of income or his salaries. So far as this new offence was concerned that Act provided that it should be in operation only for five years. Those five years are now going to expire. In between we had appointed to go into

[Dr. Katju]

this whole matter of corruption a very competent committee under the Chairmanship of Dr. Bakshi Tek Chand and some other Members of this House and they had recommended in their interim report that it is desirable that this section should be allowed to live for another five years. Government has accepted that recommendation and the purpose of this Bill is that instead of the word "five" in sub-section (3) of section 1 of the original Act the word "ten" be substituted. That would extend the duration of the Act from five to ten years, that is till 1957. This is a very desirable provision and I commend it to the House.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

Dr. Pattabhi (Madras): May I know whether it is suggested that by 1957 the criminal propensities contemplated will have terminated? I say that this must be made permanent on the statute book. There is no reason why this practice of prolongation should be adopted.

Dr. Katju: Let us hope for the best; it may have some deterrent effect.

Dr. Pattabhi: I want to prepare for the worst.

Shri Naziruddin Ahmad (West Bengal): The original Act was passed in 1947. The tenure of the Act was for three years only. It was discovered later on, at the end of three years, that the criminal propensities of public servants, as suggested by Dr. Pattabhi, had not abated in the least. It was anticipated that within five years the criminal propensities of public servants would be entirely dissipated by over-feeding. It is now found again that five years would not do and that a period of ten years is necessary. I quite agree with the suggestion of Dr. Pattabhi that the measure should be made permanent. But there are other considerations.

My approach to this subject is based on practical considerations. What is necessary, however, is not the passing of laws. We have enough laws for checking black marketing; we have provided for extreme penalties. But there is little executive drive behind these Acts. What is needed is not mere legislation alone, but executive drive. What is needed is to find out cases against public servants and prosecute them vigorously. If this were done, possibly the need for extension of the period would not have occurred. After all the provisions of the Act are of an exceptional nature. It throws the onus on the accused and that is why it was thought necessary

to limit its application to a temporary period. I submit we are entitled to know from the hon. the Home Minister as to how this Act has been applied, how many prosecutions there have been and with what result. We ought to have some figures before us before we extend the period of the Act. It is no use simply extending the period of an Act from time to time and trusting to luck that something may come out of it. I submit, therefore, that the hon. the Home Minister should explain the action that has already been taken and the result that has been achieved and it will be for the House to consider whether any extension of time would improve matters.

Prevention — خواجه علایف اللہ

of corruption Act, 1947

کو جتنا بھی بڑھایا جا سکتا ہے ہم چاہتے ہیں کہ بڑھائیں - مگر میں یہ پوچھنا چاہتا ہوں اور آنریبل منسٹر صاحب کو اور ہاؤس کو یہ بتانا ہوگا کہ اس پانچ برس کے عرصے میں جو قانون یہ ہم نے بنایا تھا اس قانون نے بھارت کو کتنا فائدہ پہنچایا اور اس قانون سے کرپشن (corruption) میں کتنا پریونشن (prevention) ہو سکا - اگر صرف قانون بنانا ہی ہمارا کام ہو اور ہم یہ نہ جان سکیں کہ اس قانون سے ہمارے دیہے کو کیا فائدہ پہنچا ہے اور کرپشن (corruption) میں کتنا پریونشن (prevention) ہوا ہے تو مہرے خیال میں ایسا قانون بنانا اس ہاؤس کا وقت ضائع کرنا ہے - ابھی جیسا کہ یہاں پر کہا گیا ہے کہ ایسے قانون کو تو ہمیشہ ہی کے لئے پاس کر دینا چاہئے - پانچ برس کے بعد کیا آنریبل منسٹر کو یہ امید ہے کہ ایسے کرپشن (corruption) کے قانون کی کوئی صورت باقی نہ رہے گی - اس لئے میں چاہتا ہوں کہ اس قانون کے بدلے سے پہلے اور اس قانون کے ميعاد بڑھانے سے پہلے اس پانچ برس کے عرصے میں

اس قانون نے کرپشن (corruption) کو کنٹرول کیا ہے۔ کیا آنریبل منسٹر ہمیں بتا سکتے ہیں کہ اس قانون کے ماتحت اور اس قانون کے ہوتے ہوئے دیہی کے اندر کنٹرول کرپشن (corruption) رک سکتا ہے یا کس طرح روکا جا رہا ہے۔ اور اگر آنریبل منسٹر یہ پوچھنا چاہیں کہ کرپشن (corruption) کنٹرول جاری ہے تو میرے خیال میں اس سلسلے کا ہر ممبر بہت آسانی سے اور پوری طرح جتنا بھی چاہیں بتا سکتا ہے کہ دیہی میں اس قانون کے ۱۹۴۷ میں پاس ہونے کے بعد کرپشن (corruption) پہلے سے اور زیادہ بڑھ گیا ہے تو جب ایسی حالت ہے تو ایسے قانون کی کیا ضرورت ہے۔ یہ قانون بلانے جاتے ہیں کرپشن (corruption) کو روکنے کے لئے مگر قانون پاس ہونے کے بعد ہم دیکھتے ہیں کہ کرپشن (corruption) برابر بڑھتا ہی جا رہا ہے اور مجھے تو قدر معلوم ہوتا ہے کہ اگر اس قانون کی مہم کو پانچ برس کے بجائے دس برس بڑھا دیا تو شاید وہی اثر نہ پڑے جیسا سنہ ۱۹۴۷ میں یہ قانون پاس کرتے وقت کرپشن (corruption) پہلے سے اور بڑھ گیا تھا اور اب اگر ہم نے اس کی مہم پانچ برس اور بڑھائی تو کرپشن (corruption) اور بھی زیادہ نہ بڑھ جائے۔ اس لئے ممبر چاہتا ہوں کہ قانون بناتے وقت ہمیں کچھ ایسا انتظام

کرنا چاہئے کہ قانون بنانے کا مقصد حاصل ہو سکے اور دیہی میں ہم کرپشن (corruption) کو روک سکیں۔
(English translation of the above speech)

Khawaja Inait Ullah (Bihar): We want that the life of the Prevention of Corruption Act, 1947 should be extended as far as it is possible. But I would like to ask the hon. Minister and the House would have to answer as to how far India has benefited by the promulgation of this Act during the last five years and how far corruption has been prevented as a result of this Act. If our business is confined merely to making of legislation alone and we are not in a position to know about the benefits that the country has derived from it and the extent to which corruption has been prevented, then I suppose it is sheer waste of time of the House to make such a legislation. As has been stated here just now, legislation of this nature should be put permanently on the Statute Book. Does the hon. Minister hope that after this period no law would be required to prevent corruption? I want to know the extent to which this law has resulted in the prevention of corruption during the last five years since the date of its promulgation. Can the hon. Minister tell us how far corruption has been checked or is being checked with the help of this law? If the hon. Minister would like to ask as to how far corruption is prevalent in the country, I hope every member of the House would declare in unequivocal terms that corruption in the country has increased all the more since this Act was passed in the year 1947. Under this state of affairs what is the use of such laws? These acts are passed to check corruption but contrary to that we find that corruption is only gaining momentum. I feel that if the life of this Act is extended by ten years instead of five years, its results would be the same as we have already seen, i.e., an increase in corruption. In the same way, it is feared that corruption may not increase by the extension of life of this Act by another five years. Keeping all these things in view I feel that while making any legislation we should handle things in such a manner that the aim of that legislation is achieved and corruption in the country stopped.

Shri Kamath (Madhya Pradesh): The House, I am sure, will welcome an extension or a prolongation of the life of this very necessary Act. But I am afraid the Home Minister has withheld from the House—I would not go to the

[Shri Kamath]

length of saying deliberately withheld, but withheld all the same from the House—very necessary information on this very important subject. The House would have liked to know from the Minister not merely the action that has been taken from time to time during the last five years under the various provisions of this Act but also a *resume* or a summary of the recommendations of the Committee which was presided over by Dr. Bakhshi Tek Chand, along with a general survey of the scene of corruption that has overtaken us or that has been with us during the past few years.

It is a very unfortunate phenomenon that simultaneously or concurrently with the advent of Independence corruption has been reported to be growing all over the country. To what extent it has grown or to what extent it has diminished owing to the implementation of this Act is a matter on which the Home Minister should have thrown adequate light while moving the Bill for amendment of this Act.

Only two days ago a Press report from a foreign agency showed—I read it only last night, perhaps it appeared the night before—that very drastic. Draconian measures have been adopted by New China to deal with corrupt public servants or Government servants. The report stated that two or three Government servants who were found guilty of corruption were shot by a firing squad. Our leaders of Government, and also some of the Congress, are full of praise for New China on other grounds, but I do not know whether they are prepared to take a leaf from New China as regards the punishment to be meted out to corrupt public servants.

Pandit Balkrishna Sharma (Uttar Pradesh): Can it be done with the present Constitution in vogue?

Shri Kamath: The Constitution? Oh, my God! I am very sorry for the profound ignorance of my friend. The Constitution does not come in at all. If a law is passed it can be enforced—if we have got the guts to enforce it.

I was asking, first of all, before you pass any law or think of passing any law, whether the will is there or it is lacking to implement the law. Various questions have been asked in this Parliament from time to time about corruption among public servants.

Mr. Chairman: Will the hon. Member take a long time?

Shri Kamath: I will take fifteen minutes more.

The House then adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. SPEAKER in the Chair]

Shri Kamath: When the House rose for lunch, I was referring to the effect of this Prevention of Corruption Act, 1947, as amended by the amending Act of 1950,—the effect of this Act so far upon corruption among public servants. I have just got a copy of the original Act, the Prevention of Corruption Act No. II of 1947 from the Library.

Here section 5 of the Act defines the circumstances in which a public servant is said to commit an offence of criminal misconduct in the discharge of his duty and the object of the Act was to make more effective provision for the prevention of bribery and corruption. The Act was passed in 1947 and was to be in force for a period of three years. By an amending Act the life of the Act was extending by another two years, that is to say up to the end of March 1952 and today, the House is considering another amending Bill which seeks to extend or prolong the life of this Act by another five years. Is the House to understand that corruption is still prevalent on such a wide scale, at high as well as low levels of public servants, that it necessitates the prolongation of the life of the Act by five years? The House will remember that the first amending Act extended the life by only two years from the end of March 1950 to March 1952. The present Home Minister was not in office, then, I realize that. But do the records in his Ministry show that at the time that amending Bill was introduced in March 1950 and which extended the life of the Act by two years; do the available records in his Ministry show whether corruption among public servants in March 1950 was prevalent on a higher scale or in a greater measure than was obtaining at the time the original Act was passed, that is in 1947. What are the statistics he has got as regards the prosecutions of public servants for the offence of bribery or corruption, how many public servants were convicted and what were the punishments awarded to the public servants at that time? And two years later today he comes forward and brings before the House another amending Bill which seeks to

extend the life of the Act by five years. Today also, may I submit that the House is entitled to know from Government, from the hon. Minister, what the state of affairs today is, so far as corruption among public servants is concerned. Are we to understand that with the onward march of independence—we have been politically free for over four years now—corruption is growing or corruption is decreasing? If the amending Bill is an indication of the state of affairs, then the inference is plausible that corruption is not perceptibly diminishing. Otherwise, today, there would have been no need perhaps for extending the life of the Bill by five years. Therefore, before the House agrees to give its sanction to this measure, to this amending Bill, we have got a right to know from the hon. Minister the state of corruption among public servants in India today, because, this strikes at the very root of the matter and of administration. Where corruption is prevalent on a large scale, among the high and low of the public services, the State is doomed to perish and the State cannot last, if corruption is not curbed, if corruption is not rooted out. That is why in the morning I drew the attention of Government to the Press report which emanated yesterday from China regarding the nature of the measures they have taken and are taking to weed out and eradicate completely corruption among the public servants; how they have not shrunk from executing and shooting by firing squad public servants who have been found guilty of corruption. I said that some of our leaders are full of praise for new China's ideology on an academic plane, but about practical measures, to improve the administration, to root out corruption, are they taking any leaf from the book of New China? It is there that we can learn, and not merely airy nothings about the policy or the ideology of China. What is wanted today in India is a pure administration. That is the *sine quanon* of all advance. If that we cannot achieve, if that the Government is not able to achieve, Government must quit and if it does not quit, it will be made to quit one day. I see the Home Minister laughs but he laughs best who laughs last. (Interruption) The voters have also shown the lack of confidence.....

Mr. Speaker: I am afraid we are going into, I cannot say entirely, irrelevant things but, things that are not important for our present purposes. We are concerned only as to whether the life of this Bill should or should not be extended.

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The Minister of Education (Maulana Azad): Particular sections.

Mr. Speaker: That means practically the whole Act. That is the only question and so far as the hon. Member's speech as to how that Act has worked is concerned, he is quite in order but to go into the general policy of administration and the importance or un-importance of corruption, all that will be rather wide of the debate, I think.

Shri Kamath: Well, I do certainly bow to your ruling, as I must, and I have no desire to waste either your time or the time of the House. But, I felt in all good faith that corruption, which has been, according to all reports, official and non-official, the bane of our administration and public life, is a very vital matter and warrants a discussion. When we are about to consider or when we are considering the extension of the original Act, which was intended, as its own language shows, to prevent corruption and to make more effective provision for the prevention of bribery and corruption, am I straying from the path, may I ask in all humility, if I ask the Government today whether they have effectively prevented bribery and corruption?

Babu Ramnarayan Singh (Bihar): No.

Shri Kamath: The Act was intended to make more effective provision. Have they done so? If they have done so, let them lay all their cards on the table. Let them not have any cards up their sleeve. Let them tell us in what way they have prevented bribery and corruption and in what way this Act together with its amending Act of 1950 has succeeded in preventing bribery and corruption from public servants and making the administration more pure and more efficient. If the hon. Minister is not in a position to explain to the House that the Act has really succeeded in its purpose, if he has no figures to contradict the statement that the Act has failed in its purpose, what face has he to come before the House today and ask for the extension of this Act? It is almost a dead letter, if what I say is true. The speech which he made in introducing this measure before this House was a bald affair without any substance in it, which the House would have welcomed and which the House would have had in its possession in arriving

[Shri Kamath]

at a judgment upon the necessity for the extension of this Act.

If that is so, if the Act has not succeeded in preventing bribery and corruption, what is it due to? That also Government must explain to the House today. Is it due to lack of will on the part of Government to enforce the provisions of the measure or is it due to some sort of skill and cleverness on the part of public servants who may be able to get round the law, as the report of the Income-tax Investigation Commission, today, referring to a businessman of distinction, said, that he had made tax evasion a fine art? What have been the causes and factors that militated against the effective functioning of this Prevention of Corruption Act. My hon. friend Prof. Shah, aided and abetted by me, in the Constituent Assembly, tried in his own humble way—we tried in our humble way—to put some constitutional check upon possible corruption among high placed public dignitaries. We tried to have an amendment adopted by the House which would have made it obligatory for the Ministers to declare their assets before they became Ministers and declare the same when they quit office. That was not accepted. A similar provision might have been adopted in that Act. Today was quite opportune for the hon. Minister to make several amendments in the Bill. He has not done that. We cannot do that. You, Sir, would have ruled out and rightly too, any such amendment on our part as being outside the scope of the Bill. That is the unfortunate position for us. I quite realise that. When we are having this farewell session of Parliament, when I suppose some other Acts like the Preventive Detention Act are also to be extended, may I request the hon. Minister, if it is not too late in the day, if it is not too difficult for him to do so, to amend this Corruption Act further in this very session so as to make provision for the award of deterrent punishment to public servants who have been found guilty of bribery or corruption? In some other connection—in the case of the Essential Supplies Act, I believe—it was suggested that a punishment like flogging in public may be awarded.

Shri T. Husain (Bihar): Why not shooting?

Shri Kamath: That, I mentioned in the morning as an example of punishment which the new State of China is

awarding to corrupt public servants. Whatever it is, I personally feel that, in case it is shown by the hon. Minister that corruption is not decreasing, that corruption is increasing, in case he is not satisfied that corruption is decreasing, it is high time that the Act be made more stringent, and more Draconian measures taken, to really, effectively prevent, and not merely on paper as is mentioned in this Act, bribery and corruption from public servants. The confidence of the public on which the whole structure of Government rests, on which the whole Government edifice is built, will be badly shaken, if Government does not take steps betimes to root out this fatal evil of corruption in the administration. I only hope that the hon. Minister will still think over this matter and even in this very session take steps to amend the Bill further so as to make it really effective and so as to provide for a deterrent punishment to corrupt public servants.

It was shown during recent months that several cases of corruption have passed unnoticed to the last moment and for some reason or other, no effective action was taken. I would only refer—it may not be quite a case of corruption, but really a case of inefficiency which perhaps to a certain extent is inter-linked and inter-related—to the instance of the Government Housing Factory where the Standing Finance Committee of this House unanimously passed a resolution, which is embodied in the minutes of the Standing Finance Committee, urging the Government to institute an enquiry into the causes and factors and the persons responsible for the inefficiency and mismanagement of the factory from beginning to end. These were the very words of the resolution passed by a Standing Committee of this House over which the Finance Minister himself presided, not by a man in the street or just a public man. This Committee made this recommendation unanimously, that is to say, the Finance Minister himself was a party to it. And the Committee urged upon the Government to hold an enquiry. They said that an early enquiry should be held. Questions were raised over this matter in this House. But it was treated in cavalier fashion by the Minister in charge of Health and it was said that Government did not feel that an enquiry was called for, that Government were in possession of all the facts and that no further action was called for. If in a case like this no action was taken, how can we or the public outside have any confidence

in this Government and feel that where there are cases of corruption the Government will take strong action? That is why this Act has remained more or less a dead letter and the people rightly say—I have myself heard it said by highly placed persons, not Government servants, but merchants and others:

“देखेंगे तुम क्या करते हो । हम तो
मिनिस्टर साहब से बात करेंगे और सब
ठीक हो जायगा ”

(We will see what you do. We will see the Minister direct and then everything will be all right.). That is the sort of thing that is gaining ground, and the common man feels that if somebody can pull wires somewhere, say in the Ministry or the Secretariat or somewhere else, he will be able to go scot-free. That is a very unpleasant state of affairs for this nation to be in, especially when it is an infant democracy. The Prime Minister, when he visited a State neighbouring my own State, I mean Vindhya Pradesh, when he visited it as the Congress President—it was reported in the papers also—he came to know from the people and from the records that were called for, that a very high placed person who had been given the Congress ticket for the elections had been convicted of corruption, that he had been arrested for bribery in Constitution House, and an appeal was pending in the Supreme Court. But this information had been concealed from the Prime Minister at the time Congress tickets were being allotted to various candidates. If the Prime Minister himself could be kept in the dark in this fashion by interested persons, then I for one cannot see how an Act like this can work efficiently and stop corruption. I, however, hope and pray to God that wisdom will dawn upon those in charge and efficiency and integrity are upheld in the administration, lest worse befall this nation.

Shri Shiv Charan Lal (Uttar Pradesh): Before the House agrees to extend the term of this Act by five years, we are entitled to know what has been done during the last five years.

बाबू रामनारायण सिंह : बहुत ठीक ।

[**Babu Ramnarayan Singh:** Quite right.]

Shri Shiv Charan Lal: We are entitled to know whether sufficient action has been taken and whether corruption

has been stopped to some extent or to any extent. If it has not, then certainly, we have to find out what was the defect in the Act that we passed in 1947. We have to see if it has to be amended in any way and whether more drastic powers should be given to Government to uproot corruption from the land. We have also to see what are the difficulties on account of which corruption remains in the land. Corruption does remain in the land. There is no doubt about it and Government shall have to accept it. And what is worse, everyone knows that corruption has become more rampant during the last five years than before, in every department especially the Supply Department or the Rationing Department. If corruption has not grown less, then we have to see what this is due to.

Has this Act done anything to uproot corruption? My submission is that it has not. It has failed to do so, because of two main reasons. Firstly, the provisions of the Act are not sufficiently drastic. They ought to be more drastic so that corruption may be uprooted with a cruel hand, I should say. There should be no mercy for a man if he is found to be corrupt. There is no need to go through the formalities of the law to the extent that you do in the case of other offences. In this Act you should have the power to uproot corruption even at the cost of setting aside the formalities of law. That is not possible at present, and that is one of the reasons why this Act has not been able to solve many of the problems connected with corruption.

The other reason is that even this Act has not been utilised sufficiently for the purpose of removing corruption. I know there are three important provisions in this Act. Now, according to them, in how many cases has Government tried to find out whether the accumulations or possessions of a man are disproportionate to his income? In how many cases has this been done? I know there are big officers getting high salaries and if you look into their bank balances and the properties that they have accumulated, you will find them definitely disproportionate to their earnings. Why have not the Government carried out this investigation? I think the proper thing would be to examine every Government servant's possessions to find out whether it is not due to any misconduct that he has accumulated all that. Government has not, I think, made use of this Act as much as they should have.

[Shri Shiv Charan Lal]

In the Provinces Anti-corruption Departments have been opened. I know definitely that some of the high officers in charge of this very department are just those officers who are most corrupt. I know, I can name if I am asked, some officers who are police officers—most of them are police officers in this department—who have amassed much wealth on account of this bribery and they are in charge of this Anti-corruption Department. What are they doing? They are just making money there also. I am not saying this loosely, for I can prove it. Some people are caught. The Anti-corruption Department catches hold of some people, but after some time the cases against them are dropped, why? Because the Anti-corruption Officers there are bribed. That is not the way to proceed if you want this Department to be more effective. If you want it to be effective, you should place the Department under the charge of judicial officers or high executive officers whose character throughout has been unblemished or other public men. You have got with you so many public men on whom you could rely, who may be put in charge of this Department. Do not put the Department in the charge of police officers. Only then can you make use of this Anti-corruption Department to uproot corruption.

This Act should be amended so as to make it more drastic and the definition of criminal misconduct should be made wider. It ought to be possible to bring in it people—public men—Congressmen, members of the party and members of the Assemblies, members of district boards and of municipalities who bring recommendations to the authorities on behalf of guilty persons. Suppose I come and ask a Minister not to take action against such and such a person. I should be hauled up under this Act. I have no right to go and recommend the case of a man who has been guilty of a misconduct. But this is done everywhere. There is not a single man however heinous the crime that he has committed who is not recommended by one of us. That is a shame for us. But I know these definite cases of bribery where somebody comes and speaks to the highest officer and says, "Look here, this man is innocent" knowing full well all the time that the man is not innocent. This kind of action has not been brought under the present definition of criminal misconduct. This should be done so that nobody would dare to come

and recommend to an officer that such and such case should be dropped. Many cases are dropped because of these wrong recommendations. What are the Government officers to do? Unless you prevent your own men from taking sides with such wrong-doers, the wrong-doers will not be punished. They will find out somebody to take up their cause. Therefore the period for this Act ought to be extended but the definition should be put in such a way as to prevent us also from interfering with the Government in their efforts to put down corruption. There is no doubt that not only the lowest but also the highest and the middle class of Government servants are guilty of corruption.

3 P.M.

Therefore, I submit that there should be an enquiry about every man irrespective of whatever be his antecedents. By every man I mean people who are in charge of the Departments or who are in responsible positions because unless they are guilty, the persons in the lower grade will not be guilty. Unless the station master takes the bribe, those who are working in the station will not take bribe. So unless you punish the station master, you cannot punish the subordinates. So it is necessary that, for people in charge of the Departments or Heads of Departments—their matters should be enquired into secretly or privately and they should be set right. This Anti-corruption is a very good Department provided it is put on the right path and right persons are appointed to work in this Department. It can certainly set right the thing.

Then the punishment should also be more drastic. If a man is suspected and there may not be legal proof to get him convicted but the officer in charge is morally convinced that the man is guilty, then he should be punished. He may not be punishable under the I.P.C. but he should be turned out of office or degraded or some such punishment should be given to him departmentally. With the hon. Dr. Katju in charge of the Home Ministry we hope that this corruption will certainly be eradicated within the time he has asked for so that by the time the term expires, he will be able to say from the floor of this House that there is no more corruption and we will all in that respect consider that Dr. Katju has

certainly done the thing which the country at present needs.

With these words I support the motion but at the same time I ask the Government to make amendments in the Act so as to make it more drastic.

श्री एस० ऐन० बास : इस छोटे से बिल पर मैं इस सभा का अधिक समय लेना मुनासिब नहीं समझता। इस चुनाव के सिलसिले में मुझे हिन्दुस्तान के एक हिस्से के बहुत से गांवों में जाने का मौका मिला और मुझे शायद ही कोई ऐसा गांव मिला होगा जहां पर कि अनपढ़ से अनपढ़ जनता ने इस भाव को प्रकट न किया हो कि इस चालू सरकार की कमियों में से सब से जबरदस्त कमी भ्रष्टाचार और घूसखोरी के फैलने की है। जब हिन्दुस्तान में हम स्वराज्य की लड़ाई लड़ रहे थे तो हम ने न केवल इस बात का नक्शा जनता के सामने खींचा था कि उन को राजनीतिक स्वतंत्रता के साथ आर्थिक स्वतंत्रता भी मिलेगी और उन की गरीबी भी दूर होगी, बल्कि हम ने उस समय जनता का ध्यान उस वक्त फैले हुए भ्रष्टाचार की ओर भी खींचा था और हम ने उम्मीद दिलाई थी कि स्वराज्य होने पर हमारा शासन शुद्ध और पवित्र होगा। लेकिन बहुत दुःख के साथ हमें भी यह मानना पड़ता है—और जनता तो बहुत परेशानी और निराशा के साथ इस बात को महसूस करती ही है—कि स्वराज्य के बाद भ्रष्टाचार और घूसखोरी बहुत बढ़ गई है। हम ने अपने चुनाव आन्दोलन में इस सिलसिले में जनता के सामने इस बात का खंडन किया है कि घूसखोरी और भ्रष्टाचार बढ़ गये हैं। हम ने उन को यह बतलाया है कि यह बढ़े नहीं हैं बल्कि सरकार के ऐसे महकमे बढ़ गये हैं जिन के साथ जनता का सम्पर्क दिन ब दिन बढ़ता जाता है और

जनता अपनी आंखें खुलने के बाद अब देखने लगी है कि यहां घूसखोरी है। पहले सरकार का मुख्य काम कचहरियों से होता था और जो जनता कचहरी जाती थी वही समझ पाती थी कि घूसखोरी है, लेकिन स्वराज्य के बाद हम ने जनता की भलाई के लिए बहुत से महकमे खोले हैं और उन महकमों से हम को जनता के आर्थिक और दूसरे प्रकार के सुधार की बहुत आशा है। जब जनता देखती है कि ऐसी संस्थाओं में, ऐसे सरकारी महकमों में, जिन का काम जनता का सुधार करना है, उन्हें पग पग पर घूसखोरी का आश्रय लेना पड़ता है तो जनता एकदम निराश हो जाती है। इसलिये हिन्दुस्तान के चुनावों के सिलसिले में मेरा ख्याल है कि उन भाइयों को जिन को गांवों में जाने का मौका मिला होगा, और खास कर उन को जिन का सम्बन्ध कि शासन करने वाली पार्टी से है, उन को जनता ने वोट देने के साथ साथ इस बात की भी तम्बीह की होगी कि आगे शासन में घूसखोरी बन्द होनी चाहिये। इसीलिये मैं ने इस छोटे से बिल पर बोलने के लिए इस सभा का कुछ बहुमूल्य समय लिया है।

बहुत से माननीय सदस्यों ने इस बात पर आश्चर्य प्रकट किया है कि क्यों सरकार समय समय पर इस बिल की अवधि को बढ़ाती चली जाती है। मेरा ख्याल है और मैं समझता हूं कि यह जरूरी है कि इस प्रकार के कानून को निश्चित समय के लिए ही बनाया जाय। सरकार के चलाने वालों की जो हमारी मैशीनरी (Machinery) है उस को हम ने विधान के जरिये बहुत से मौलिक अधिकार दे दिये हैं और उन में हम साधारण तौर से हस्तक्षेप नहीं

[श्री एस० ऐन० दास]

कर सकते। यह हम ने इस विचार से किया है कि जो कर्मचारी हमारे शासन को आगे चलाने आयेंगे वह जनता से ऊंचे उठे हुए होंगे। इसलिये हम इस बात की अपेक्षा करते हैं कि किसी खास समय के लिए ऐसे कानून बनाये जायें और समय समय पर हम देखें कि उन से लाभ पहुंच रहा है या नहीं। मैं समझता हूँ कि ऐसा करना गैर मुनासिब नहीं है। इसलिये पांच या तीन वर्ष के बाद अगर इस पार्लियामेंट को इस बात के जांचने और परखने का मौका मिले कि जो कानून हम ने तीन वर्ष पहले पास किया था उसका क्या असर पड़ा तो मैं समझता हूँ कि उचित ही है। इस तरह के कानून को कानून की किताब में हमेशा के लिए रख देना मैं समझता हूँ मानव स्वभाव का—और खास कर के आगे जो हमारे शासन चलाने वाले कर्मचारी आयेंगे उन का—अपमान करवा है। हम उम्मीद करते हैं कि स्वराज्य के बाद हम बहुत जल्द अपनी शिक्षा प्रणाली को बदलने के प्रयत्न करेंगे और देश की आर्थिक व्यवस्था को भी सुधारेंगे जिस से जिन कर्मचारियों को आगे हम अपना शासन चलाने के लिए नियुक्त करेंगे वह उन में ऊंचे दर्जे के होंगे जैसे कि आज हैं। इसलिये मैं समझता हूँ कि चोरी या डकैती की तरह इस कानून को भी हमेशा के लिए बना देना सरकारी नौकरी की तौहीन है और सरकार की भी तौहीन है जो बार बार ऐसे लोगों को नियुक्त करती है जिन के बारे में यह ख्याल किया जाता है कि वह शासन को बिना भ्रष्टाचार के नहीं चला सकते! इसलिये मैं समझता हूँ कि इस कानून की अवधि को पांच वर्ष के लिए बढ़ा देना गैर मुनासिब नहीं है। यही होना चाहिये। अगर हम इसको हमेशा के लिए कानून की किताब में रख

देंगे तो यह अनुचित होगा; यह मनुष्य स्वभाव के भी विरुद्ध होगा और इस संसद के लिए भी अनुचित होगा।

दूसरी बात अध्यक्ष महोदय मैं यह कहना चाहूंगा कि भ्रष्टाचार को केवल कानून से नहीं रोका जा सकेगा। जब हम इस सभा में कानून बनाने बैठते हैं तो हम को अपने सामने मनुष्य स्वभाव को रखना चाहिये; मनुष्य की मनोवृत्ति को अपने सामने रखना चाहिये और साथ ही रखना चाहिये उस व्यवस्था को कि जिस व्यवस्था के अन्दर हम अपने मुल्क को रख रहे हैं। मेरा ख्याल है कि हम ने विधान के जरिये जो संकल्प किया था कि सामाजिक, आर्थिक और राजनीतिक न्याय सभी को मिलेगा, उस दिशा में हम ने एक कदम भी नहीं उठाया है और हम ने इस दिशा में भी कोई कदम नहीं उठाया है कि पद की विभिन्नता के साथ वेतन की विभिन्नता कम से कम कर दी जाय। एक बड़े ओहदे पर रहने वाला.....

Mr. Speaker: I am afraid he is going into a much wider question which is not before the House. As the hon. Member himself said in the beginning, the question before the House is a very short one but he is going into the general field of corruption, the psychology behind it and the reasons behind it and all that. That means the discussion here will be a never-ending one. The only question is whether this Act should be extended or not, and if at all it should be extended whether it should be extended to the extent of five years or for some other period. But there is no amendment tabled to that end.

Khwaja Inait Ullah: There is one here.

Mr. Speaker: It is too late now.

श्री एस० ऐन० दास : अध्यक्ष महोदय, आप ने जिस विषय की ओर मेरा ध्यान खींचा है वह उचित तो है और इस बात

से भी कोई इनकार नहीं कर सकता कि जिस बिल को हमने मार्च सन् १९४७ में पास किया था उस की आज भी आवश्यकता है। लेकिन इस की आवश्यकता क्यों है इस बात पर विचार करते हुए इस तरह की दो चार बातें कह देना जरूरी है। लेकिन आप की आज्ञा नहीं इसलिये मैं इन बातों को नहीं कहूंगा। मैं समझता हूं कि जो यह बिल हमारे माननीय गृह मंत्री ने इस सभा के सामने उपस्थित किया है इस की आवश्यकता से इनकार नहीं किया जा सकता। लेकिन मैं इस के साथ ही साथ इस मौके पर सरकार को यह याद दिलाना चाहता हूं कि अगर सरकार इस सभा के सामने इस कानून की अवधि बढ़ाने के लिए आती है तो सरकार को यह देखना भी मुनासिब है, जैसा कि मेरे साथी अनेक माननीय सदस्यों ने बताया है, कि अब तक इस कानून का किस तरह से प्रयोग हुआ है और इस में कहां तक सरकार को सफलता मिली है और आया सरकार ने अपनी ओर से कोई ऐसा विधान या मैशीनरी बनाई है कि जिस के जरिये से इस कानून को अच्छी तरह से लागू किया जा सके! सरकार तभी धन्यवाद की पात्र हो सकती थी जब कि वह इन तीन वर्षों में ऐसा काम करती कि इस प्रकार के विधेयक को यहां लाने की आवश्यकता ही न रहती। लेकिन जब सरकार को इस प्रकार का विधेयक लाना पड़ा है तो हम यही मानेंगे कि सरकार ने उसनी मुस्सैदी और तत्परता से काम नहीं किया है जैसा कि उसे करना चाहिये था। इस चुनाव के सिलसिले में मुझे जो अनुभव प्राप्त हुआ है उस से मैं सरकार से निवेदन कर देना चाहता हूं कि अगर उसे जनता की आशाओं और आकांक्षाओं को संतुष्ट करना है और अगर वह चाहती है कि जनता का पूरा सहयोग उस को शासन में मिले तो

उसे आर्थिक सुधार का काम करना चाहिये और उस से भी ज्यादा शासन को पवित्र और शुद्ध करने का काम करना चाहिये। मेरे भाई शिव चरणलाल जी ने जो अभी अपने विचार प्रकट किये हैं मैं उन से असहमत नहीं हूं, लेकिन साथ ही साथ मैं कहना चाहता हूं कि एक समय में एक ही काम किया जा सकता है। हमारा जीवन पवित्र होना चाहिये इस में सन्देह नहीं, और यह भी सही है कि हमारे राष्ट्र पिता ने हम से जितनी आशा की थी उस को हम पूरी नहीं कर पाये हैं। लेकिन साथ ही साथ हम यह मानते हैं कि एक सार्वजनिक कार्यकर्ता या संसद् या विधान सभा के सदस्य की जितनी जिम्मेदारी है उस से कहीं अधिक जिम्मेदारी हमारे शासन को चलाने वाले कर्मचारियों की है। हमारी परीक्षा तो पांच पांच बरस में होती है जब कि हमें जनता के सामने जाना पड़ता है लेकिन जो कर्मचारी एक बार नियुक्त हो जाता है तो उस का अधिकार सदा के लिए विधान द्वारा गारंटीड (guaranteed) कर दिया जाता है। जब तक उन के विरुद्ध कोई जबरदस्त शिकायत न हो तब तक वह हटाये नहीं जा सकते। इसलिये अपने सार्वजनिक जीवन को शुद्ध करते हुए हम संसद् या विधान सभा के सदस्यों को इस में शामिल नहीं कर सकते हैं।

लेकिन साथ ही मैं यह भी समझता हूं कि शासन के कर्मचारियों की ओर शासन के विभागों की बहुत ही अधिक जिम्मेदारी है। जो चुने हुए शासक हैं कुछ हद तक जनता के हाथ उन की परीक्षा का समय आता है, लेकिन शासन चलाने वाले जो कर्मचारी हैं उन को जनता के सामने उस परीक्षा को पास करने के लिये कभी नहीं जाना पड़ता। बल्कि उन के जो अधिकार

[श्री एस० ऐन० दास]

हैं विधान के जरिए वह सुरक्षित कर दिये गये हैं और किसी भी कर्मचारी को अगर गलत तरीके से या कानून की दृष्टि से गलत तरीके से अलग कर दिया जाता है तो उस के लिये संविधान में सुरक्षा दी हुई है। इसलिये शासन की पवित्रता को कायम रखने के लिये शासन को चलाने वाले जो हमारे कर्मचारी हैं, हमारे जो सार्वजनिक सेवक हैं, उन के आचरण पर दृष्टि रखना अत्यन्त ही जरूरी है।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ और उम्मीद करता हूँ कि इस कानून को मुत्तैबी और तत्परता के साथ लागू करने का प्रयत्न किया जायगा।

(English translation of the above speech)

Shri S. N. Das (Bihar): I do not propose to take much time of the House on this minor Bill. The present elections provided me with an opportunity of visiting a large number of villages in a particular part of the country. During my tour I hardly found a village where even the most illiterate people did not express the view that out of the many failures and shortcomings of the present Government, the greatest was that it could not check corruption and bribery in the country. While fighting for our Independence we had declared that if India became independent, poverty would disappear and people would attain not only political but also economic freedom. Not only this, we also drew their attention to corruption and bribery obtaining then and assured them that after India had achieved independence its body politic would be cleared of the virus of corruption and bribery. But we must admit with great regret—people have already been experiencing a sense of utter disappointment and helplessness—that since the advent of independence corruption and bribery have become still more rampant. In the election campaign we refuted the charge that corruption and bribery have become more rampant. On the other hand we held that it was not corruption and bribery that had increased but what had really happened was that such department

of the Government, with which people had direct contact, had increased thereby making the people see things in their true colours. Previously it was the courts alone with which people had a direct contact and as such only court-going people knew of bribery etc. But after independence many more departments for the benefit of the common people have been opened and they look to them for economic and other developments. When people find corruption and bribery in those very departments and organisations whose primary function is to serve the people, their disappointment passes all limits. Those who had to go to villages—and especially those who are connected with the party in power these days—must have noted that the people voting for them also reminded them that corruption must be put an end to. It is on account of this very fact that I have chosen to take the precious time of the House.

Many an hon. Member has expressed surprise at the fact that the Government have been time and again seeking to extend the life of this Act. I believe it is desirable that a measure of such a nature be enacted only for a definite period of time. Our Constitution provides the administrative machinery with certain fundamental rights which normally we are not supposed to interfere with. This is done in view of the fact that we believe those, who will be in charge of the administration in the days to come, will be above all party politics. That is why we seek to confine the life of such legislations to a definite period of time. This provides us an opportunity to see whether or not the measure is beneficial any longer. It is, therefore, not improper that Parliament gets an opportunity of examining afresh the necessity or otherwise of the continuance of such a legislation, enacted say three years back. Putting such a law on the Statute Book is a disgrace to human nature and especially to those who are to run the administration of the country in the future. Now that we have achieved independence, we hope to bring about far-reaching changes in our entire system of education and develop the economic set-up of the country with a view to having better administrators in future. I am, therefore, of the opinion that putting such a law on the statute book is a disgrace not only to the Government servants—but also to the Government themselves as that would suggest that they always employ such persons as are prone to indulge in corruption and bribery and are unfit to run the

administration. Therefore, I believe that there is nothing wrong if the term of this Act is further extended for five years. If it is put permanently on the Statute Book it would be inconsistent with human nature and also not justifiable on the part of the House.

The next thing that I would like to mention Sir, in this connection is that corruption cannot be checked merely by enacting laws. While enacting laws in the House we should take into consideration human nature, human psychology and the entire set-up under which we are administering our country. In our Constitution we have solemnly resolved to secure to all the citizens justice—social, economic and political; but so far we have not taken any steps in that direction. Not to speak of that, we have not even done anything to minimise the vast difference obtaining at present between the salaries given to various classes of Government employees. An officer holding a high post.....

Mr. Speaker: I am afraid he is going into a much wider question which is not before the House. As the hon. Member himself said in the beginning, the question before the House is a very short one but he is going into the general field of corruption, the psychology behind it and the reasons behind it and all that. That means the discussion here will be a never-ending one. The only question is whether this Act should be extended or not, and if at all it is to be extended whether it should be extended to the extent of five years or for some other period. But there is no amendment tabled to that end.

Khwaja Inait Ullah: There is one here.

Mr. Speaker: It is too late now.

Shri S. N. Das: The point which you Sir, have drawn my attention to is correct, but there is no denying that the Bill passed by us in March 1947 is still required and there are certain things which are worth referring to as they go a long way to show why the life of this Act requires to be further extended. However, if you do not permit, I shall not go into those details. Although, none can deny the necessity of the Bill introduced by the hon. Minister of Home Affairs, I would take this opportunity of drawing the Government's attention to the fact that while seeking to extend the life of this Bill they ought to see to what extent they have succeeded in working out the provisions of this Act and whether they have set up any machinery for the satisfactory implementation of the

same. The Government could deserve praise only if, in the course of the last three years, they were able to manage things in such a manner as would have ruled out the necessity of extending the life of the Act any further. Under the present conditions, when the Government are seeking to extend the life of this Act for a further period, we are bound to draw the conclusion that they have not done what ought to have been done. In the light of the experiences gained by me in connection with these elections, may I submit that if the Government have a mind to meet the expectations and fulfil the hopes of the people and also get their fullest co-operation, it is high time they took early steps to improve the economic conditions of the country and clear the administration of all sort of corruption. I am not at all opposed to the views expressed just now by my hon. friend Shri Shiv Charan Lal but, all the same, I would like to submit that one and only one thing could be done at one time. It is true that we should make our conduct flawless. It is also correct that we have not come up to the hopes that the Father of the Nation had cherished. Nevertheless, there is no denying the fact that our Government servants have much more responsibility than what a social worker or a Member of Parliament or any other legislature has. So far as we are concerned, we have to face the electorate after every five years; but the position of a Government servant is guaranteed for good after his appointment. They cannot be removed until and unless some serious charges are proved against them. We cannot, therefore, bring the Members of Parliament or Members of other legislatures under the purview of this measure. In spite of all this I do recognise the heavy responsibility of the Government employees and various departments. A few persons who are at the helm of affairs in the Government do face the electorate after a prescribed time, but such is not the case with all Government servants. Their rights have been secured by the Constitution. The Constitution provides ample safeguards to those who may be removed on wrongful or legally untenable grounds. It is with a view to maintaining the integrity of the administration that the conduct of the public servants requires to be closely watched.

With this I welcome this measure and hope that Government would take prompt and positive steps to implement the provisions of this Act.

पंडित ठाकुर दास नारंग : जो बहस अभी तक हाउस (House) में हुई है

[पंडित ठाकुर दास भार्गव]

उस में मुझे ऐसा मालूम होता है कि जैसे यह सारा मामला करप्शन (Corruption) का और ब्राइबरी (Bribery) का हाउस के सामने है। लेकिन दर असल ऐसा नहीं है। जैसा जनाब वाला ने अभी दरशाद करमाया है, सिर्फ छोटा सा मामला जो हाउस के सामने है वह यह है कि आया यह बिल जो सन् १९४७ में हम ने पास किया था इस को पांच साल के लिये बढ़ा दिया जाय या नहीं। इतिफाक से मैं उस कमेटी का मेम्बर हूँ जिस को कि गवर्नमेंट ने इस ऐक्ट (Act) के बारे में और दूसरे जो इस के साथ मिले हुए मामले हैं उन की जांच पड़ताल के वास्ते मुक़र्रर किया है। यह जो कमेटी मुक़र्रर है, जिस के बहसी टेक चन्दजी साहब प्रेजिडेंट (President) हैं और बहसियत उस कमेटी के मेम्बर के हम नें गवर्नमेंट को एक रिपोर्ट (report) भेजी थी कि इस ऐक्ट की पांच साल के वास्ते तौसीअ कर दी जाय। मैं इस वक्त यहां इसी गरज से खड़ा हुआ हूँ कि जनाब वाला की खिदमत में अर्ज कर्क कि इस ऐक्ट की पांच साल के लिये तौसीअ करना निहायत जरूरी है। जिस वक्त सन १९४७ में इस ऐक्ट को पास किया गया तो इस ऐक्ट को पास करने में और इस ऐक्ट के चन्द उसूलों की वजाहत के बयान में मैं ने हिस्सा लिया था। उस वक्त कई बातों की मैं ने मुखाफ़ित की थी। वह वक्त और तरह का था। हम सब को मालूम है कि इस पिछली बड़ी लड़ाई के ज़माने में बहुत ज्यादा मौका पबलिक सर्वेंट्स (Public Servants) को रिहवत लेने का और और तरह की कार्यावाही करने का मिला।

तो इसी वजह से उस ज़माने में सन १९४७ में जिस क़दर करप्शन (Corruption) इस मुल्क में हुआ वह किसी से पोशीदा नहीं है। उस हालत में जब कि हमारी गवर्नमेंट को पावर्स (powers) मिलीं तो हमारे सरदार पटेल साहब ने हाउस में यह स्पीच दी थी कि इस क़दर करप्शन बढ़ गया है कि जिस के लिये इस ऐक्ट को पास करना लाज़मी है। उस वक्त क्रिमिनल मिसकांडक्ट (Criminal misconduct) की तारीफ़ भी बताई गयी थी और एक उसूल कायम किया गया था जो पहले कभी क्रिमिनल ज्यूरिसप्रूडेंस (Criminal jurisprudence) को मालूम नहीं था। वह यह था कि अगर कोई पबलिक सर्वेंट इतनी जायदाद इकट्ठी कर ले जो उस के जाहिरा वसायल दौलत इकट्ठा करने से ज्यादा है तो उस की बाबत जब उस से बाज-पुर्स की जाय और वह जवाबदेही न कर सके तो प्रिजम्पशन (presumption) उस के बारे में गुनाह का इस तरह से हो सकता है कि उस ने जो ज़राए अख़्तियार किये हैं वह नाजायज़ और ग़लत हैं। यह नया उसूल इस ऐक्ट में जारी किया गया। फिर इस बात को देखने के लिये, मुलज़िम को मौका देने के लिये, कि उस के बरखिलाफ जो यह प्रिजम्पशन निकलता है उस को वह कैसे दूर कर सके, एक नया डिपार्टर (departure) दूसरे क़ानून से किया और मुलज़िम को भी मौका दिया कि वह अपने डिफेंस (defence) के वास्ते खुद गवाही दे सके। यह जो ऐक्ट और बिल हाउस के सामने है यह एक तरह से जो दूसरे क्रिमिनल ऐक्ट्स (Criminal Acts) हैं उन से बहुत मुस्तलिफ़ है। इस में मुलज़िम पर बोझ डाला गया है कि ऐसे

हालात में वह बयान करे कि किस तरह उस ने दौलत इकट्ठी की और उस की जो कार्यवाही थी वह ऐसी थी कि जिस से उस को मुजरिम नहीं गिना जा सकता।

अब सवाल यह है कि आया ऐसे उसूल को जो कि क्रिमिनल ज्युरिसप्रूडेंस के खिलाफ है, हमें पांच साल के लिये तौसीअ दें या नहीं। हाउस के सामने सवाल सिर्फ यह है। सवाल यह नहीं है कि करप्शन है या नहीं। न यह सवाल है कि इस ऐक्ट ने कोई ऐसा जादू का काम कर दिया है या नहीं कि करप्शन को खत्म कर दिया। या जैसे अभी हमारे भाई ने फरमाया जो मुझ से पहले बोले कि दर असल करप्शन का मामला इतना बसीअ है कि इस में जाने का, कि क्यों करप्शन होता है, कैसे होता है, कैसे इसे रोका जा सकता है, इस वक्त न इतना मौका है और न इस वक्त इतनी बहस की जा सकती है। सच तो यह है कि जब तक रिश्वत देने वाले हैं तब तक रिश्वत लेने वाले मौजूद रहेंगे यह इस बिल से तय नहीं होगा। अगर आनरेबिल मेम्बर साहब (hon. Member) का यह ख्याल है कि इस नुश्ते नज़र से देखें कि किस हद तक इस बिल या ऐक्ट की कह से रिश्वत कम हो गयी है या मिट गई है तो यह नामुमकिन मालूम होता है।

उस कमेटी की रिपोर्ट जब पेश होगी तो मालूम होगा कि इस ऐक्ट का कितना असर हुआ। उस कमेटी के सामने बहुत सी चीजें आई जो करप्शन के मुताल्लिक हैं। लेकिन यह इंटरिम रिपोर्ट (Interim report) इस वास्ते की गयी है कि इस हाउस के अन्दर सभी जानते हैं कि करप्शन काफ़ी देश के अन्दर मौजूद

है, जिस से यह ज़रूरी है कि जो मौजूदा कानून है उस को जारी रखा जा सके। लेकिन मैं नहीं समझता जब मैं इस बहस को देखता हूँ और देखता हूँ कि मेम्बरान जो खड़े होते हैं वह बार बार यह दोहराते हैं कि इस ऐक्ट का क्या असर हुआ है। जब वह अपनी पूरी जिम्मेदारी को महसूस करते हुए यह मानते हैं कि देश के अन्दर करप्शन मौजूद है और हमें इस को दूर करना है तो इस में कोई शक नहीं है कि इस बिल की ज़रूरत है पांच साल के वास्ते। इस वास्ते मैं समझता हूँ कि इस वक्त उस शहादत के पेश करने की ज़रूरत होम मिनिस्टर साहब (Home Minister) को कतई नहीं थी जिस से यह मालूम होता कि इस ऐक्ट ने कितना फायदा पहुंचाया है। फ़िलवाक़ यह ऐसी नामुमकिन डिमांड (demand) है जिस को पूरा नहीं किया जा सकता। जितने भुकादमे पेश होते हैं उन में यह सवाल पेश नहीं होता कि उस में कितनी दौलत पैदा की है। जो रिश्वत लेता है वह काफ़ी होशियार होता है। वह सारी जायदाद को अपने ही नाम में नहीं रखता, अपनी जायदाद को वह किसी दूसरे के नाम कर सकता है। इस लिये मैं अर्ज करता हूँ कि इस तरह की कार्यवाही करना कि हर एक आदमी के पीछे एक रॉविंग इनक्वायरी (Roving enquiry) कर दी जाय यह बिल्कुल नामुमकिन है। अगर ऐसा किया गया तो इस देश में कोई पब्लिक सर्वेंट होना ही पसन्द नहीं करेगा। ऐसी बीमारी के इलाज के लिये तो वह दवा होगी वह बीमारी से भी ज्यादा खराब साबित होगी। इस लिये मैं अदब से अर्ज करना चाहता हूँ कि जो असूल

[पंडित ठाकुर दास भार्गव]

इस बिल के पीछे है उस पर हम बहस करना चाहें तो दूसरी बात है, उस के वजहों बहुत ज्यादा डीप (deep) हैं और उन की वजह से हमें मामूली तरीकों में तबदीली करनी पड़ी है जिस से कि हम इस बीमारी को दूर कर सकें।

अभी इस बात तो हाउस के सामने सीधा सवाल यह पेश है कि हम इस को पांच साल के लिये पास करें, या नहीं हमारे तर्जुमों से इस को पांच साल के लिये पास करना ठीक होना या नहीं। मैं समझता हूँ कि देश की हालत अगर अच्छी होती तो यह उसूल जो बिल में रखा गया है इस की जरूरत नहीं थी। क्रिमिनल जूरिस्प्रूडेंस इस उसूल को पसन्द नहीं करता। हमें ऐसा उसूल नहीं रखना चाहिये कि मुलजिम पर बोझ डालें। लेकिन देश के खास हालात में यह ऐक्ट पास किया गया था और हाउस की राय में उन हालात में कोई तबदीली नहीं हुई। इस लिये मैं अदब से अर्ज करूंगा कि बिजा किसी और बहस के हाउस इस पर तबज्जह करे कि पांच साल के लिये इस को पास किया जाय या नहीं और इस बहस में न पड़े कि इस बिल से कितना फायदा पहुंचा है और कितना फायदा पहुंच सकता है इस लिये मैं इस बिल को सपोर्ट (support) करता हूँ और अदब से हाउस से अर्ज करता हूँ कि हाउस इस को पास कर दे।

(English translation of the above speech)

Pandit Thakur Das Bhargava (Punjab): From the debate that has taken place in the House it seems as if the problem of corruption and bribery in its entirety has come up before the House; but in fact this is not actually so. The only question

before the House, as suggested by you, Sir, is whether the life of the Act that was passed in the year 1947 should be extended by another five years or not. I happen to be a Member of the committee which has been set up by the Government to probe into this subject and other related matters. The Committee which met under the Chairmanship of Bakshi Tek Chand has submitted a report to the Government recommending further extension of the life of this Act by five years. Sir, I am here to submit that extension of this Act by another five years is most essential. In the year 1947 when this Act was passed I had taken part in its deliberations and had sought clarification of some of its underlying principles. I had opposed many a thing at that time. But things have altogether changed now. All of us know that the public servants got a fairly good opportunity to indulge in bribery and other such undesirable activities during the last World War. How corruption was rampant in the country at that time is an open secret. And when our National Government took over the reins of administration of the country, it was under those circumstances that the late Sardar Patel had to declare in the House that corruption was rampant in the country to such an extent that it was essential to pass this Act. The term 'criminal misconduct' was defined at that time and a principle was established which was altogether a new thing in the history of criminal jurisprudence. It was that if any public servant acquired any property beyond his evident resources and if on investigation he failed to explain the means of its acquisition, it would be presumed that he has used unfair and wrong means in acquiring that property and thus committed an offence in the eyes of law. This was the new principle which was introduced in the Act. Then another departure was made from other laws by giving the accused a chance to give evidence in his own defence to disprove the allegations made against him. The Act and the Bill pending before the House are somewhat different from other criminal Acts. In this Act onus has been placed on the accused and he is asked under these circumstances, to explain how he acquired that wealth and to prove that by virtue of his actions he could not be deemed an offender.

Now the question is whether the life of this Act, which is contrary to the general canons of criminal jurisprudence, should be extended to a further period of five years or not.

This is the only question that the House has to tackle. Whether corruption is existing at present or not is not the question at stake. Whether this Act has been magically efficacious and has removed corruption that too is not the question; or as my hon. friend who spoke before me, stated there was no time and occasion to go into the causes of corruption and think of the means to put an end to it as it was such a vast subject. As a matter of fact the persons who take bribes would be there so long as people who offer bribes are there. The Bill would not settle this issue. If the hon. Members want to judge this measure by the amount of success it has gained, I think that would not be possible.

The report of the Committee when published would throw light on the effects of this Act. It has taken note of many a thing which relates to corruption. All of us are aware of the fact that corruption is rampant in the country and this necessitates the extension of this Act; the interim report has been submitted only in support of this fact. I am sorry I fail to see any logic in their argument when the hon. Members rise and repeatedly ask about the effects of this Act, while they at the same time feel and confess that corruption is rampant throughout the country and has to be removed, and further when they are clear in their mind on this point that this measure is badly needed—at least for five years more. Under these circumstances I feel that the hon. Home Minister need not at all give proof of the good that has resulted from this Act. Indeed it is such a demand which cannot be met. In all the cases that are referred to court it is not asked how much wealth the accused has acquired. People who indulge in corruption are very expert in their trade. They do not register all the property in their own names. They register it in the name of somebody else. They can register their property in the name of other persons. So my submission is that it is altogether impossible to hold a roving enquiry against everybody. If such methods are resorted to nobody would like to be a public servant in the country. A remedy of this nature would prove worse than the disease itself. Hence I would like to submit that if we want to discuss the main principle underlying this Bill it would be altogether a different matter. Its causes are somewhat deep-rooted and that is why we have to change the ordinary procedure to uproot this social evil.

The House has a direct question to answer this time and it is whether we should extend the life of this Act by another five years or not, and whether this extension would be desirable or not in view of our past experiences. I am of the opinion that if the conditions prevailing in the country would have been somewhat better, it was not at all necessary to keep the principle underlying this Act intact. Criminal jurisprudence does not like such principles. We should not adopt a principle which places the onus on the accused. But the Act was passed in somewhat unhealthy conditions prevailing in the country at that time and in the opinion of the House those conditions still continue. I therefore submit that the House should, without indulging in any sort of further discussions, focus its attention on this point, only that is, whether the life of this Act should be extended by five years or not, and should stop asking questions, such as how far it has benefited the country, how far it is going to benefit it and so on. With these words, I support this Bill and respectfully call upon the House to pass it.

Shri T. Husain: The Prevention of Corruption Act, 1947, is due to expire next month and it is essential that the period should be extended. When it was first introduced in 1947, it was intended to be for three years only, but later on it was found necessary to extend it for two years and accordingly it was extended for two years. Again now, it is found necessary to extend it further.

[**PANDIT THAKUR DAS BHARGAVA**
in the Chair]

I entirely agree with this amendment and personally I would suggest that it should be made a permanent measure like the Indian Penal Code. We have already come thrice before the House for extending this Bill and after five years we will, in all probability, have to come again before the House for extending it. In my opinion, therefore, it would be better to put this Bill permanently on the statute book.

What I wish to point out is this. There is no provision in the Act of 1947 for the protection of a public servant if false accusations of bribery are made against him. I will give you a concrete example without mentioning names. In 1947 some public servants were alleged to have taken bribes. Anonymous letters were received by Government and after an enquiry they were prosecuted in a court of law. The case went on for

[Shri T. Husain]

three years. Out of the several accused, I am talking of one man particularly. Before the case went up before the court, he was due for promotion. The Selection Board had recommended his name. His record was excellent and above board. His case was before the Minister concerned. Meanwhile, the charges were made against him and he was prosecuted with others in a court of law. After due trial, the court came to the conclusion that the case was absolutely false and the accused including this particular public servant were honourably acquitted.

Now, this man was suspended for three years. His promotion was stopped. He was superseded. He has been reinstated no doubt, but has become junior to his juniors and is entirely helpless now. In the Middle East there are courts—in Baghdad I saw one myself—which are meant exclusively for Government servants. If a Government servant has a grievance against Government, he files a suit in that court and judgment is delivered against Government. If Government have anything against a particular Government servant, they can institute a case against that man and the court delivers judgment against him. Supposing there had been such a court in this country, in all probability he would have gone to the court and if he was able to prove his case, he would have obtained a decree and would have been promoted from the date on which he was suspended.

I am only suggesting to the hon. Minister that corruption is not going to be eradicated within five years or even ten years. Why not, therefore, withdraw this Bill and bring forward another Bill incorporating my suggestion. If you do this, you will protect honest public servants.

Prof. K. T. Shah (Bihar): I would like to bring this debate into a somewhat different focus than it seems to have been accepted tacitly by the House. It is not for me to defend public servants. Much more powerful forces are going to defend them as a class. But speaking for myself, I would say that the under-tone of this debate in general, which seemed to be that as a class Government servants or public servants are corrupt, is unjustified. By far the larger numbers, so far as my experience goes—and I think it is very limited—particularly of the lower ranks are honest, hard-working sincere public servants. (An Hon. Member: Question). I am only speaking of my experience. Your experience may be

more unfortunate. But I do think that in this House we should also take notice of those who have worked very hard, perhaps received much less than their meet and yet in the midst of temptation have remained far more honest than could be expected under similar circumstances in commercial or industrial world.

Corruption is much greater, I know it, in the world of commerce and industry than is generally assumed or implied in this Bill as regards public servants. You, Sir, yourself were good enough to suggest that there cannot be a bribe-taker unless there is a bribe-giver. The capacity to corrupt people, to bribe, lies much more with the social elements, the capitalist world which has the possibility, the ability and the opportunity to bring in corruption, that given the temptation people may succumb. So far as my experience goes, I think if there is corruption it is much more in the higher ranks where there is not only the ability and the opportunity of knowing the impending charges or impending accusation, but also the ability and the possibility of getting out. I know that the principle of jurisprudence that we have accepted—and quite rightly—is that it is much better that a hundred guilty persons should escape unpunished than that one innocent person should suffer. I accept that, and accepting that I feel that the charges suggested or implied here may not be quite valid. It would take me perhaps into a wider field if I were to expand upon this subject that corruption exists or happens, because the social system is such that it is bound to bring in these elements, undesirable elements, who can influence and corrupt public officials in the discharge of their duties for their own profit. But while I am not anxious at this moment to go into the foundations of the capitalist and individualist society, or the working of the profit motive which corrupts perhaps a larger number than we are prepared to accept, I would like to say this that when we are asked to extend the period of this Act, we must know whether such provision as we have made has been efficacious, has proved successful in working. That was why the demand was made, while the hon. Minister was proposing this measure, for us to know as to how far the previous measure has checked the evil, so that a justification can be made for extending for a further period a legislation of this kind which, when all is said and done, is a kind of a slur, a kind of a stain upon the whole body of public servants. I think we would

not be justified in extending it even by a day unless the evil is so great as the public is allowed to imagine. On the other hand, if you really have information, if you have data to tell us that the evil is sufficiently great for us to continue this measure for another term, then I think it is up to Government to take the House into their confidence, to take the public into their confidence and tell us the extent to which this evil has in the last five years prevailed, how many enquiries have been made by Government, whether departmental or otherwise, how many cases have been proved or have been disproved and therefore what real justification there is for the extension even by a single day of this measure which I repeat in the absence of such justification would amount to an unjustified slur upon public servants. If it is necessary, if you think that it is in human nature to be tempted, then, as a previous speaker suggested, make it a permanent measure: make it a part of your entire legal system and then continue it indefinitely. After all every Parliament is sovereign and every Parliament can, when it feels that the necessity no longer exists, repeal a measure that has ceased to be of any utility. On the other hand if a thing like this has spread to such dimensions that we must have a statutory authority, that we cannot be content with the ordinary law, or the powers that are included in the Government Servants' Conduct Rules then I repeat it is absolutely necessary before the House should be called upon to consent to such a measure being extended for five years, it should be told what is the extent to which, from past experience, corruption has been found by Government.

Some of us had brought forward motions while the Constitution was going through the Constituent Assembly and even subsequently to make provision for enquiries to find out if at all corruption has taken place. From what fell from your own mouth a little while ago, the impression seems to have occurred to you that it would be a sort of roving commission to make an enquiry into the fortunes of retiring public servants. I was guilty of tabling such a motion in the last session of Parliament. It could not come up for discussion in the House as a resolution, but I think that it is a kind of index by which one could judge. Just as we have in elections to file our election expenses without necessarily incurring the odium that all expenses were either unjust or falsely declared, so too it might become a matter of regular routine that every retiring

public servant should be called upon to file a statement of his assets and declare his fortunes from which the responsible Ministers could judge, or Parliament could judge, whether there have been any undue and unacceptable gains by such persons.

Whether or not such methods are adopted to see that public servants keep to the path of righteousness, so far as this Bill is concerned, speaking strictly to the point about extension of the period, I would say it is absolutely necessary before we can consent to the enactment of this measure that even in his concluding speech the hon. Minister should give the information that may be in his possession regarding the actual use made of this Act, the actual extent of the evil that is prevalent or is suspected, and then it would be quite right and proper for us either to extend this Act or make it permanent on the statute book.

Mr. Chairman: The hon. the Home Minister.

Babu Ramnarayan Singh rose—

Mr. Chairman: I have called the Home Minister.

Babu Ramnarayan Singh: Sir, I have got to say something.

Mr. Chairman: The hon. Member has got to say something. There is no doubt about it. But we have discussed the matter sufficiently. We are to adjourn at four o'clock today. I think we have taken a sufficiently long time to discuss this small Bill. I have therefore called upon the hon. the Home Minister to reply.

बाबू रामनारायण सिंह : दो' चार मिनट,

से मैं ज्यादा नहीं लूंगा। यह विषय इतना गम्भीर है कि इस पर हमेशा ही बोलना चाहिये।

[Babu Ramnarayan Singh: I will not take more than a few minutes. This is such an important topic that one must express one's views on it.]

Mr. Chairman: The Home Minister will kindly excuse me. I will call upon the hon. Member, Babu Ramnarayan Singh, to speak for five minutes.

बाबू रामनारायण सिंह : सभापति

महोदय, आप ने मुझे जो इस विषय पर बोलने का अवसर दिया, उस के लिये मैं आप को धन्यवाद देता हूँ। किसी विषय पर क्या बोलना चाहिये, क्या नहीं

[बाबू रामनारायण सिंह]

बोलना चाहिये, इन सब के सम्बन्ध में जो आप की आज्ञा, शिरोधार्य तो होती ही है, लेकिन कानून बनाते वक़्त जैसा कि और लोगों ने भी कहा है जब उस की अवधि को बढ़ाने की मांग की जाती है, तो पार्लियामेंट सरकार से पूछ सकती है कि यह बतलाया जाय कि उस कानून के बनने से क्या क्या नफा और क्या क्या घटी हुई और ऐसी कौनसी ज़रूरत है जो इस कानून की मियाद को पांच वर्ष के लिये बढ़ाया जा रहा है और क्यों न इस को एक वर्ष के लिये बढ़ाया जाय और क्यों न पांच वर्ष की जगह इस को पचास वर्ष के लिये बढ़ा दिया जाय ? मैं तो कहे देता हूँ कि यह ठीक है कि आप की जैसी आज्ञा होगी वह तो हमें मान्य होगी, लेकिन यह तो एक ऐसा महत्वपूर्ण बिल है जिस पर खूब बहस होनी चाहिये और इस पर हमेशा बहस होनी चाहिये। दूसरी बात यह है कि जिस तरह को हमारी समाज की हालत है, उस में हर एक आदमी को बहुत कुछ सोचना चाहिये और जो उचित एवं आवश्यक जान पड़े वह करना चाहिये। हमारे गृह मंत्री काटजू साहब यह बिल लाये हैं और वह इस को पांच वर्षों और आगे के लिये बढ़ाने की मांग करते हैं, लेकिन मैं तो उन से कहता हूँ कि जब तक कांग्रेस का राज्य चल रहा है तब तक इस बिल की ज़रूरत ही नहीं है, क्योंकि कांग्रेस के राज्य में करप्शन (Corruption) नाम की तो कोई चीज़ ही नहीं रह गई है। जितना अनर्थ करो सब जायज़ समझा जाता है। इस वास्ते मैं कहता हूँ कि इस बिल को वापस ले लेना चाहिये और आज कल के ज़माने में इस बिल की कोई ज़रूरत नहीं है।

मुझे दुख और लज्जा के साथ कहना पड़ता है कि इस कांग्रेस के राज्य काल में करप्शन कोई चीज़ ही नहीं है, जो करो सब ठीक है।

सभापति महोदय, मैं आप से कहे देता हूँ कि यह तो ठीक है कि कानून बनाने से काम न चलेगा और यह भी ठीक है कि जब तक शासन पूर्णतः पवित्र नहीं होता है तब तक देश और समाज का कल्याण नहीं हो सकता है। यह तो सब कोई मानते हैं, और यह मैं भी कहता हूँ जैसा कुछ लोग कह रहे थे कि पब्लिक सर्वेन्ट्स (public servants) कैसे हो गये हैं। मैं कहता हूँ कि जो हमारे भाई आज शासन चला रहे हैं उन को समझना चाहिये कि अगर शासन को पवित्र नहीं कर सकते हैं तो उन को वहाँ पर नहीं रहना चाहिये। पांच बरस के करीब गुजर गये और करप्शन के बारे में आज भी लोग कह रहे हैं, जैसा हमारे बिहार के श्री दास जी ने कहा, कि करप्शन मौजूद है, घूसखोरी और भ्रष्टाचार दिनोंदिन बढ़ता जा रहा है। मैं कहता हूँ कि काटजू साहब को याद रखना चाहिये, सारी गवर्नमेंट को याद रखना चाहिये कि जब करप्शन बढ़ रहा है तो गवर्नमेंट की क्या ज़रूरत है और उस के साथ साथ मैं यह भी कहता हूँ कि यह मान लेना होगा कि जो दिमाग का यान जो आदमी दिमाग का काम करता है सब से अधिक दोषी वह होता है। मेरे कहने का मतलब यह है कि खुद गवर्नमेंट बिल्कुल भ्रष्टाचारी और घूसखोर मालूम होती है और इसी वजह से इतना अनर्थ हो रहा है। मैं इस के लिये जवाबदेही के साथ बात कर रहा हूँ। मेरे जिले में मैंने सुना है एक

मंत्री महोदय कहते थे एक सरकारी नौकर के बारे में कि "हां, उस को तो सिर्फ चालीस पैंतालीस रुपया तलब मिलती है वह थोड़ा बहुत इधर उधर से ले लेता है तो उस में क्या बुराई है" ? तो मैं कहता हूं और यह दुख के साथ कहना पड़ता है कि यह तो सीधे घूसखोरी बढ़ाना था यह जाम लेना चाहिये कि हमारे देश में पहले कैसी हालत थी। सड़कों पर रुपयों की धूलियां पड़ी रहती थीं, कोई उधर नजर नहीं उठाता था लेकिन आज तो जरा जरा सी बात के लिये घूसखोरी चलती है। हमारे गृह मंत्री डाक्टर काटजू साहब तो नये नये आये हैं, वह जरा जा कर कचहरी में और स्टेशन पर देखें किस क्रूर घूसखोरी चल रही है। हर नगर में चल रही है। मैं ने सरकार से कहा है, और आज भी कहता हूं कि सारे देश की शक्ति दिल्ली में केन्द्रीभूत है, पालियामेंट है दिल्ली में, सब लोग मिल जुलकर ऐसा प्रयत्न करें कि कम से कम दिल्ली में जो शासन चल रहा है वह ऐसा पवित्र हो जो कि उदाहरण हो। कम से कम इस के लिये तो कोशिश करें। आप उन स्थानों को छोड़ दीजिये जो कि हजारों मील दूर हैं, अभी तक दिल्ली में क्या किया गया है ? जहां देखिये घूसखोरी की बात होती है। सभापति महोदय, मुझे एक बात याद आती है यहां पर कोई प्रांतीय कांग्रेस हो रही थी, शायद कांग्रेस की, वहां पर नेहरू जी गये थे। प्रधान मंत्री को अभिनन्दन दिया गया था और उस में भ्रष्टाचार का खूब वर्णन किया गया था। तो नेहरू जी ने वहां क्या शब्द कहे वह कहते हैं कि आप लोगों ने तो तमाम बातें भ्रष्टाचार के बारे में लिख दी हैं, मैं

तो कहता हूं कि अगर मुझे विश्वास हो जाय कि जितना आपने कहा है उसका चार आना भी भ्रष्टाचार है तो मैं प्रधान मंत्री न रहूंगा। मैं आज पूछता हूं प्रधान मंत्री जवाहरलाल जी से और काटजू साहब से भी कि भ्रष्टाचार है या नहीं ? जवाहरलाल जी ने कहा कि विश्वास हो तब। तो विश्वास हो कहाँ से ? मैं कहना चाहता हूं कि अगर जवाहरलाल जी, या काटजू साहब या कोई भी मंत्री इतना नहीं जानता कि समाज में भ्रष्टाचार है, उन के डिपार्टमेंट में भ्रष्टाचार है तो वह मंत्री होने के लायक कैसे हुए ? यह सुन कर तो मुझे ताज्जुब हुआ कि जो व्यक्ति ऐसा कहता है कि चार आना भर भ्रष्टाचार है और मुझे इस का विश्वास हो जाय तो मैं प्रधान मंत्री न रहूंगा वह ऐसी बातें करें। अगर आप जानने की कोशिश नहीं करते तो विश्वास कैसे होगा ? और अगर नहीं जानते तो न सरकार की जरूरत है, न काटजू साहब के गृह मंत्री होने की जरूरत है और न जवाहरलाल जी के प्रधान मंत्री रहने की।

شری ٹی حسین : آپ کو میری بھی نہیں ہونا چاہئے۔

बाबू रामनारायण सिंह : मैं मेम्बर न हूंगा तो बखिलाफ बोलेगा कौन। मेरी जरूरत तो अवश्य है। मेरे ऐसे आदमी को तो रहना ही चाहिये।

तो बात यह है, सभापति महोदय, कि जिस वक्त आप बोल रहे थे कि जब तक करप्टर (Corruptor) रहेंगे तब तक करप्शन चलता रहेगा, यानि जब तक घूस देने वाले रहेंगे तब तक घूस लेने वाले जरूर रहेंगे। यह बात अक्सर कही जाती है, लेकिन ऐसा कह कर आप किस की जवाबदेही कम करते हैं ?

[बाबू रामनारायण सिंह]

मैं कहता हूँ कि घूस लेने वाले करीब एक करोड़ होंगे, यानी मैं सरकारी आदमी के बारे में कह रहा हूँ, और घूस देने वालों के साथ मैं सारी पब्लिक करीब ३४ करोड़ आदमी, तो मैं पूछूंगा कि पहले भ्रष्ट कौन हुआ, आप कहेंगे कि पहले ३४ करोड़ आदमी हुए। सच्ची बात तो यह है कि इस में एक सर्किल (circle) आ जाती है, कि देने वाले रहेंगे तो लेने वाले भी रहेंगे और जब तक लेने वाले रहेंगे तब तक देने वाले भी रहेंगे। मगर देखना यह चाहिये कि सफल अफसर कौन बनेंगे। पब्लिक सर्वेन्ट्स (Public Servants) बनना मामूली बात नहीं है। लोग तो कमजोर हैं, गरीब हैं, हो सकता है कि मौके पर उन में यह असर आ जाय कि अपना काम करा लें। लेकिन जो पब्लिक सर्वेन्ट्स हैं, जो सरकारी नौकर कहलाते हैं, जो सरकार में रहते हैं उन को तो ईमानदार होना ही चाहिये। मैं कहता हूँ कि कोई पब्लिक सबट चाहे मंत्री हो, चाहे छोटा हो चाहे बड़ा, पब्लिक सर्वेन्ट जो तनिक भी बेईमानी करता हुआ पकड़ा जाय, उस की तो सख्त से सख्त सजा होनी चाहिये। मैं तो कहता हूँ जैसा कि और लोगों ने भी कहा उसे कोड़ मारे जायें। लोगों को तो थोड़ा बहुत माफ़ भी किया जा सकता है लेकिन जो लोग मंत्री होते हैं, आजकल तो जहां मैं ने सुना है वहां मंत्री का ही दोष सुना है। और सभापति महोदय मेरे सूबे में एक आदमी पर चार्ज लगाया गया कि उस ने घूस ली है। उस ने अपने जवाब में लिखा था कि हम लोग तो नौकर हैं, गरीब हैं खा लिया तो क्या है, जब मंत्री घूस लेते हैं तो हम क्यों न लेंगे ?

मुझे इस के बारे में और कुछ नहीं कहना है। लेकिन मैं सारे देश से कहूंगा कि यह बात बहुत बुरी है और कोशिश होनी चाहिये कि इस को खत्म किया जाय। लेकिन खाली सरकार नहीं कर सकेगी। हमारी कोशिश, आप की कोशिश, जनता की कोशिश, सारे मिल कर कोशिश करें कि कर्प्शन दूर हो, घूसखोरी दूर हो। यदि घूसखोरी दूर न हो तो ऐसी सरकार के भी रहने की जरूरत नहीं है।

شری تی حسین : آپ کا خیال
کہا ہے ؟ بل پانچ برس کے لئے
اکسٹنڈ (extend) کیا جائے یا نہیں ؟

बाबू रामनारायण सिंह : मैं ने तो वह कह दिया है।

(English translation of the above speech)

Babu Ramnarayan Singh: Sir, I am thankful to you for having given me an opportunity to speak on this subject. Sir, it is true that the rulings of the Chair as to what and what not should be spoken on a particular subject are worthy of our respect but on the occasion of enacting legislations and particularly, as others have also submitted, when the extension of certain Acts are sought, the Parliament has a right to be informed about the results, good or bad, of that Act and also the reasons why it is necessary to extend the said Act for five years and why not for less than five years or more than that. Sir, it is right that we should obey the Chair in all matters but this is such an important measure that it requires to be fully discussed here in this House. Another thing is that the condition of our society today is such that every person should first think well and then start doing a thing which seems to him to be just and necessary. Our hon. friend Shri Katju, Minister of Home Affairs has introduced this Bill and wants its life to be extended for another five years. But I would like to suggest to him that there is no need for such a Bill so long as the Congress Government is there, because under the Congress rule, such a thing as corruption no more

exists. One can do any wrong still it is considered to be proper and fair. Therefore I submit that the Bill should be withdrawn, because there is no need for such a Bill today. I am really sorry and ashamed to say that in the Congress regime, the word 'corruption' has ceased to have any meaning. Anything a man may do is always fair.

Sir, it is true that enacting of legislations would not help much and that the welfare of our country and society lies in the purification of our administration. Everybody admits it. Like others, I am also aware as to how public servants are behaving. I say those who are running the administration today should know that if they are unable to purify the administration, they should quite. Five years have passed and people are still talking, as our hon. friend from Bihar Shri Das has said, that corruption is there and bribery and other mal-practices are on the increase. I would like to say to Shri Katju and to the Government as a whole that they should know that there is no use of a Government when corruption is increasing day by day. I also say, Sir, that that person is most guilty who possesses, brain and does something with his brain. What I mean is that the Government themselves seem to be most corrupt and that is why so much wrong is being done. I am saying all these things with a sense of responsibility. I have heard in my district that a Minister said about a Government servant that forty or forty-five rupees which the officer was getting as his pay was too small and that there was no harm if he took some money by other indirect means. It was a direct encouragement to that evil practice. I am really sorry when I compare the present state of affairs with that of the past. Money, in huge amounts, was kept unguarded and without locks but nobody ever cared even to look at it. But alas, bribery is the rule of the day these days for even the most small and trivial things. Our hon. Minister of Home Affairs, Dr. Katju has come in recently. If he wants to see something, he should visit the courts and the railway station and see how bribery is rampant there. Such is the case in every city. I have told the Government and still say that strength of the country is centralised at Delhi, the Parliament is in Delhi and therefore a joint effort should be made so that the administration of Delhi may be rendered completely pure so that it may become an example for the other States. At least this should be done. Leave aside places which are thousands of miles away; I want to know what

has been done here in Delhi. Everywhere bribery is rampant. Sir, I am reminded of a provincial conference held here—perhaps it was the Congress Session—where an address was presented to the hon. Prime Minister, Shri Nehru. Much was said about corruption in that Address. Now, what did Shri Nehru say? He said that if he was convinced that there was even 25 per cent. of the corruption talked about by the people, he would not remain the Prime Minister of the country. I ask the Prime Minister Shri Jawaharlal and Shri Katju whether they know that corruption is there or not? Shri Jawaharlal says that he should be convinced, but how can he be convinced if he does not go about in the country and see the conditions for himself. I would say that if Shri Jawaharlal or Shri Katju or any other Minister does not know that there is corruption in the society, and even in their departments, they are unfit to be ministers. I am rather surprised when I find that a person says that he would not remain the Prime Minister if he is convinced that there is even 25 per cent. of corruption talked about by the people. If he does not take pains to find out the real position, how can he be convinced? And if he does not know, there is no need of a Government, no need of Shri Katju remaining as Home Minister and Shri Jawaharlal as Prime Minister.

Shri T. Husain: You should also not be a member then.

Babu Ramnarayan Singh: If I do not remain a member, who would oppose them? My presence is very essential. People like me should always be here.

Then Sir, you said that so long as corruptors remain, corruption would go on. This is a general remark but whom do you hold responsible for such things? I say that there would be about a crore of people—I am talking about the Government employees—who would be accepting bribes and about thirty-four crores of people who would be offering bribes. So who is corrupt in the first instance? You would say thirty-four crores of people. But the fact is that there is a vicious circle—so long as bribe-givers are there bribe-takers would also remain and if the latter are there, the former must also come in. But we have to see as to who can be really successful officers. It is not an ordinary thing to be a public servant. The common people are not morally strong; they are poor and it is very likely that they may get their work done by any other means. But the public servants—the Government servants as they are called, must be honest. I say that is a public

[Babu Ramnarayan Singh]

servant, high or low, or even if he be a Minister, is caught indulging in any sort of corruption, he should be punished severely. I would even suggest flogging. The ordinary people may be excused for once but if the Ministers do it, they should be severely dealt with. These days, it is the Ministers who have been reported to be at fault. Sir, a person in my province was alleged to have taken bribe. What he wrote in his reply was, "We are low-paid servants, if we take bribe, it does not matter much. When Ministers even accept bribe, why should we not have it?"

I have nothing more to say. But the people in our country should realise that this is a very bad practice and every effort should be made to eradicate this evil. But the Government alone cannot do it. All of us should try, the people as a whole should try to root out corruption and bribery. If bribery is not checked, there is no need for such a Government to remain any longer.

Shri T. Husain: What is your opinion? The Act should be extended for five years or not?

Babu Ramnarayan Singh: I have expressed my views already.

Dr. Katju: The discussion has proceeded, I venture to say, with some misconception. This Bill does not relate to the Act as a whole. One particular section, section 5 of the old Act which created a particular offence of criminal misconduct and provided for a particular rule of evidence, that particular section was in the body of the Act enacted only for a period of five years and inasmuch as those five years will expire from the date when the Act was enacted, namely, the 11th March 1947, and the five years will expire on the 11th March 1952, it became necessary to bring in this amending Bill for the purpose of extending the time for that particular section, namely section 5 for another five years. Otherwise, section 5 of Act No. II of 1947 stands. It does not need any extension; it is a permanent piece of legislation and it remains there.

As you, Sir, were pleased to point out in your speech, the whole of this big question of corruption in all its aspects was handed over to a Committee of Members of this House under

the Chairmanship of my hon. friend, Dr. Tek Chand and there were six other members. They went into the whole subject of corruption in all its aspects in great detail. They have submitted interim reports to Government. The final report, we are expecting any time within the next three weeks.

Shri Kamath: Was it a formal Committee and elected by the House?

Dr. Katju: It was selected by Government. I stand corrected. I do not want to create the impression that it was a Committee of the House. That Committee went into all the evidence, facts and figures and it recommended that this particular section, though it constituted a departure from the ordinary rule of evidence and the ordinary rule on which the administration of criminal justice was based, should be extended for another five years and inasmuch as I said the time was very short, therefore, I have brought in this Bill for the consideration of the House. All the facts and figures have already been examined by that Committee; it may not have been appointed by the House formally, but it consisted of Members of this House and very distinguished members.

So far as the facts and figures are concerned, I may tell you that before introducing this Bill we consulted all the State Governments, particularly with regard to section 5, which I repeat again, namely the offence of criminal misconduct, and every State Government wrote back in reply that they have found this section very salutary and they thoroughly approved of our proposal and they supported that it should be extended by five years. With regard to facts and figures, I have got the figures here for the Delhi Police which is called the Central Special Police Establishment which is maintained here by the Central Government, for the three years after the enactment of the Act, ending the 30th September 1950. These figures begin from the 1st of October 1947 and go on to 30th September 1950. I find that there were 498 cases registered under the ordinary bribe section, section 161. Then there were 393 cases registered under the cheating section, but so far as this particular new section is concerned, namely section 5 of this Act, 209 cases were registered and taken up by the Police. Out of that 79 were sent up to court and eleven were convicted and on the 30th September 1950, 49 were pending in court. Fifty-nine were reported for departmental action and departmental action was taken in some,

punishments were awarded and 38 cases were actually pending departmental action.

Shri T. Husain: Any acquittal?

Dr. Katju: Eighteen were acquitted and eleven were convicted. I have got the figures. At that time 49 were pending trial.

Therefore, it is a very special matter. An inquiry has got to be made; you have got to take both the factors into consideration. While we are all anxious that corruption should be checked and should be completely wiped out, the consideration that my hon. friend, Prof. Shah mentioned, that has also to be taken into consideration, that public servants should not be needlessly harassed. The Investigation Department has to proceed carefully and action should be taken after due consideration. Two hundred and nine cases, I submit is an indication of fairly strenuous work. (An Hon. Member: How many of them are senior officers?) How many are senior officers and how many are junior, I am unable to tell you. So far as the ordinary effort against corruption is concerned, I should have thought that hon. Members and particularly my hon. friend, opposite..... (An Hon. Member: Any Minister has been prosecuted?) I do not know whether you require an answer to that. So far as the endeavour to stop corruption in Delhi is concerned, there is a review of the activities of the Ministry of Home Affairs, particularly the Police and I have got the reports for three years, 1948, 1949 and 1950 and they give the number of cases reported each year, investigated each year for corruption including section 5 and all other cases. The number of cases registered in 1948 is 476. Fines were imposed to the tune of Rs. 700,000. In the year 1949, there is report to the same effect: cases taken 731; fines imposed by courts Rs. 65,000. Then, in the next year, 1950 very likely senior officers were taken into consideration. The number of cases was 492, and fines imposed Rs. 597,000. In the year 1951, the cases were 274 and fines imposed nearly three lakhs, Rs. 298,000. I am giving these figures for the purpose of showing that Government has not been idle. Government activity has been very strenuous. I quite agree with my hon. friend from Bihar that Government exist for the purpose of promoting integrity, efficiency, honesty in every branch of service, official and non-official alike. But, please do not go away with the impression that while you are passing

legislation, Government does not take advantage of the tools which you place in their hands.

4 P.M.

So far as this Bill is concerned, as I said this is a very short session of Parliament. We are going to meet here for a few weeks. In fact, as it was of the most urgent description and as the time was passing, I have troubled the House with this small Bill. If necessary, we may have a comprehensive legislation for the whole subject of corruption in the new Parliament. Please remember also that in the existing Penal Code you have got section 161 and other relevant sections for the purpose of stopping corruption. Section 5 of this Act was enacted to provide for a larger punishment. The punishment prescribed is seven years and the fine is unlimited. The ordinary rule of evidence has been changed and the onus of proving his honesty is put upon the public servant. I do not want to prolong this debate. I would therefore request that the House be pleased to take this small Bill into consideration and pass it so that this factor of time limit may be got over, and if necessary, we may bring in due time a comprehensive legislation in the light of the recommendations made by the Committee.

Mr. Chairman: The question is:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 1 etc.)

Shri Kamath: I have got an amendment to this clause, which I would like to move if you would permit me, Sir. I gave it an hour ago because the List of Business for today reached us only last night.....

Mr. Chairman: I am sorry to interrupt the hon. Member. I may point out, and he also knows full well, that amendments the notice of which is given on the very day on which the Bill is taken up, are not allowed unless the Minister in charge agrees.

Shri Kamath: May I submit, Sir, that it is a matter of courtesy to the House that Members should get a copy of the List of Business within time so that we can give notice of amendments? This reached us last night. The first two items related to the Presidential and Vice-Presidential Election Bill. Further down was the Bill relating to Pakistan Courts pending proceedings. Normally speaking, as business goes on in this House, I

[Shri Kamath]

I felt that this Bill would not be reached today. It is item No. 10 in this List. Items 4, 5 and 6 have been postponed. That was not a thing which I could foresee. I did not have the vision to foresee that this would be taken up.

Mr. Chairman: I may state that the Bill was circulated on the 5th. This Bill has been on the List of Business for the 6th, 7th and 8th that was circulated. The amendments could have been given much earlier.

Shri Kamath: On a point of clarification, Sir, is it your ruling that Members are expected to give notice of amendments as regards all the Bills that are put on the List of Business?

Mr. Chairman: This does not require a ruling. As a matter of fact, when the List of Business is there, it is expected that all these Bills will be taken up and hon. Members should give their amendments in time. It does not require any ruling.

Shri Kamath: Without studying the Bills, how can they?

Mr. Chairman: On the 5th it was circulated.

Shri Kamath: We have not been here long. I arrived here on the 5th.

Mr. Chairman: The Members should have been here. That is all I can say.

Shri Kamath: That is hardly.....

Mr. Chairman: I am sorry I cannot allow this amendment to be moved.

Shri Kamath: I will speak on the clause, Sir.

Clause 2 of the Bill seeks to extend the life of the Act for another five years. The hon. Home Minister just now observed that this is a very short session of Parliament, the valedictory session of Parliament and therefore it is his intention or the intention of Government to bring forward a very comprehensive measure dealing with the various aspects of this problem of corruption, and the remedies that are necessary to root out this disease.

Dr. Katju: If it becomes necessary that depends on the report of the Committee.

Shri Kamath: It is always a matter of 'ifs' and 'buts' in this world. There is nothing certain. The only certainty about life is its uncertainty.

Dr. Katju: About this Bill.

Shri Kamath: I say about everything. The only certainty even about Government is its uncertainty. There is no safety or hundred per cent guarantee for anything in this world. As the late Sardar Patel used to say, there is nothing permanent in this transitory world.

The hon. Minister reminded the house that after all, the Bill before the house is more or less a formal Bill, or an informal Bill, just to extend the life of the Act by another five years. That argument itself I would like to use against the hon. Minister. The argument that he has put forward before the house is that his intention is it necessary, to bring forward a more comprehensive Bill. If that be so, why on earth should he extend the Act for five years?

Mr. Chairman: There are some cases pending today in the courts. What will happen to them if this Bill is not passed?

Shri Kamath: That is why I sought to give notice of an amendment to extend the Act for another year. That is my amendment which for reasons beyond my control I am not in a position to move. The new Parliament will be coming into being by May or June next. That Parliament can take stock of the situation and do whatever it deems fit in the matter. It may even repeal the entire Act and formulate or pass a new measure which will deal more effectively with the question of corruption than it has been possible hitherto. Even the last amending Act of 1950 extended the life only by two years. Today, Government comes forward with a measure to extend the Act by five years, for the whole life of the next Government, practically. I do not know why they are in a hurry and are of the view that its life should be extended by five years. Why not leave this matter to the new Parliament to decide as best as they can and extend the life of the Act by only six months or at the most a year?

Shri Bhatt (Bombay): No.

Shri Kamath: My hon. friend says, 'no'. If he could give satisfactory reasons why he thinks 'no', I would be inclined to accept his view. A mere 'yes' or 'no' is not enough. The times are changed. Mere 'yes' or 'no' men will not do. You will have to give reasons for 'yes' or 'no', here. I hope so, any way.

Therefore, I would request the hon. Minister to amend the Bill, if possible even now. Even if an amendment

from me is not acceptable to you, the hon. Minister is in a fortunate position and his amendment may be acceptable to you and the House. I would suggest, if it is not too late, that we might extend the life by one year only and leave corruption and other cognate matters to be dealt with by the new Parliament as it may deem fit and necessary.

Prof. S. L. Saksena (Uttar Pradesh): Sir, I want to speak on the same clause.

Mr. Chairman: Does he intend to take very long? As he knows there is a photograph to be taken and we ought to have adjourned at four o'clock.

Prof. S. L. Saksena: I will take only two minutes.

I would also like to support the plea put forward by my hon. friend Shri Kamath here and say that the life of this Act should be extended by only one year and not five years. I say so because I want the new Parliament to be given full opportunity to discuss this problem. If you extend the life by five years, the new House will not get an opportunity to do that. They should discuss this problem threadbare. This Act passed sometime back should be brought before the new Parliament. I feel that the hon. Members of the new Parliament should have full opportunity to discuss the whole problem and bring forward a comprehensive legislation dealing with this matter. In the meantime I would request the hon. Minister to have a bigger Committee of Members of Parliament for Parliament is after all the epitome of the whole country.

Shri T. Hussain: I only want to say that I oppose the suggestion of my hon. friend and my reason for doing so is

very simple. A Committee was appointed to go into this matter and it went into the entire matter and recommended a period of five years. Unless we get specific reasons for not accepting the recommendation of this Committee, we must stick to this period of five years. That is why I oppose my hon. friend's suggestion.

Dr. Katju: Up till now we were hearing all declamations about the necessity of stopping corruption. But now there is this great tenderness for...

Shri Kamath: Not at all. The hon. Minister has misunderstood the whole argument.

Dr. Katju: No. I say there is this great tenderness for the new Parliament and it is said that this Act should only be extended for one year so that the new Parliament may go into it. I do not agree with that.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formulae were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

The House then adjourned till a Quarter to Eleven of the Clock on Monday the 11th February, 1952.