

necessary industrial infrastructure does not get built as quickly as the education spreads.

He also spoke about doctors and medical colleges. That is another problem which were facing in Manipur. It is very difficult to persuade doctors from other parts of the country to go there, to those backward areas.

SHRI P. G. MAVALANKAR: Give them some incentives.

SHRI K. R. GANESH: Even by giving incentives, there are certain difficulties we are facing. The special requirement of these out-of-the way areas have to be kept in mind. Some provision has been made in the budget itself and some other schemes will have to be worked out.

With these words, I commend the budget to the acceptance of the House.

MR. DEPUTY-SPEAKER: The question is:

"That the respective Supplementary sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of the State of Manipur to defray the charges which will come in course of payment during the year ending the 31st day of March 1974, in respect of the following demands entered in the second column thereof;

Demands Nos. 18, 24A and 44".

The motion was adopted.

15.47 hrs.

CODE OF CRIMINAL PROCEDURE— BILL—contd.

MR. DEPUTY-SPEAKER: We take up further consideration of the following motion moved by Shri Ram Niwas Mirdha on the 9th May, 1973, namely:—

"That the Bill to consolidate and amend the law relating to Criminal Procedure, as passed by Rajya Sabha, be taken into consideration".

On the last occasion, Shri M. C. Daga, was on his legs. He may continue his speech.

SHRI DINEN BHATTACHARYYA: (Serampore): Regarding the discussion on this Bill, I have requested that it be postponed because so many amendments have been tabled by the hon. Minister. Last time, Shri Madhu Limaye raised a point...

MR. DEPUTY-SPEAKER: I have your letter. Your points are there. Why do you want to speak?

SHRI DINEN BHATTACHARYYA: You read it.

MR. DEPUTY-SPEAKER: I will dispose it of, as also the point of Prof. Dandavate. He does not have to speak. t

PROF. MADHU DANDAVATE (Rajapur): There is one more aspect that has come up. Let me clarify.

MR. DEPUTY-SPEAKER: All right.

PROF. MADHU DANDAVATE: I may recall that in the last session. I had raised a point of order on these line, firstly, before the Bill came to this House, it was placed before the Rajya Sabha.

MR. DEPUTY-SPEAKER: Do not repeat.

PROF. MADHU DANDAVATE: There is one more point. It was processed by the Joint Committee. It considered that. In the draft, those clause were not there; after a lot of discussion, sub-clauses (10), (11) and (12) were added. In the Report of the Joint Committee, there is no minute of dissent. Propriety demanded that on behalf of the Treasury Benches no amendment seeking the deletion of these clauses would be moved.

MR. DEPUTY-SPEAKER: You are repeating the same argument.

PROF. MADHU DANDAVATE:

The next point—there is a link with that, the further point and another aspect of the same point of order is this. In the Rajya Sabha, (10), (11) and (12) were deleted. I want to know whether it is open to any member in this House to seek by an amendment to introduce those clauses again or whether you would take a technical position that if these amendments are moved, that would mean re-introducing (10), (11) and (12); probably those amendments are not to the principal Act and, therefore, they cannot be moved. I would like to know whether it is open to any member in this House to introduce an amendment seeking re-introduction of sub-clause (10), (11) and (12) to cl. 407.

MR. DEPUTY-SPEAKER: I will first take up the objection raised by Shri Joarder. I have his letter here. But I would like to point out what has stated in the letter is not factually correct. I will explain how.

SHRI DINEN BHATTACHARYYA: Let him first explain.

MR. DEPUTY-SPEAKER: I have his letter. I am referring to his letter and Shri Bhattacharyya's letter also. He has stated in his letter there:

"As you know, the last session, its discussion was postponed on the ground...."

Then he brings in the question of the Penal Code and all that sort of thing.

What I want to say is that factually it is not correct. This discussion on the last occasion was not postponed on this ground. It was adjourned or postponed because some other subjects intervened, they came in between and it could not be completed in the last session.

SHRI DINESH JOARDER (Malda): No, no.

MR. DEPUTY-SPEAKER: Order please. I have the proceedings of the House here....

There was no decision of the House to postpone this discussion. The discussion was inconclusive because of want of time and because other subjects came in between. That was the factual position.

With regard to your objection—the objection that you raised last time and you are raising it here again—you say that because the Indian Penal Code Bill has been introduced here and has been referred to the Joint Committee, these two Bills are, according to you, interlinked. And —this is hypothetical—if, suppose, there are changes in the Indian Penal Code Bill when it is passed into an Act—this is only a procedure—then you say that it would be necessary to bring changes in this Bill again. That is your point. Now, as far as that is concerned, I think these are two separate Bills. One is not dependent on the other. The Minister on the last occasion has replied to the point and said, if necessary at all—it is again an extremely hypothetical question; it may or may not—after the Indian Penal Code Bill has been passed and is adopted and becomes an Act, if necessary at all, it is going to be very marginal. That is number one; that is what he said. Even if it is marginal, it is open to this House—there is nothing to bar it—to come forward again with an amendment to this Law. Because something hypothetical may happen in the future and the discussion should be held up—I do not think it is valid argument.

SHRI DINESH JOARDER: I have something more to say. I have not been able to explain the actual position because I was not present at that time.

MR. DEPUTY-SPEAKER: Any-way, let me finish. With regard to Prof. Dandavate's point, in the first place, I would like to say that it is not customary for us here, while discussing anything, any Bill, to refer to what goes on in the other House. I am just pointing out the procedure. It is not customary. Of course, you can seek the permission of the Speaker to refer to the proceedings or what is said in the other House, if you want to develop a point of procedure that is correct. You have not said that. (*Interruptions*). But even so, on the last occasion I had permitted you.

PROF. MADHU DANDAVATE: I had requested you.

MR. DEPUTY-SPEAKER: Not in writing it was verbal. I had allowed you on the last occasion because I thought you were developing a point of procedure.

The second thing that I would like to say is that both the Houses are independent completely, and it will be wrong for us or for them to try to influence the views, the debate, of one House by what goes on in the other House. We must adopt an attitude of complete independence of judgment and of views. Now, whatever has come from that House, it is for us here to take an independent view of without being worried about what they have said in the other House. You may have them at the back of your mind but that may not be mentioned. Therefore, we must take an absolutely independent view on this question.

Then you had made a point about the Government that the Government was represented in the Joint Committee and the Joint Committee had unanimously come to some sort of decision that they had unanimously presented their report and therefore, it would be, according to you, a breach of privilege, or to put it more
1714 LS—11

mildly, it would be inappropriate or whatever it is, for the Government who had committed themselves to a position at the Joint Committee, to come to the other House and to re-sile from that position and to bring in certain changes—(*Interruptions*)—that is what you said.

PROF. MADHU DANDAVATE: I then used the word "breach". This time I used the word 'propriety.'

MR. DEPUTY-SPEAKER: But I do not think that this is again a valid point, valid enough to hold up the discussion. It is open to the Government to change their mind. At one point of time, in view of the circumstances and the facts, they may think that this was correct, and on the next occasion, in the future, if they find new factors and new facts coming to light, they can change their mind. There is nothing in it; it is not the Government that decides; it is the House that decides. The Government is only a part of the House and therefore I do not think that that is a valid point to hold up the discussion.

With regard to your last point, whether what has not been inserted in the other House, whether those clauses can come back here, I do not see any objection at all. If this House so feels it can bring back those clauses. We can decide in our wisdom, in our judgment that this is right. This Bill has come from the other House. After we have made our judgment here, we have made certain decisions, it goes back to the other House; they may agree or they may not agree with us. There are procedures; the rules of Procedure have also provided for that. Let us go on with the discussion.

PROF. MADHU DANDAVATE: I seek a clarification on your ruling; there is no question of challenging the ruling. This is for future guidance. On occasions it has been

[Prof. Madhu Dandavate] stated that if the amendment moved is to the Principal Act and not to the amending Bill, this is consolidating as well as amending, Bill, what happens. I feel that the procedure should be clear.

MR. DEPUTY-SPEAKER: That is a new Bill altogether.

PROF. MADHU DANDAVATE: That is one aspect. Secondly, I did not want to refer to what happened in the Rajya Sabha; incidentally referred to it. But we are concerned with the attitude of the Treasury Benches. Do you not feel for future guidance such impropriety should not be committed?

MR. DEPUTY-SPEAKER: I am concerned with procedure. You can take them to task. I am concerned with procedure.

PROF. MADHU DANDAVATE: The Chair should be able to pull up the Treasury Benches if they show lack of propriety.

MR. DEPUTY-SPEAKER: If they violate the procedure. In this case I do not feel so.

PROF. MADHU DANDAVATE: I say it is a matter of propriety.

SHRI SAMAR MUKHERJEE (Howrah): Apart from the procedural question, this is of such vital importance for us, particularly for those who had been several times victims of this Code. We wanted sufficient time for consideration on the implications of several amendments. We requested the Minister and he was in favour of it provided the House agreed.

MR. DEPUTY-SPEAKER: I forgot that point.

SHRI SAMAR MUKHERJEE: I have also discussed this point with the Parliamentary Affairs Minister. We are seriously concerned with it. Our suggestion is that before the next session some informal discussion could be organised so that we can iron out some of our differences in our approaches and new amendments might be brought forward. That is why I request you to ask the Minister to consider this matter. I hope the House will accept this postponement till the next session.

MR. DEPUTY-SPEAKER: I forgot to mention another thing. Mr. Joarder on the last occasion mentioned that the Bill was a big Bill and there should be a comparative table about what are the new provisions in this Bill and how they are related to the provisions of the old Bill. He did make that point. On the 10th of May I think the table was distributed from the Publications counter.

SHRI DINESH JOARDER: Only certain figures were given, not a comparative chart.

MR. DEPUTY-SPEAKER: This is what I have with me. In one column you have the section of the existing Bill. This is the table they have given. They have also given the clauses.

SHRI DINESH JOARDER: Only figures.

MR. DEPUTY-SPEAKER: The number of the clauses they have given, and the section and all that.

SHRI DINESH JOARDER: Not the contents.

MR. DEPUTY-SPEAKER: You have both the Bills; you can find out yourself.

SHRI DINESH JOARDER: Every Member has not got the old Act.

MR. DEPUTY-SPEAKER: In the second column they have given the provisions of the old Act to which the new provisions relate. Now I find that even this comparative table runs into 23 pages. For you to take the position now, you have a copy of the new Bill and for you, hon. Members, who take so much interest in this matter to say that your cannot procure a copy of the old Act and to put them side by side and to study it, you would like everything to be done for you that is going a little too far.

SHRI DINESH JOARDER: I have not been given an opportunity to explain my position.

16.00 hrs.

In the last session it was thoroughly discussed that the Bill was very important and we had very little time to go through the clauses and table amendments. After informal discussions with the Minister of Parliamentary Affairs and Mr. Mirdha, it was the consensus of opinion that the discussion would be postponed for facilitating the members to put forward some more amendments. So far as the comparative chart is concerned, I may have a single copy of the old Act, but all members may not have it. So, all members must be given a copy of the old Act, or give section-wise and clause-wise comparative chart with full contents.

There is another point. The Bill to amend the IPC is still pending before the Joint Committee. Previously the IPC had more than 500 sections. Now it is being amended and some cognizable offences are going to be made noncognizable and vice versa. Many provisions are going to be deleted. Now the Cr.P.C. contains many oppressive provisions If members take a liberal view of the IPC provisions, they may take a more lenient view about the provisions of the Cr.P.C. also and make amendments more liberally. So, let

us consider the whole criminal law at a time and let us take a liberal view and remove the oppressive provisions. So, we want further time. We have had some informal discussions with the Minister also. Let the discussion be postponed to the next session.

श्री मधु लिमये (बांका) : मुझे सरकार से या मंत्री महोदय से शिकायत नहीं है। किन्तु पिछली बार जब इस बहस को स्थगित रखा गया तो उसके बाद मंत्री महोदय की पहल पर दो सभायें हुई उनके अफसरों के साथ और उनके साथ। मंत्री महोदय ने भी इस बात को स्वीकार किया है कि हम लोगों की जो बहस हुई वह लाभदायक रही। उसके बाद भी उन्होंने और बैठकें करनी चाहें लेकिन काम के दबाव के कारण हम लोग उन सभाओं में जा नहीं पाए। उनकी मदद करने के लिए 34,000 प्रथम वर्ग के अफसर हैं और उनके साथ दूसरे कर्मचारी भी हैं लेकिन हम लोगों की मदद करने के लिए न तो रिसर्व आफिजर्स हैं और न स्टेनो ग्राफि हैं। मेरी इतनी ही प्रार्थना है, मैं भी जानना हूँ कि इस महत्वपूर्ण विधेयक को पास करना चाहिए, लेकिन मेरा मंत्री महोदय से निवेदन है कि इस बिल को अगले सोमवार को नहीं ले सकते हैं क्या? इससे कोई बड़ा फर्क पड़ने वाला नहीं है। इस बीच में इंडस्ट्रीज डिबेलपमेंट एंड रेगुलेशन बिल तथा दूसरे बिल लिये जा सकते हैं।

MR. DEPUTY-SPEAKER: There is no point of order. There is only an appeal from the members to the Government. It is for the Government to react.

THE MINISTER OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): This Bill has again to go back to Rajya Sabha because some amendments of a formal nature

[Shri Ram Niwas Mirdha]

would have to be made. If we take it up on Monday there will be no time for the Rajya Sabha to consider it. That is the real difficulty. It is not as if hon. Members are all opposed to the provisions of this Bill. Many hon. Members have said that there are quite a lot of good provisions in this Bill and so it should not be delayed. It was passed by Rajya Sabha last year. This Bill has definitely many progressive features which are an improvement over the Act. Shri Joarder himself made a speech last time. It is pending for the last two sessions and whatever suggestions can be given have all come.

SHRI MADHU LIMAYE: It can be taken up on Thursday.

SHRI SAMAR MUKHERJEE: The West Bengal Democratic Lawyers' Association is discussing this Bill. It has already written to us that for want of time it cannot discuss all the provisions and all the amendments. This is a very important Bill which has greater implications for us, because the whole target of the Bill is opposition parties, particularly parties like us.

SHRI VAYALAR RAVI (Chirayinkil): Will you ever remain in the opposition?

SHRI SAMAR MUKHERJEE: When we come to power this type of Bill will not be there. In the informal talks both the Ministers have agreed that they have no objection for postponement of the Bill.

SHRI RAM NIWAS MIRDHA: Since a large number of members who have met me have suggested that it should be taken up, it will be advisable to take it up in this session. I have no objection to its being taken up later this session, provided it can be adjusted. But I am told by the Minister of Parliamentary Affairs that it cannot be adjusted.

SHRI VAYALAR RAVI: It must be taken up now.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): On Friday we have hardly one hour. If the House undertakes to finish it on Thursday, I have no objection. But is it possible for the House to pass it in one day when seven hours are allotted? Since we have only one hour, it has to be passed on Thursday. Then it has to go to the Rajya Sabha. Therefore, if the House undertakes to finish it by 6 O'Clock on Thursday, well, I will not stand in the way; otherwise, it will have to come tomorrow.... (Interruptions). It is the understanding that it will be finished on Thursday? Am I to understand that it will be taken up and finished on Thursday?

SHRI SAMAR MUKHERJEE: Since the Minister says that a large number of Congress MPs are pressing him for its passage, I am appealing to them....

SHRI RAM NIWAS MIRDHA: Even Shri Madhu Limaye does not want it to be postponed indefinitely. He only wants it to be taken up at some other time.

SHRI SAMAR MUKHERJEE: What is the objection to its postponement by one or two months?

MR. DEPUTY-SPEAKER: The sense of the House is very clear. Shri Madhu Limaye has made an appeal. Government have reacted favourably to that appeal. That is sense of the House.

SHRI K. RAGHU RAMAIAH: If it is to be taken up on Thursday, I want a clear understanding from the hon. Members opposite that they will help us in seeing that the Bill is completed on Thursday because it has to go to the Rajya Sabha. On that understanding, we have no objection to taking it up on Thursday.

MR. DEPUTY-SPEAKER: I think, the sense of the House is very clear that the Bill be taken up this Thursday that is, day after tomorrow and finished on that day.

AN HON. MEMBER: How can it be? 10 hours have been allotted for it:

MR. DEPUTY-SPEAKER: I do not know. That is the pleasure of the House as far as I understand.

16.11 hrs.

DISCUSSION RE. FLOOD SITUATION IN THE COUNTRY

MR. DEPUTY-SPEAKER: We now take up discussion under Rule 193 on the flood situation in the country. Shri P. K. Deo.

SHRI P. K. DEO (Kalahandi): Mr. Deputy-Speaker, Sir, the Minister has come with three statements regarding the flood situation in the country, that is, on 24th July, 20th August and 28th August, 1973. But every day in the newspapers we come across news of flood havoc and inundation of large tracts of land, loss of life and property. All this has been due to floods and heavy rains.

This year, after a spell of drought, there has been a large-scale rainfall and it has been much more than the normal rainfall. In Jammu and Kashmir, it has been more than 8 times the normal rainfall; in Punjab, it has been more than 2 times and in Western Rajasthan, it has been more than 5 times. Similarly, in various parts of the country, there has been a heavy down-pour. In my constituency, there has been a rainfall of 17 inches in 24 hours. So, those unfortunate districts which never had any experience of floods have been subjected to these unprecedented floods resulting in heavy loss, large areas coming under inundation, paddy being washed away all the tenement and huts and even cattle being washed away and many people suffering severe damages. Kalahandi, Bolangir and Koraput districts were flooded and

the people there said that in their life-time, they had never seen floods of such an intensity.

The Ministry of Irrigation and Power has circulated a very nice Atlas on floods. In that, the figures relate to 1953-68. From that, we find that the maximum annual flood damage is in West Bengal, that is, Rs. 66 crores; U.P.—Rs. 61 crores; Punjab—Rs. 39 crores; Bihar—Rs. 39 crores; Orissa—Rs. 33 crores; Andhra Pradesh—Rs. 27 crores and so on. As regards the maximum area affected by floods, upto March, 1969, Uttar Pradesh tops the list, that is, 41 lakh hectares; Assam—35 lakh hectares; West Bengal—26 lakh hectares; Punjab—25.8 lakh hectares; Bihar—25 lakh hectares; Orissa—14 lakh hectares and so on. The total flood damage in this period has been to the tune of Rs 194 crores, of which Rs. 125 crores relate to crops, Rs. 40 crores to houses and Rs. 20 crores to public utility services. This year the damage due to floods has been colossal; the damage to public properties, crops and houses alone has been to the tune of Rs. 50 crores.

16.15 hrs.

[SHRI N. K. P. SALVE in the Chair]

In Jammu and Kashmir, Punjab, UP., Himachal Pradesh, Assam, Madhya Pradesh, Gujarat and Orissa, there have been severe damages. The Minister has given a statement. From his statement of the 20th of this month we find that all other States have given their figures so far as area affected. Population affected, and damage to crops are concerned; we are surprised that, so far as Orissa is concerned, there is a foot-note wherein it is written 'incomplete assessment so far as value of damaged crops is concerned. Even today we find that, so far as Orissa is concerned, the figure is not available. This is the sad state of affairs. What more can we expect when there is President's rule there? Such things perhaps would not have happened if there had been a popular Government in the State. When the