

The Lok Sabha re-assembled after lunch at Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

RE. INDIAN DIPLOMATS IN INDIA

Shri Hem Barua (Mangaldai): Sir, may I draw your attention to an important matter about the Indian diplomats who are on their way from Peking to this country? They were to reach Canton at 10 this morning. It is reported that there is a very huge crowd of the Red Guards waiting to receive them in a very odd way. They were to reach Hong Kong at 10.45. We have not got any information about them, whether they are still in the Chinese territory or out of the Chinese territory. Will you please ask the Minister concerned to get the information and enlighten us on this, because we are very much worried about it? This is a very serious matter.

Mr. Deputy-Speaker: The Minister of Parliamentary Affairs is here. He will communicate it to the External Affairs Minister and before we adjourn, he might inform the latest position to the House.

श्री कंबर लाल गुप्ता (दिल्ली सदर) : उपाध्यक्ष महोदय, अभी रेडियो की रिपोर्ट यह है कि जब वह कैंटन के पास घा रहे थे तो वहाँ भी उन के साथ वही बदतमीजी का सलूक किया गया, उन को पीटा गया और उन के साथ दुर्व्यवहार किया गया। अभी यह नहीं मालूम हुआ कि वह इधर की तरफ हैं या चाइनीज टेरिटरी की तरफ हैं। अगर यह बात इसी तरह से चलती रही तो वहाँ भी उस का रिपरकशन हो सकता है। वहाँ के लोग बहुत एजिटेटेड हैं और हो सकता है कि वहाँ की चाइनीज एम्बेसी पर भी कुछ कर दें। मैं नहीं चाहता कि ऐसा हो, लेकिन अगर यह हुआ तो उस की सारी जिम्मेदारी चाइना पर भी होगी और

सरकार के ऊपर भी इस माने में होगी कि वह इस मामले में कुछ नहीं कर रही हैं। इस मामले में लोगों को बड़ा गुस्सा है कि हमारे डिप्लोमैट्स के साथ इस तरह का व्यवहार किया जाये।

Mr. Deputy-Speaker: I do realise the concern of the House. I have already stated that the Minister of Parliamentary Affairs, who is fortunately here, will communicate to the Minister of Foreign Affairs the feeling of the House and try to get the latest information before we adjourn, or if he has got some information he may give it to the House.

The Minister of Parliamentary Affairs and Communications (Dr. Ram Subhag Singh): No, Sir. We are equally concerned with this inhuman treatment to our diplomats. The Foreign Minister is not here. I will convey to him the feeling of the House and if possible we shall bring the latest information before we adjourn.

श्री हुकम चन्द कछवाय (उज्जैन) : उन्हें एक दम से निकाल दो।

श्री कंबर लाल गुप्ता : जो चाइनीज डिप्लोमैट्स हैं उन को भी तो कुछ सबक सिखलाना चाहिये। यहाँ से हम उन को सीधे निकाल दें, यह नहीं होना चाहिये। यहाँ उन का भ्रोपन ट्रायल होना चाहिये।

Mr. Deputy-Speaker: I entirely share the concern of the House and I also realise that the whole House is agitated about it. As Shri Hem Barua put it, they have not crossed the Chinese boundary because we have no news about their reaching Hong Kong and they are still in Canton. About reprisal, I do not think we should imitate the barbarity of Chinese hysterical Red Guards. That is not the way to do.

श्री हुकम चन्द कछवाय : सरकार बनता को छूट दे दे, वह उन से निपट लेगी। हमारे

लोग पिट रहे हैं और हम देख रहे हैं। क्या नहीं निकालते उन को ?

Mr. Deputy-Speaker: The Government will take appropriate steps keeping in view our civilised conduct.

14.08 hrs.

ANTI-CORRUPTION LAWS
(AMENDMENT) BILL—contd.

Mr. Deputy-Speaker: Three hours have been allotted for this Bill. Will it be all right if we have two hours for general discussion and one hour for the clause by clause consideration? I think there is only one amendment. I want it to be finished by 5.00 today.

An hon. Member: Let it be 2½ hours and ½ hour.

Mr. Deputy-Speaker: I have no objection.

The Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukla): Sir, yesterday I moved the motion for consideration of this rather non-controversial Bill further to amend the Anti-corruption laws. On the recommendations of the Santhanam Committee, a legislation was sponsored to amend various anti-corruption laws. Among others, the Prevention of Corruption Act, 1967 was also amended in 1964. Section 5(3) of the Prevention of Corruption Act, 1947 before amendment reads as follows:

"5(3)—In any trial of an offence punishable under subsection (2), the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known resources of income may be proved, and on such proof the court shall

presume, unless the contrary is proved, that the accused person is guilty of criminal misconduct in the discharge of his official duty and his conviction therefore shall not be invalid by reason only that it is based solely on such presumption."

This was a rule of evidence, the effect of which was that in a trial for the offence of criminal misconduct in the discharge of official duty, as soon as it was proved that the accused was in possession of pecuniary resources or property disproportionate to known sources of income, a presumption that the accused was guilty of the offence, would arise and unless the accused succeeded in rebutting this presumption, the court could convict him on the strength of this presumption. This evidentiary burden of proof proved useful to the prosecution when the accused person had amassed wealth during a period extending to a number of years covering multiple transactions and when it was physically impossible for the prosecution to prove corruption in each and every one of such numerous transactions.

By this amending Act of 1964, subsection (3) of section 5 of the Act was *inter alia* omitted and in its stead a new category was added to the four already existing categories of criminal misconduct by adding clause (e) to sub-section (1) of section 5 as under:

"If he or any person on his behalf is in possession or has, at any time during the period of his office, been in possession, for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income."

This clause provides that if a public servant or some person on his behalf is or has been at any time during the period when the public servant was