

forego my claim. Fortunately for the plaintiff and for me who was conducting the case for the plaintiff, the other party was not prepared to take the oath. If the other party had taken the oath, this plaintiff would have lost her share in the family properties and would have been treated as a stranger. This kind of abdication—

SHRI LOBO PRABHU : They are exceptions.

SHRI GOVINDA MENON : They are exceptions, but such exceptions may arise. In fact, this kind of special oath itself is an exception.

SHRI BENI SHANKER SHARMA : One question, Sir. The apprehension of the hon. Minister is that in such cases there might be miscarriage of justice. I think we are not sure that even when the case is decided by very competent courts always justice is carried. There is a chance of miscarriage of justice by those courts as well.

You have to see whether by incorporating the debated sections the advantages would be greater. So far as the village people are concerned, there is the least chance of miscarriage of justice. Rarely there may be miscarriage of justice, but that risk is there in the *motera* procedure also.

SHRI GOVINDA MENON : We have adopted the judicial system as is in existence in India today. This provision will be one by which pronouncements of judgments in the courts are abdicated in favour of an oath taken in favour of one of the parties. Unscrupulous parties may do this sometimes and in a fit of generosity, the other party may accept it and it may lead to injustice.

The Law Commission has considered this matter very thoroughly. I request the House to pass the Bill into law.

MR. CHAIRMAN : The question is :

“That the Bill, as amended be passed”.

The motion was adopted.

15 42 hrs

INDIAN REGISTRATION (AMENDMENT) BILL

THE MINISTER OF LAW AND SOCIAL WELFARE AND RAILWAYS. (SHRI GOVINDA MENON) : Sir, I beg to move :

“That the Bill further to amend the Indian Registration Act, 1908, as passed by Raja Sabha, be taken into consideration.”

This is a simple Bill. It is practically a one-clause Bill ; The law today is, under section 30 (2) of the Indian Registration Act, the Registrar of a district, including Presidency Towns, receives and registers any document referred to in section 28, without regard to the situation in any part of India of the property to which the document relates. The property may be situated in Tiruchirapalli, but it is open to the parties to register a document with respect to that property either in Madras, Bombay or Calcutta. Before partition, the city of Lahore also was included. The reason behind this was that in these Presidency Towns of Madras, Bombay and Calcutta, citizens from all parts of the country may be staying for professional or other purposes. If one of them wants to execute a document with respect to a property in his village, under the law now, if he is in Delhi, he will have to go to his village. But if he is in Calcutta, Bombay or Madras, the document can be registered in those cities themselves. The object of this amendment is to include Delhi also in the list.

15.43 hrs

[SHRI M. B. RANA *in the Chair*]

Delhi should be in the list for many reasons. More than Calcutta, Bombay and Madras, Delhi has become one city in India where citizens from all parts of the country stay almost permanently. Take the case of Members of Parliament. We are here for most part of the year. If one of us wants to assign property or make a gift of property or do something with our property, it should be possible for us and others who may be in Delhi like the officers

[Shri Govinda Menon]

to do it in Delhi itself. That is why Delhi is being included in the list.

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Indian Registration Act, 1908, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

SHRI LOBO PRABHU (Udip) : My name is there. I want to speak on the Bill.

MR. CHAIRMAN : We have taken the Bill into consideration. We are now on the clauses. You can speak on the clauses.

Clause 2—(Amendment of sections 1 and 30)

SHRI. LOBO PRABHU : I beg to move :

Page 1,—

omit lines 6 and 7. (7)

Page 1, line 11,—

after "district" insert—

"and the Registrar of the Headquarters district of all State Governments, which so agree", (8)

The Minister has forgotten that the word "Indian" is also sought to be deleted through this.

SHRI GOVINDA MENON : That is the present legislative practice.

SHRI E. K. NAYANAR (Palghat) : I would also like to speak on the Bill before the amendments are taken up.

SHRI LOBO PRABHU : I would like to speak about the Bill and about registration in general because it is a very important issue as also about Sub-Registrars and the Registrar.

MR. CHAIRMAN : There is only one clause. You can speak on clause 2.

SHRI P. G. SEN (Purnea) : Sir, the Bill is a very simple one. Delhi District has been included and that is good. The amendments are all consequential amendments and I have no objection to them. But I want to make one or two suggestions.

Now our banks—the land mortgage banks, the State Bank and other banks—are coming forward to help the agriculturists. In view of the fact that the agricultural sector is rapidly going to be a mechanised one, everybody wants tractors, pumping sets and all these things. So, there is going to be a lot of registration in the country. But the cultivators do not know the procedure and they are even prepared to lose Rs. 500 or Rs. 1,000 if they do not have to go to the courts. But at least for the non-encumbrance certificate, if you have to rake money from the land mortgage bank, all this paraphernalia has to be gone through. So, priority should be given to that and the Inspectors General of Registration should be instructed that in such cases, where the agriculturists want the registration of the deed to take money from the State Bank or from the land mortgage bank, the procedure should be shortened and the cultivators should get priority. I welcome this Bill.

SHRI LOBO PRABHU : I am not disposed to accepting the oversimplification of this Bill. I have two amendments. I shall speak on them first and then on the subject of registration which is a very important subject and with which the poor people, the village people, of this country are concerned.

The first amendment proposed by the Minister is that the word "Indian" be deleted from this Act. The reason given by him is that this is the policy of Government to delete the word "Indian" because everything in this country is Indian. I would like him to consider this matter a little differently. It is a practice of legislation in England to refer to almost all their Acts as the British Agriculture Act or British this act or British that Act. That does not mean that they are trying to state what is obvious or are just trying to show themselves off as British. There

is a purpose in saying that this is an Act of a whole country, that this is an Act of a country as such, so that if our Bill, for instance, is in some other country it is not confused with just a Registration Bill of some other country but is identified with India. That is the first purpose of having the word "Indian".

Then, I have just before me here the Constitution of India. I suppose, the next amendment which the hon. Minister will propose will be that it should be called just the Constitution. There is a dignity in the words, Constitution of India; there is a dignity in the word, India, wherever we use it. We are not Pakistan that shows some kind of an allergy to the word, India, and propose that we call it Bharat or some other word. Better we leave the Pakistanis alone, who want to delete the name, Indian, from all places. We are proud of the word, Indian, and I beg of you to let it remain in the Bill. You gain nothing by deleting it.

There is another very practical reason which apparently was not noticed in the Upper House where this Bill was considered. You have to distinguish a Bill for India from a Bill for a State. You have got the Madras Act and you have got an Act for India. Many Acts have got a common title. If you do not call a Bill an Indian Bill, you do not know its scope and you are not able to distinguish it from a State legislation. I think the hon. Minister forgot this fact and he assumed that everyone will accept it. I would beg of him not to detract from the dignity, from the proper value, of our legislation. Let us stick to it and let us be proud of the name of India. Let us not try to slip it away.

My second amendment relates to the extension of the power of registration of documents away from the place where the property is situated. In this connection, the Minister has already stated the arguments in favour of Delhi saying, Delhi is a place where many people assemble and, therefore, if two people want to make registration here, they need not be compelled to go back to their villages or to their towns where the district registration office lies.

The procedure is well known, if not to Members of the House, to the Minister that when a registration is made at one of these places, Delhi or Madras or Calcutta, a copy of the same is sent to the district office. That will also happen in respect of Delhi. My question is: Why do you confine yourself only to Delhi which is a union territory? Why do you exclude Lucknow? Why do you exclude Bangalore which is nearly as large as Delhi and quite as important a place?

The reply given by the hon. Minister in the Rajya Sabha was that these States were not consulted and they had not agreed to take the facility to their district headquarters. I have, therefore, framed my amendment in such a way that all the district headquarters of the States should be eligible to register documents in the other areas provided the States so agree. The States have to notify their agreement after which these areas will become eligible to register their documents of district which are not in their own jurisdiction. I think, it is a very reasonable proposal both for the convenience of the people of the States and for the dignity of the States which are not willing to be put down below Delhi. And what is more is that it is for the convenience of the people.

In this connection, I may say that in bigger places, registration may tend to be easier than in the smaller places. I now come to the general question of corruption in the registration offices because there is less corruption in the bigger places than in smaller places. Now, the subject of registration is very important and we are grateful to the hon. Minister that he has brought forward a Bill which he thinks is a very simple and innocuous one. He has given us a chance to let him know what registration stands for. Registration is another word for organised corruption. I have this experience in various forms and if anyone is going to deny it, he is quite welcome to say so.

SHRI GOVINDA MENON : Have you been a Director-General?

SHRI LOBO PRABHU : I have not been a Director General. I have been

[Shri Lobo Prabhu]

subject to this corruption. I have been a land-owner. I have had to transfer my property and I know what it means. I had been a district officer and a sub-registrar is under the control of the district officer. There have been limitless complaints that no document is registered unless a *mamul* is paid which is about Rs. 10 at present and may be more. It is paid very very adroitly. It is paid either to the *munshi* or to the clerk. If you do not pay that *mamul*, it simply means that, when you have arrived at 11 O' Clock, you will have to be there till 5 O' Clock waiting for the registration of the document.

Now there is a provision—I think it is Sec. 52 of the Registration Act—which says :

“The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it ;”

This was initially a precaution for priority according to the way the application was presented. But it is not enough that the day and time is noted, but there must be a provision—it may be by a rule or it may be by a direction—that the applications for registration are taken up strictly according to the day, hour and place where presented. If that is not done, you will not have this very sad spectacle that even though I was a Magistrate and I hope to be a person of some importance where I live, I could not get my document registered until my agent went and placated the Registrar in this way. I say this is a confession which gives no credit to me.

SHRI GOVINDA MENON : You are spolling the officers.

SHRI LOBO PRABHU : I am not spolling the officers. Otherwise, I will not get my document registered in time.

What are the powers which the Registrar enjoys ? There is a compulsion for you to present your document yourself unless you execute a power of attorney but the power of attorney should also

be executed before the same Registrar or Power of Attorney at Law. Any way that is another expensive process. Otherwise, he will make you wait, and what defence has a man got against such harassment ? So I would stress it on the hon. Law Minister that he should recognise this fact of corruption in the offices of registration and make some rule which will somehow ensure...

MR. CHAIRMAN : Your time is up.

SHRI LOBO PRABHU : Sir, this is a very important subject. I have got two amendments also.

MR. CHAIRMAN : You won't speak on the amendments.

SHRI V. KRISHNAMOORTHY (Cuddalore) : He has got much experience. Let him take all our time.

SHRI LOBO PRABHU : Secondly, I think...

AN HON MEMBER : Now he is speaking for the Registrar General.

SHRI LOBO PRABHU : Having been conscious of the extortion that takes place, as an MP I had an occasion to refer this matter to the Vigilance Commissioner both at the centre and in the State. My voters complained of this place and that place of registration. Particularly at one place they had these difficulties which were unerable. So one particular clerk and peon there were changed. But that has not altered this fact that there is almost a complete licence for the staff to take money. (Interruptions)

SHRI JYOTIRMOY BASU (Diamond Harbour) : What salary do you give to the staff ?

SHRI LOBO PRABHU : I am not taking up the Communist argument that because you have not got what you think you deserve, you can take something that belongs to somebody else. For that we have to wait for the Communist regime to come. But, as things are, irrespective of their salaries—they have not been compelled to accept the posts—but having accepted the posts, they should not indulge in corruption.

I do also hope that in your own State of West Bengal there is no general permission for your staff to fleece people in this way. (*Interruptions*) I would suggest this is an administrative matter and on this occasion I do hope to say that the Vigilance Commission has failed in its duty to check corruption in the offices of registration. I do hope that this will be conveyed to the Vigilance Commissioners both here as well as in the States, because unless this is done, I do not see why we should have Vigilance Commissioners. They are there in name. Because of corruption in offices of registrars, you are also concerned with the Vigilance Commissioner even if he is under the Home Ministry. Now the vigilance officers are not concerned in watching what is happening but in taking action only when there are reports. I would like to stress here that the vigilance should mean that there should be watch, not constant watch, but random watch on what takes place in offices. There should be exemplary caution and exemplary prosecutions.

16 hrs.

I think I am right in assuming that when you are in charge of a department, it is your duty to see that the Vigilance Commission does its best to keep the purity of the department, or, if not purity, to reduce the impurity of the department to a minimum. I would like the Minister to see Sections 17 and 18 which explain about a document which must be registered and documents which may be registered. Under sub-section (d) leases of immovable property...(*Interruption*) from year to year or from any term exceeding one year shall be compulsorily registered and you have an exception...

श्री ठुक्रम चन्द कछवाय (उजैन) : सभा-पति महोदय, सदन में गणपूर्ति नहीं है।

MR. CHAIRMAN : The Bell is being rung.

—Now there is quorum. The hon. Member may continue.

SHRI LOBO PRABHU : Sub-Section (d) refers to leases of property of over a year. The proviso allows State Government to exempt whatever they consider necessary. We are aware of the unsatisfactory position of our land records. We are all aware of

the failure of land reforms. Their own party has been considering various measures for implementing these land reforms. The reason is, there is no record of tenancy worth the name. The only record is the record of the patwari or village accountant called by different names in different places.

This Act says that those accounts must be deposited in the office of the Registrar and that is all. It simply means that in respect of a very valuable right, more valuable now because of land reforms, there is no registration worth the name. I would like that the State Government should consider what can be done, how proper records of tenancy can be secured and even if it is the record of the village accountant, whether he should not be confirmed by some kind of an oath to render it a correct record, or whether the exemption which State Government gives should not be modified in some respects so that all those who get tenancies are enabled to register at a very low fee, as it should be, so that they do not suffer at the hands of the staff and the strong.

Unless there is this right which the tenant can exercise at a very low rate of fees, I do not think you are going to succeed either in getting a proper record of the rights of tenants or in making land reforms a success. The mind of the Government, the mind of the State Governments, the minds of all of us who care anything for the rights of tenants have, therefore, to be exercised in this due direction of how to get records of tenancies made in the office of the Registrar at minimum trouble and at minimum cost.

**SHRI E. K. NAYANAR (Palghat) : Mr. Chairman, Sir, regarding this Bill there are two questions on which I would like to have some explanation from the Government. This Bill seeks to extend the Indian Registration Act to Delhi. When the Britishers were there, only four cities—Bombay, Calcutta, Madras and Lahore, which is now in Pakistan,—were covered by this Act. On this occasion when the Government is trying to bring Delhi also under the purview of this Act I want the Government to clarify two points. One is about the scope of corruption, nepotism and evasion of Income-tax indulged in by officers and others while carrying out the provisions of this Act. In this House itself, mention has been made of the care of Shri Biju Patnaik. There was a

[E. K. Nayanar]

raid by police in the case of evasion of tax by Shri Patnaik. It was said that Shri Patnaik had to pay tax to the extent of Rs. 1,60,00,000/-. Even in the *Blitz* of last week it was written that he had still to pay Rs. 60,00,000/-.

MR. CHAIRMAN : Let the hon. Member not mention any names of persons who are not here to defend themselves.

SHRI JYOTIRMOY BASU : Very relevant.

SHRI E. K. NAYANAR : This is about transfer of property registration. The police found out that he had transferred some of his properties and had registered them at Calcutta.

SHRI K. NARAYANA RAO (Bobbili): This is not only tangential to the Bill before us but is absolutely outside its scope.

SHRI E. K. NAYANAR : When you are extending it to Delhi, there will be more opportunities for such people to evade payment of tax and also for officers to indulge in corruption. The extension of this Act to Delhi will enable people to register transfer of property here, thereby conceal their property and evade payment of tax. I would like to know from the Government what precautions they have taken to prevent this.

Secondly, when there are certain very important matters like the abolition of privy purses, for which they have not taken any step to bring forward a Bill, I do not understand why they are in such a hurry to bring this Bill extending this Act to Delhi. The Minister explained that there are people from other States residing in Delhi for professional and other reasons and in order to facilitate them to register the transfer of immovable properties in their States without going there, he was extending this Act to Delhi. The previous speaker mentioned Bangalore as a city where also people from other States are residing. There are several such cities in Kerala. For example, there is Trivandrum. Why should not this Act be extended to those cities also so that the people there can also avail of the facility provided under this Act. I would like the

Minister to give his reasons for not extending this Act to those cities or be good enough to include those cities also under the provisions of this Act. I would also like him to tell this House what steps he proposes to take to prevent corruption, concealment of property and evasion of tax for which there is a wide scope under this Act. That is all what I have to say on this Bill.

श्री शिव चन्द्र झा (मधुबनी) : इस बिल में एक तो अच्छी बात नज़र आ रही है। आप ने यहां यह नहीं कहा है कि जम्मू काश्मीर को छोड़ कर। इसका मतलब यह हुआ कि यह जम्मू काश्मीर पर भी लागू होगा। यह अच्छी बात है। इस दृष्टि से इसका जो रूप है वह अच्छा है पहले वाले विधेयकों के मुकाबले में यह तो इम्प्रूवमेंट है और इसका स्वागत किया जाना चाहिये।

दूसरी बात मैं यह कहना चाहता हूँ कि आप इस को प्रेजीडेंसी टाउन पर क्यों लागू करना चाहते हैं, बड़े बड़े शहरों तक ही इसको क्यों सीमित रखना चाहते हैं। मद्रास कलकत्ता, बम्बई और अब दिल्ली तक ही इसको आप क्यों महदूद रखना चाहते हैं लखनऊ को आपने क्यों छोड़ा है, बंगलौर को क्यों छोड़ा है, यह लोवो प्रभु जी ने कहा है। मैं यह जानना चाहता हूँ कि आपने पटना को क्यों छोड़ दिया है, कानपुर को क्यों छोड़ दिया है, इलाहाबाद को क्यों छोड़ दिया है, दूसरे छोटे शहरों को क्यों छोड़ दिया है? जो सुविधायें इन बड़े शहरों में रजिस्ट्रेशन के लिए हैं वे छोटे शहरों में भी उपलब्ध होनी चाहिये। समय बदल रहा है। इंडस्ट्रियलाइजेशन और कम्युनिकेशन की सुविधायें छोटे शहरों में आज की तरह कल भी रहेंगी, अगर आप यह सोचते हैं तो यह सोचना आपका गलत है। इसलिए मैं चाहता हूँ कि चाहे नियमों के अनुसार हो या एमेंडमेंट के जरीये हो, इस विधेयक को छोटे शहरों पर भी लागू करने की आपको व्यवस्था करनी चाहिये।

आप इंडियन शब्द को हटाना चाहते हैं। बहुत से हमारे ऐक्ट्स हैं, इंडियन ट्रेड यूनियन ऐक्ट है, बम्बई का इंडस्ट्रियल रिलेशंस ऐक्ट है। अगर आप इंडियन शब्द रखते हैं तो इसका मतलब है सारा हिन्दुस्तान। इस वक्त जो अवस्था हमारी है, उसको देखते हुए यह उपयुक्त नहीं होगा कि इंडियन शब्द को हटा दिया जाए। इंडियन रजिस्ट्रेशन ऐक्ट ठीक है, इससे कोई खराबी नहीं होती है। इसको रखना चाहिये।

इससे रजिस्ट्रेशन की सुविधायें बढ़ेंगी। लेकिन क्या मंत्री महोदय ने सोचा है कि रजिस्ट्री के जो स्टाम्प्स हैं, उनको लेकर कितनी घांघलियां होती हैं? जितने स्टाम्प बैंडर्ज की आवश्यकता होती है, स्टाम्प्स की मांग को देखते हुए उतने नियुक्त नहीं किये जाते हैं। साथ ही साथ स्टाम्प्स की पूर्ति भी नहीं हो पाती है। जब स्टाम्प्स के लिए कोई जाता है तो उसको कहा जाता है कि नासिक प्रेस से अभी आए नहीं हैं। इससे क्या होता है? इससे कुर्रशन बढ़ती है। मैं चाहता हूँ कि इस ओर आप ध्यान दें। समाजवाद का नारा लगाया जा रहा है और प्रापर्टी के खातमें की बात भी हो रही है। जब वह विधेयक आया तो यह विधेयक गौण हो जाएगा। इसका महत्व कम हो जाएगा। लेकिन जब तक व्यवस्था नहीं होती है तब तक के लिए यह भी आप देखें कि काफी संख्या में स्टाम्प बैंडर नियुक्त हों और समय पर और मुस्तैदी के साथ स्टाम्प्स उपलब्ध हों। यदि यह आप सब कुछ करते हैं तब बहुत हद तक इस विधेयक का जो मकसद है, वह पूरा हो सकता है।

एक बात की मुझे खुशी है। इस में यह नहीं लिखा है कि कि एक्सेप्ट जम्मू एंड काश्मीर। वहां भी यह विधेयक लागू होगा। पिछले विधेयक में यह पहले विधेयकों यदि इन्होंने यह नहीं किया तो इस विधेयक में इसको

करने जा रहे हैं, इस विधेयक के जरिये इसको कबूल कर रहे हैं। यह खुशी की बात है।

SHRI JYOTIRMOY BASU (Dimond Harbour): Members of my party had spoken and so I shall not take more than two minutes. I only want to draw the attention of the hon. Law Minister to the way the Muslims are harassed in the registration offices if they want to register a sale deed for the sale of any property.

SHRI RANDHIR SINGH (Rohtak): Not only Muslims.

SHRI JYOTIRMONY BASU: They have to obtain some sort of certificate from a local dignitary who may be of questionable character. Quite often they have to pay fees to them through their nose before a document could be registered. I request the hon. Minister to look into the matter so that they may be given a fair deal.

सभापति महोदय : श्री रणधीर सिंह।

श्री हुकम चन्द कछवाय : इतने अच्छे वक्ता बोलने के लिए खड़े हुए हैं लेकिन सदन में गणपूर्ति नहीं है। हरियाणा के एक प्रमुख सदस्य बोलने खड़े हुए हैं लेकिन पचास आदमी भी सुनने के लिए नहीं हैं।

सभापति महोदय : घंटी बजाई जा रही है.....अब गणपूर्ति हो गई है। श्री रणधीर सिंह।

श्री रणधीर सिंह : एक दो मिनट में जो जरूरी बात इस बिल के मुतालिक है, उसको मैं आपकी सेवा में रखने की जरूरत समझता हूँ। रजिस्ट्रेशन ऐक्ट का सैकशन 17 सब से इम्पोर्टेंट सैकशन है। उसके तहत जो कम्पलसैरिली रजिस्ट्रेशन डायुमेंट्स हैं, उनके लिए आजकल एक तरह की लूट मची हुई है। मैं खास तौर पर वह बात कहना चाहता हूँ कि जो देहात में छोटे किसानों से सम्बन्धित

[श्री रणधीर सिंह]

है। जब जगह जगह आज प्रचार कि लैंड रिफार्मिज होंगी। उसकी वजह से सारे देश में जो रजिस्ट्रेशन आफिसिस हैं उनकी गहरी है, गवर्नमेंट की भी गहरी है। दुनिया भर के स्टाम्प खरीदे जा रहे हैं। वकीलों की भी गहरी है। उनको यह खदशा हो गया है यह जो सीरिलिंग होगी यह तीस के बजाय पंद्रह स्टैंडर्ड एकड़ पर होगी। उनको यह पता नहीं है कि जब तीस स्टैंडर्ड एकड़ थी, अगर मुद्दत का सवाल आएगा तो जो पहले लिमिटेशन पीरियड था उसी से मुद्दत शुरू होगी। उन्होंने पंद्रह स्टैंडर्ड एकड़ अपने बच्चों के नाम, बीबी के नाम रिश्तेदारों के नाम करनी शुरू कर दी है। जगह जगह वकील खड़े किये जा रहे हैं। लोग लूटे जा रहे हैं। उनको सांस नहीं। रजिस्ट्रेशन आफिस चाहे दिल्ली में हो, बम्बई में हो, कलकत्ता में हो, मद्रास में हो, या कहीं भी हो उसकी चांदी हो गई है। सरकार की चांदी हो गई है। दुनिया भर के स्टाम्प बिकते हैं और गरीब लोग ही मारे जाते हैं। भगवान जाने कब आखिरी सेंटलमेंट लैंड रिफार्मिज के मुतालिक होगा। एक तूफान मचा हुआ है। हर जगह मचा हुआ है। रोज आदमी हमारे पास आते हैं और पूछते हैं कि पंद्रह स्टैंडर्ड एकड़ पर हद मुकरंर होगी, दस पर होगी, एक पर होगी, इतना तो बता दो। श्री लोबो प्रभु ने जो बात कही है, बिल्कुल ठीक कही है। वहां तो एक नहीं, बीस शतान खाने वाले हैं और वे बेचारे गरीब किसान को एक्सप्लायट करते हैं। आप खुद लाइवर हैं, आप जानते हैं कि पेटीशन राइटर का परसेंटेज बंधा हुआ है कि सैकड़ों पर उस को इतना मिलेगा सुप्रीम कोर्ट, हाई कोर्ट डिस्ट्रिक्ट और सेगन्ज कोर्ट के वकील की इतनी फीस नहीं है, जितना कि पेटीशन राइटर के कनवेयेस डीड का मेहनताना है। वह बुरी तरह लूटता है। अगर पचास हजार रुपये का रजिस्ट्रेशन है, तो एक हजार रुपया उस का

बन जाता है। रजिस्ट्रेशन आफिस में परसेंटेज बंधा होता है, जिस में रजिस्ट्रार भी शामिल होता है। कई जगह गवर्नमेंट ने सब-रजिस्ट्रारों को आनरेरी तोर पर एपायंट किया हुआ है, जिन को परसेंटेज के बेसिस पर रखा जाता है। उन्होंने गदर मचा रखा है।

इसके अलावा अगर कोई कुस्ती, दंगल या कल्चरल शो होता है, या रेडक्रास का चन्दा इकट्ठा करना है, या कोई वजीर साहब आ रहे हैं, या चीफ मिनिस्टर का दौरा है, तो रजिस्ट्रेशन आफिस में उन के लिए भी कान्ट्री-ब्यूशन वसूल किया जाता है। इस में कांग्रेस और नान-कांग्रेस गवर्नमेंट का सवाल नहीं है। सब जगह यह गलत ट्रेडिशन कायम है कि गरीब किसानों और मजदूरों को भेड़ समझ कर मारा जा रहा है।

श्री लोबो प्रभु ने कोई गलत बात नहीं कही है कि रजिस्ट्रेशन आफिस करप्शन का सबसे बड़ा अड्डा बने हुए हैं। चूकि सेक्शन 17(डी) के मातहत सौ रुपये की मालियत का मामला, क्रीएशन आफ ऐनी राइट थ्रार टाइल कमलसरिली रजिस्ट्रेशन है, इस लिए गरीब से गरीब कावलर और शाडू देने वाले को भी वहां जाना पड़ता है। आखिर सौ रुपये की मालियत है क्या? आज पांच रुपये की कीमत सौ रुपये के बराबर है। अमीर भ्रादमी तो अपना काम चला लेते हैं। वे तो वकीलों को अपने जब में रखते हैं। गरीब तबका, बेचारे गरीब मजदूर लैंडलेस लेबरर, बीकर सेक्शनज आफ दि सोसायटी, चाहे वे पंजाब के हों या यू० पी०, हरियाणा या मद्रास के, इससे ज्यादा एफेक्टिव हैं और उन को इस लूट से बचाया जाये।

आखिर में मैं यह कहना चाहता हूँ कि दिल्ली को इस में शामिल करना अच्छा है, लेकिन बंगलौर, लखनऊ बगैरह और पांच सात शहरों की भी इस में शामिल किया जान चाहिए।

मुझे उम्मीद है कि मेरे फ्राजिल दोस्त, ला मिनिस्टर साहब, मेरी ब्राज्जक्वैशन्ज पर ध्यान देंगे। जिन गरीब आदमियों के वोटों से हम एम० पी० और वजीर बनते हैं, उन की लूट चलती रहे, और हम मजे करते रहें, तो इसका मतलब यह है कि हम भी उन की लूट में शामिल हैं। अगर हम में कुछ भी इन्सानी हमदर्दी है, तो हमें उन के साथ थोड़ा बहुत इन्साफ करना चाहिए और इस प्राबलम का इलाज करना चाहिए।

SHRI GOVINDA MENON : Mr. Chairman, Sir, when I introduced the Bill, Shri Randhir Singh said, "Let us pass the Bill" and I thought that would be the inclination of every Member of the House. But there has been a rather good discussion, and I stand to benefit by that discussion.

Let us take the points one by one. Mr Lobo Prabhu said that he is proud of the word India and Indian. So am I. Therefore, it does not follow that the word "Indian" should be attached, or the Bill should be called the Indian Registration Act. Half an hour back we passed the Oaths Bill; the word 'Indian' was not there. The 1873 Act was known as the India Oaths Act. Now we have removed it and substituted this Oaths Act. This practice of using the word "Indian" with respect to every Indian legislation dates back to the days of colonial rule in India.

Take the Income-tax Act. Cases under that Act used to go to the Privy Council. There was the Income-tax Act of England which was simply known as the Income-tax Act; it was not called British Income-tax Act. I have before me a volume containing the UK Acts and every Act is simply given the name of the Act. For example, when I turn a page in this volume, I find "Public Authorities Allowances Act". During the British rule, the Privy Council had to refer to Indian legislations and they had to distinguish it from the British legislation. When they wanted to refer to the Income-tax Act of India, they referred to it as the Indian Income-tax Act. Our Companies Act was referred

to as the Indian Companies Act, our Limitation Act as the Indian Limitation Act. On the other hand, the corresponding Acts of the UK were simply called Income-tax Act, Companies Act and Limitation Act. After independence, after the jurisdiction of the Privy Council over Indian litigation was taken away in 1948, there is no reason why we should still use the adjective "Indian" in our legislations. The Limitation Act was passed in 1964. It was simply called the Limitation Act. So also the Income-tax Act of 1961 and the Companies Act of 1956. The word "Indian" is not there in all legislations passed by Parliament after independence.

The difficulty raised by Mr. Lobo Prabhu that we have to distinguish our Acts from the State Acts also will not arise. Take registration itself. It is a concurrent subject and it is open to any State, say, Mysore to amend the central Act to suit the convenience of the persons in that State. Then it will be called the Mysore Registration Act. I therefore humbly submit that there is nothing wrong in omitting the word "Indian". We have discarded the practice followed by the Central Government in India during the colonial days.

There was another reason also. There were so many Indian States at that time and in order that there should be no confusion between the legislations of the Government of India, the word "Indian" was used.

SHRI LOBO PRABHU : What about the Constitution of India?

SHRI GOVINDA MENON : The word "India" is there because it is the Constitution of India. We are discussing now regarding legislation. Therefore, with great respect to Shri Lobo Prabhu, may I say that it is a pedantic criticism which Shri Prabhu should not have advanced.

Then, Shri Prabhu and other said that it should be extended to other cities as well. Delhi stands apart from the other cities of India. It is the federal capital of India. It is a place to which persons from all States come and it is more important from this point of view

[Shri Govinda Menon]

than even Calcutta, Bombay and Madras. It is open to the State Legislatures to make it applicable to their State capitals. For example, it is open for the UP Legislature to pass a law by which either in Lucknow or in Allahabad, whichever city they treat as the capital for this purpose, registration of documents with respect to property in every part of the State should be effected. Will not Members of this House agree that this is legislation which will be welcomed by all of us who have congregated to Delhi for different purposes from all parts of the country? This situation does not apply to any other city however important it may be in India.

Regarding the other criticism, may I say that this is a simple amendment to section 30(2) of the Registration Act. Shri Randhir Singh made very many statements with respect to section 17 which is probably the most important section in the Registration Act so far as the law of property is concerned, namely, which are the documents which are compulsorily registrable and which are not etc. Then, corruption was referred to. Does the House expect that I should say something about this matter now?

SHRI LOBO PRABHU : Yes, Sir.

SHRI GOVINDA MENON : This is a matter which is to be attended to by the State Governments. As you know, in every State there is a manual regarding registration. Under section 78 of the Indian Registration Act it is open to the State Governments also to enact rules regarding fees, this and that. I have come across Registration Manuals in other States. So far as Parliament is concerned, its duty ends with passing the legislation because the executive power is with the State Governments regarding a concurrent piece of legislation. Therefore I am not in a position to say anything regarding the statements with respect to corruption and all that.

Some hon. Member, I forget who, raised a very important regarding agriculturists being enabled to get their documents registered quickly. Shri Prabhu spoke about the difficulties of registration etc. Since he admitted—there is nothing

to justify the word, admitted—he stated that he is a landlord, he should have had a good deal to do with the registry officers. I have not had many occasions when I had to go to the registry office not being a landlord. These things which have to be attended to by the State Governments and I am sure, Shri Lobo Prabhu and others will agree if the Law Minister, or for that matter any Minister at the Centre, can do much with respect to corruption if it exists in the registration offices.

This is all I have to submit by way of a reply to the general criticism.

SHRI RANDHIR SINGH : You may send our feelings to the State Governments.

SHRI GOVINDA MENON : Certainly.

MR. CHAIRMAN : Do Government accept amendments Nos. 7 and 8 by Shri Lobo Prabhu?

SHRI GOVINDA MENON : No, Sir.

SHRI LOBO PRABHU : I would only make one request. There are two very important points which I have made about the villagers and the poor people. The first about corruption and the second was about facilities for registration of tenants.

SHRI GOVINDA MENON : That can be done in the States.

SHRI LOBO PRABHU : The hon. Minister says that this is a matter for the States. But this is a Central Act. Whatever registration is done on the basis of a Central Act, you cannot escape your entire responsibility. I am not asking you to make any amendment. I would like you to convey the unanimous feelings of this House to all the State Governments on this matter.

SHRI GOVINDA MENON : That can be done easily.

SHRI LOBO PRABHU : In view of that, I would like to withdraw my amendment.

Amendments Nos. 7, and 8 were, by leave, withdrawn.

MR. CHAIRMAN : Now, I put clause 2 to the vote of the House is. The question is :

"That clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1—(Short title)

SHRI GOVINDA MENON : I move :

Page 1, line 4,—

for "1968" substitute "1969"(2)

MR. CHAIRMAN : I put Government Amendment No. 2 to the vote of the House.

The question is :

Page 1, line 4,—

for "1968" substitute "1969"(2)

The motion was adopted.

MR. CHAIRMAN : The question is :

"That clause 1, as amended, stand part of the Bill"

The motion was adopted.

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

Enacting Formula

SHRI GOVINDA MENON : I move :

Page 1, line 1,—

for "Nineteenth" substitute "Twentieth"(1)

MR. CHAIRMAN : I now put Government Amendment No. 1 to the vote of the House.

The question is :

Page 1, line 1,—

for "Nineteenth" substitute "Twentieth"(1)

The motion was adopted.

MR. CHAIRMAN : I now put Enacting Formula, as amended, to the vote of the House. The question :

"That the Enacting Formula, as amended, stand part of the Bill"

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to Bill.

SHRI GOVINDA MENON : I move :

"That the Bill, as amended, be passed"

MR. CHAIRMAN : The question is :

"That the Bill, as amended, be passed"

The motion was adopted.

16.39 hrs.

TEA (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI CHOWDHARY RAM SEWAK) : Mr. Chairman, Sir, I beg to move* :

"That the Bill further to amend the Tea Act, 1953, be taken into consideration".

Sir, before the hon. Members are given an opportunity to express their views on the Bill, I would like to say a few words. The tea industry in India is one of the best organised industries in the whole world. The Tea Act, 1953, which came into force on 1st April, 1954 seeks to provide for the control by the Union Government of the tea industry and for that purpose to establish a Tea Board. Section 10 of the Act places on the Tea Board the responsibility for taking measures for the development of the tea industry. In the discharge of its responsibilities, under this section, the Tea Board has taken up schemes like loans for tea extensions or replantations schemes and

*Moved with the recommendations of the President.