

cerned. The number of Buddhists all over the world is large. Therefore, if these facilities are given, then the number of Buddhist pilgrims will go up to large numbers. India has become the political centre of South-East Asia, but it is very little realised that India is also the home of Buddhists all over the world and is a place of Buddhist pilgrimage. It is from this point of view that I have the honour to convey the request of the Thai gentleman to the hon. Minister through you, Sir.

**Pandit Thakur Das Bhargava:** You said that a new Bill should be brought so that all these amendments may be considered.

**Shri K. D. Malaviya:** It will come as early as possible.

**Mr. Deputy-Speaker:** He has given that assurance. In the meanwhile, every hon. Member may write to the hon. Minister.

The question is:

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

*The motion was adopted.*

#### MANIPUR COURT-FEES (AMENDMENT AND VALIDATION) BILL

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

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, be taken into consideration."

Sir, after the excitement on the previous Bill, the House may be tired. I will finish my Bill very soon, and it is a Bill on which practically nothing has to be said. The House is aware that the Court-fees Act of 1870 is a Central Act. When the State of Manipur was taken over in 1950, the central Act was extended to Manipur. At that time it was overlooked that

the central Act has been varied and amended by the Assam Act, and the Assam (Amendment) Act was enforced in Assam and so automatically put into force in Manipur also, because Manipur is close to Assam. Afterwards, it was discovered that the rate in the Assam Court-fees Act was a little higher than in the old Court-fees Act of 1870. The object of this Bill, as it would appear from the statement of objects and reasons, is to make the Assam Act enforceable in Manipur as from the date of the passing of this Act and to give this Bill retrospective effect so that the charges made during the last three years may be regularized.

I may once more repeat that in Manipur, practically most of the legislation enforced in Assam is already enforced, and therefore this mistake arose. Therefore, I request the House to take this Bill into consideration and subsequently to pass it.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950 and to validate the levy of court-fees in certain cases, be taken into consideration."

**Shri K. K. Basu (Diamond Harbour):** I would like to enquire of the hon. Home Minister one thing. He says it was something of a soothing Bill and wants to have it passed. What happens to those persons who have paid court-fees at lower rates? Has it to be given retrospective effect?

**Mr. Deputy-Speaker:** Hon. Members must maintain the quorum.

**Several Hon. Members:** There is quorum.

**Shri K. K. Basu:** Normally, Sir, if court-fees are paid at a lower rate, it is recovered later. You are giving it:

[**Shri K. K. Basu**]

retrospective effect. Under the normal law, if anybody pays court-fees less than is allowed by the law, he has either to pay a penalty or no action is taken. Since that position has been made clear by this retrospective effect, I think this retrospective effect will bring in much more complications which will result from indifference and to some extent inefficiency of the department. It is not for the people to know that this Assam Act was hitherto applicable. Unless the hon. Minister assures us that these persons who actually followed the law of the land hitherto, which was also faulty in a particular place, have paid at lower rate they should not be penalised.

**Dr. Katju:** On a point of information I may say that as from the very inception, namely, April, 1950, everybody, officers, non-officers, litigant public, courts, were under the impression that the Court-fees Act, as amended in Assam, was enforced in Manipur, and therefore, if any one has paid a lower court-fee, lower than the central court-fee, he would not be asked to pay surcharge at any other time. The object of this Bill is to make the Assam Court-fees Act enforceable. There is no question of any difficulty.

**Shri K. K. Basu:** So, as you say, whether they were litigants, officers, etc., or not, they were under the impression that the Central Court-fees Act, as amended by the Assam Act, is applicable to Manipur. You are actually collecting at the rate which under the old law you are not authorized to collect. You want to regularize it?

**Dr. Katju:** The only thing is that the Assam Act is considered to be enforced as it has been by popular acclamation, considered to be enforced as from April, 1950. It is an Act coming into operation today, to regularize the position from tomorrow.

**Shri U. M. Trivedi (Chittor):** One point has not been answered by the hon. Home Minister. What will happen in those cases where lower court-fees have been paid already? And then, the litigation is still pending—let us suppose so. Litigation is not yet finished. If an objection is raised that the suit is not now maintainable, because court-fees at a lower rate has been paid, what provision you are going to place on this account? What provision are you going to make about such cases where a lower court fee has been paid?

**Dr. Katju:** May I intervene once again and say that there is no question of payment of a lower rate or higher rate. Everybody has paid ever since 1950 court fee at the rate prescribed in the Assam Court Fees Act. No one has paid court fees as prescribed in the Central Court Fees Act of 1870. The position is this. If any lower rates have been paid there will be no question of any further charge. Hon. members would notice that we are not making any Court Fee Act here, prescribing any rates. We are just regularising the Assam Court Fees Act. There is no danger which Mr. Trivedi has in mind.

**Shri K. K. Basu:** You are regularising illegal collections.

**Dr. Katju:** You may put it that way, if you choose.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are no amendments.

**Clauses 2 and 3 were added to the Bill.**

**Clause 1.— (Short title and extent)**

**Dr. Katju:** I beg to move:

In clause 1, for "1952" substitute "1953".

**Mr. Deputy-Speaker:** The question is:

In clause 1, for "1952" substitute "1953".

*The motion was adopted.*

**Mr. Deputy-Speaker:** 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.**

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

**Dr. Katju:** I beg to move:

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

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted.*

**TELEGRAPH WIRES (UNLAWFUL POSSESSION) AMENDMENT BILL  
—contd.**

**The Deputy Minister of Communications (Shri Raj Bahadur):** I beg to move:

"That the Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

Sir, this Bill is based on our experience of the working of the main Act,

the Telegraph Wires (Unlawful Possession) Act, 1950. This measure was passed when a serious situation developed as a result of large scale thefts of telegraph wires. They were copper wires which were costly ones. As a matter of fact the price of copper rose highly and therefore these thefts became all the more prevalent. To meet that situation we passed that Act in 1950. But it came to our notice that in the interpretation of the relevant section, section 5, the courts held that Government had to prove in every instance that the wires which were reported to be stolen property were the property of the Posts and Telegraphs Department. It became very difficult for us to do so, because large quantities of such wires were sold by disposals. Hence the very purpose with which this Act was passed came to be frustrated. Therefore, it has been proposed in this Bill that the onus of proving that the copper wires (of certain gauges mentioned in the Bill) were not the property of the Posts and Telegraphs Department will lie on the person found in possession of these telegraph wires. That is the simple purpose with which the Bill is moved. The other provisions are consequential.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

**Shri Dhulekar (Jhansi Distt.—South):** Sir, I wish to seek one clarification from the hon. Minister. I would like to know whether copper wires of the gauge mentioned in the Bill were at any time sold by the Disposals or any other Government Department to anybody?

**Shri Raj Bahadur:** Those wires are of particular gauges. Under the original Act we gave an opportunity to persons in possession of this type of wires to declare them by a particular date. We also gave them some time to get them converted into in-