

Ram Dhan, Shri  
 Ram Dhani Das, Shri  
 Rana, Shri M. B.  
 Rao, Shri K. Narayana  
 Rao, Shri J. Ramapathi  
 Roy, Shri Bishwanath  
 Sadhu Ram, Shri,  
 Saleem, Shri M. Yunus  
 Sambasivam, Shri  
 Sapre, Shrimati Tara  
 Sarma, Shri A. T.  
 Sayyad Ali, Shri  
 Sen, Shri Dwaipayana  
 Sethi, P. C.  
 Sethuraman, Shri N.  
 Shankaranand, Shri B.  
 Sharma, Shri Naval Kishor  
 Shashi Bhushan, Shri  
 Shastri, Shri Biswanarayan  
 Sheo, Narain, Shri  
 Shinkre, Shri  
 Shiv Chandika Prasad, Shri  
 Shukla, Shri S. N.  
 Supakar, Shri Sradhakar  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Uikey, Shri M. G.  
 Virbhadra Singh, Shri

MR. CHAIRMAN : The result\* of the division is :

Ayes : 26; Noes : 82.

*The motion was negatived.*

MR. CHAIRMAN : We will now take up Shri M. N. Reddy's motion.

17.20 hrs.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

*(Amission of section 87B)*

SHRI M. N. REDDY (Nizamabad) :  
 Sir, I beg to move :

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

Mr. Chairman, Sir, my Bill relates to the amendment of the Civil Procedure Code in respect Section 87B which confers immunity on the ex rulers of our former Indian States in so far as institution of civil suits is concerned and also against arrest as well as execution of decrees. Section 87B was added in 1951 through an amendment of the Code of Civil Procedure—Bill No. 2 of 1951. Although this section does not positively confer any immunity in terms of the section but it is an enabling provision which permits the application of sections 85 and 86 (1) and (3) to all the ex rulers or former rulers of our former native or Indian States in so far as civil proceedings are concerned.

This section was introduced purporting to implement the so-called assurance or guarantee given to the ex rulers under the covenants entered into with them at the time of integration of States with the Indian Union. But it is not clear that the assurance given under the covenant ever related to any immunity in so far as civil proceedings are concerned and it is not specifically mentioned in the covenant that there would be any bar on the institution of any suit or proceeding in any court of law in the country against any of the ex rulers by a common citizen for any breach of contract or any other transaction which they may happen to enter into in the normal course of business or their activities. Yet the privilege or immunity that was given to the heads of States of a foreign country which are already there in the Civil Procedure Code have been applied through Section 87B to the former rulers of Indian States. My Bill relates to an amendment by way of deletion of this section so that the old remnants of the feudal order after 22 years of independence may disappear and the princes or ex rulers may also be brought on par with the common citizens of this country so that if there is any grievance or complaint against any wrong the common citizens may institute a suit or any other proceedings in a court of law against the original ex rulers or their successor? who have been later recognised by the Government of India.

\*The following Members also recorded their votes.

AYES : Shri M. H. Gowda;  
 NOES : Shri R. D. Bhandare.

In this respect, apart from the condition precedent of giving consent by the Central Government for the institution of each and every suit or civil proceeding against the ex-rulers of former Indian States, there is another anomalous position brought into this section. Even if the suit is instituted after obtaining the consent of the Central Government, if the suit or proceeding results into passing of a decree that decree cannot be executed without a fresh or further consent of the Central Government. That is to say, all the trouble that is taken for the institution of a suit even after obtaining the consent of the Central Government becomes infructuous and useless inasmuch as further consent is required for the execution of the decree. Then, if you obtain consent for the execution of the decree that is passed as a result of a civil proceeding, in case there is no property to satisfy the claim of the decree then, for enforcing the decree by way of arrest as is applied in the case of other citizens, consent for a third time is required to put the process of civil procedure into operation. That is to say, the first consent that is taken for the institution of the suit does not cover the later stages which are inevitable in civil proceedings, that is, passing of the decree and its execution; if the decree is not satisfied by the defendant ex-rulers then coercive measures such as arrests cannot be taken except with a further consent. This is the anomalous position which has not been properly gone into when the original section was brought as an amendment to the Code of Civil Procedure in 1951.

In this connection, I would also refer to the assurance of the then Law Minister, the late Dr. Ambedkar, who was good enough to assure the House during his speech in reply to the debate on this amended section that the protection that is granted to the princes by way of a special provision in 87B of the Code of Civil Procedure will not be there for a very long time, that it is only a temporary measure to protect the princes from any vexatious or frivolous litigation or suits that may be brought in by the citizens or by the natives of the former Indian States out of any personal malice or grudge that they may have against these rulers.

MR. CHAIRMAN : The hon. Member

may resume his seat and continue his speech during the next occasion.

17. 28 hrs.

#### HALF AN HOUR DISCUSSION

##### Oil drilling at Bodra in West Bengal

MR. CHAIRMAN : We will now take up the half an hour discussion. I would request Shri Basu to be as brief as possible because I want to observe the half an hour limit.

SHRI JYOTIRMOY BASU : (Diamond Harbour) : Since the subject is a little complicated, may, I request you to give me a little more extra time ?

MR. CHAIRMAN : Kindly be brief.

SHRI JYOTIRMOY BASU : The demand for oil is increasing every year. It is increasing by about two million to three million tonnes and we expect that by the end of the Fourth Plan it will go up to about 30 million tonnes. The foreign monopolists of this country had completely monopolized the oil trade till the other day.

The public sector project had made some inroad but today these foreign monopolists are trying to regain their old position with great vigour. They have abandoned this oilfield in Bodra, a place in West Bengal quite near the Bay of Bengal, abruptly. Here it says :

“Oil-structure at Port Canning”—

near to that place —

“is very interesting. In addition to the favourable and positive indications shown by the Geological data as collected by the scientists and technicians of the Commission, during the progress of drilling at Bodra well No. 1, the technicians of the ONGC and USSR encountered very high pressure gas zone.....there had been repeated findings and show of fluorescence in the samples, brawn around